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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1414

[FSA–2026–0001]

RIN 0560–AI87

Farmer Bridge Assistance (FBA) Program; Approval of Information Collection Request

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture (USDA).

ACTION: Final rule; notice of approval of Information Collection Request (ICR).

SUMMARY: The final rule entitled Farmer Bridge Assistance (FBA) Program was published on February 23, 2026. The Office of Management and Budget cleared the associated information collection requirements (ICR) on February 26, 2026. This document announces approval of the ICR.

DATES: The ICR associated with the final rule published in the **Federal Register** on February 23, 2026, at 91 FR 8360, was approved by OMB on February 26, 2026, under OMB Control Number 0503–0028.

FOR FURTHER INFORMATION CONTACT: Michael Walter; telephone: (816) 491–6934; or email: *Michael.Walter1@usda.gov.* Individuals with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice and text telephone (TTY mode)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION: The information collection request has been approved by OMB under the control number of 0503–0028; Expiration Date: 10/31/2027. CCC will issue payments to producers using the following forms: CCC–901, CCC–902E, CCC–902I, CCC–941, and AD–1026. The AD–1026 is exempt.[1] In addition, for the information collection under 0503–0028, the agency is seeking to use CCC–555 with this data collection. Farm Service Agency (FSA) will pre-fill FBA Program applications (CCC–555) using the acres of eligible planted commodities that were previously reported to FSA on FSA–578, Report of Acreage by the earlier of the deadline established in 7 CFR part 718 or December 19, 2025. The CCC–555 is the only new data collection activity associated with this request. The total annual burden hours for this information collection is 197,921.

Kimberly Graham,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2026–04329 Filed 3–3–26; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 5

[Docket ID OCC–2025–0273]

RIN 1557–AF38

Community Bank Licensing Amendments

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 rules related to policies and procedures to simplify licensing requirements for corporate activities and transactions involving national banks and Federal savings associations that have less than $30 billion in total assets and satisfy certain conditions. The final rule is intended to reduce burden on these institutions.

DATES: The final rule is effective on April 3, 2026.

FOR FURTHER INFORMATION CONTACT: Christopher Crawford, Acting Assisting Director, or Scott Burnett, 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

Twelve CFR part 5 sets forth the OCC's requirements for national banks and Federal savings associations that seek to engage in certain corporate activities and transactions, including establishing, changing the structure of or the activities performed by, and dissolving OCC-supervised institutions. The filing requirements differ depending on the nature of corporate activity or transaction, ranging from a full application before engaging in an activity or transaction to an after-the-fact notification for informational purposes.

While all similarly categorized corporate activities and transactions are generally subject to identical filing requirements, the OCC's licensing regulations provide expedited review of filings and modified filing requirements in certain circumstances (expedited or reduced filing procedures). The OCC first introduced these expedited or reduced filing procedures in 1996, when the regulations in 12 CFR part 5 were amended to include expedited procedures for certain filings by ''eligible banks.'' [1] The 1996 amendments also established notice procedures, rather than applications, for certain filings by national banks that were ''adequately capitalized'' or ''well capitalized,'' as those terms are defined in the prompt corrective action (PCA) framework set forth in 12 CFR part 6.[2] Over time, the OCC has amended and expanded these expedited or reduced filing procedures, with current 12 CFR part 5 providing expedited or reduced filing procedures to OCC-supervised institutions that are: (1) either an ''eligible bank'' or ''eligible savings association,'' or (2) both ''well managed'' and ''well capitalized.'' These procedures reduce the baseline burden for OCC-supervised institutions that satisfy the eligibility criteria, as there is either less burden in preparing the requisite filing for the OCC, reduced

[1] This information collection is exempted from the Paperwork Reduction Act as specified in the Agricultural Act of 2014 (Pub. L. 113–79, Title II, Subtitle G, Funding and Administration).

[1] 61 FR 60342–43 (Nov. 27, 1996).

[2] 61 FR 60343.

delay before engaging in a proposed activity or transaction, or both. As noted when the OCC first adopted expedited review, certain applications by healthy institutions entail low levels of risk.[3]

On November 18, 2025, the OCC proposed to amend its regulations to similarly simplify licensing requirements for corporate activities and transactions involving national banks and Federal savings associations that have less than $30 billion in total assets and satisfy certain conditions.[4] The proposed rule was based on the OCC's experience supervising and reviewing filings by such institutions, which informs the OCC's belief that applications by community national banks and community Federal savings associations generally present low levels of risk, comparable to those by eligible banks and eligible savings associations, and thus should also benefit from expedited or reduced filing procedures. The OCC received eight responsive comments to the proposal. Three commenters broadly supported the proposal. Other commenters opposed the proposal and offered specific requests for changes to the proposed amendments.[5] As explained in greater detail below, following review of the comments received on the proposal, the OCC is finalizing these proposed amendments with one change.

II. Description of the Final Rule

The OCC's licensing requirements generally apply equally regardless of the size of the OCC-supervised institution. The final rule modifies this approach by establishing a new definition of ''covered community bank or covered community savings association'' to provide such institutions access to all currently available expedited or reduced filing procedures. The OCC is adopting these changes as part of a broader initiative to tailor the regulatory framework for community national banks and community Federal savings associations, with the goal of reducing regulatory burden and tailoring requirements to the size and risk-profile of the institution. Community national banks and community Federal savings associations typically engage in lower risk and less complex activities. Accordingly, the OCC will generally be able to review filings from community national banks and community Federal savings associations more quickly. Similarly, a lower risk profile is generally correlated to a proposal more clearly meeting the evaluative factors and less likely to warrant denial. Accordingly, the OCC is expanding the existing expedited or reduced filing procedures to community national banks and community Federal savings associations that satisfy certain conditions.

Definitions (§ 5.3)

Twelve CFR 5.3 defines the terms that are used throughout part 5. The OCC is adopting a new definition, ''covered community bank or covered community savings association,'' as originally proposed. The proposal defined a ''covered community bank or covered community savings association'' as a national bank or Federal savings association that: (1) has less than $30 billion in total assets and is not an affiliate of a depository institution or foreign bank with $30 billion or more in total assets, (2) is ''well capitalized'' as defined in 12 CFR 5.3, and (3) is not subject to a cease and desist order, a consent order, or a formal written agreement, that requires action to improve the financial condition of the national bank or Federal savings association unless otherwise informed in writing by the OCC. The total assets of the national bank, Federal savings association, and any depository institution affiliate would be as reported in the institution's Consolidated Report of Condition and Income (Call Report). Any foreign bank's total assets would be as reported in an equivalent to a Call Report. A national bank or Federal savings association would be an affiliate of a depository institution or foreign bank if it controls, is controlled by, or is under common control with the depository institution or foreign bank, with ''control'' being defined in 12 CFR 5.50(d)(4). The OCC believes that this standard for control, as used in the Change in Bank Control Act and implementing regulations,[6] provides the appropriate, flexible test for determining when a national bank or Federal savings association is affiliated with a larger institution. This standard is well known and frequently applied for control analyses.

The OCC received several comments on the proposal's new definition. Three commenters strongly supported the addition of the new definition and corresponding grant of expedited or reduced filing procedures to such institutions, contending that the proposal reflected a thoughtful approach to tailoring regulations based on risk and complexity. Despite this general support, one commenter suggested indexing the $30 billion threshold to inflation to ensure it remained meaningful over time. Otherwise, the commenter suggested, the natural growth of the economy would inevitably result in fewer institutions qualifying under the new definition over time. Similarly, one commenter suggested that aggregating affiliate depository institutions could undermine the intent of the rule and exclude otherwise eligible smaller institutions from receiving relief.

Several commenters, however, raised concerns about the proposed definition. Several commenters argued that the OCC did not provide analysis and support for the proposal's $30 billion threshold. One commenter suggested that the OCC should instead utilize the Federal Deposit Insurance Corporation's (FDIC) definition of ''community bank,'' which considers not only an inflation-adjusted asset size, but other factors, such as activities conducted and geographic market area. One commenter suggested additional amendments to the proposed definition, including that (1) the bank has a Community Reinvestment Act (CRA) rating of Outstanding or Satisfactory; (2) the application is not subject to an adverse public comment; and (3) the bank is not the subject of any fair housing, fair lending, or consumer protection orders, agreements, or investigations. Finally, one commenter expressed concerns regarding the OCC's ability to review filings under expedited or reduced filing procedures.

The final rule retains the proposal's definition without alteration. The OCC explained in the proposal that the $30 billion total asset limitation is consistent with the OCC's recently announced Community Bank group, which will supervise institutions with total assets up to that threshold.[7] These are national banks and Federal savings associations that the OCC has concluded, through its supervisory experience, typically engage in lower risk and less complex activities. The OCC, therefore, disagrees with the suggestion of some commenters that the current thresholds lack analysis and support—these thresholds are informed by the OCC's more than 160 years of supervising financial institutions, including the agency's longstanding

[3] *See* 61 FR 60342.

[4] 90 FR 51577 (Nov. 18, 2025).

[5] The OCC also received one comment discussing various regulatory analyses under, inter alia, the Regulatory Flexibility Act and Unfunded Mandates Reform Act. The OCC has completed all required analyses in accordance with statute, as discussed in the *Regulatory Analysis* section of this **SUPPLEMENTARY INFORMATION**.

[6] 12 U.S.C. 1817(j); 12 CFR 5.50.

[7] *See* OCC, News Release 2025–89, ''OCC Announces Updates to Organizational Structure'' (Sept. 18, 2025), *https://www.occ.gov/news-issuances/news-releases/2025/nr-occ-2025-89.html.*

practice of appropriately tailoring supervision to the size and operations of individual institutions.[8]

The OCC is also not incorporating inflation indexing into the final rule's asset size threshold. While natural growth in the economy over time may reduce the number of entities that meet the new definition's asset size threshold, the OCC believes it is appropriate to make any adjustments to the asset size thresholds contained in the definitions as needed. As with the current thresholds, future adjustments would be made based on the OCC's supervisory experience, which may warrant revisions that are either greater or less than what inflation indexing would dictate. The OCC, however, understands the commenter's concern and notes that this issue is not unique to the current rulemaking given the presence of other asset size thresholds throughout the OCC's regulations. The OCC may determine it is appropriate to address indexing for purposes of this definition specifically, or to address the issue more generally across appropriate regulations, in a subsequent rulemaking.

The final rule also retains the proposal's aggregation of affiliated depository institutions' assets for purposes of determining this $30 billion threshold. While commenters noted that aggregation reduces the pool of eligible institutions, the OCC views this as an intended, rather than unintended, consequence. As explained in the proposal, the purpose of this rulemaking is to grant greater flexibility to community banks based on their generally lower risk profile. This justification is not always present in the context of an OCC-supervised institution that is affiliated with a larger banking organization. Furthermore, viewing institutions on a standalone basis could invite regulatory arbitrage opportunities, which would be contrary to the rule's intended purpose of more appropriately tailoring the OCC's licensing requirements based on risk.

The OCC is also not incorporating other commenter-suggested amendments to the covered community bank or covered community savings association definition. The definition's requirement that the OCC-supervised institution be ''well capitalized'' is consistent with the OCC's general approach to conferring expedited or reduced filing procedures. The definition's enforcement action restriction mirrors the current language in the ''troubled condition'' definition in 12 CFR 5.51(c)(7)(ii) with respect to enforcement actions. A national bank or Federal savings association that is not well capitalized or is subject to an enforcement action that requires improvement in its financial condition typically has a higher risk profile than a covered community bank or covered community savings association. Accordingly, the OCC more closely examines filings from these institutions, and expedited or reduced filing procedures are not appropriate. Contrary to commenter suggestions, the OCC does not believe expanding the scope of enforcement actions is necessary or appropriate because enforcement actions concerning specific laws are generally not relevant to many types of applications, unlike the institution's financial condition, which is always relevant. The OCC will consider facts underlying all enforcement actions or investigations in the evaluative factors for each filing, as appropriate. For example, the OCC would consider any fair lending-related enforcement action as part of its review of the convenience and needs of the community to be served in a proposed merger under the Bank Merger Act.[9] Furthermore, the suggestion that the definition should include an absence of adverse public comments would be both unworkable and unnecessary. The definition of covered community bank or covered community savings association applies to the institution, not the filing itself. The definition permits the institution to use the expedited or reduced filing procedures. To the extent that an adverse comment warrants additional review, the OCC retains authority to extend review periods or remove filings from expedited review with standards as discussed in 12 CFR 5.13(a)(2), as discussed further within.

The OCC also declines to adopt the definition of community bank cited by a commenter. The cited definition was used by the FDIC for a study published in 2012 and contains complex definitions and requirements for designating an institution as a community bank.[10] While potentially suitable for research purposes, the OCC believes that this complex definition would be very difficult to operationalize, as both the OCC and its supervised entities may have difficulty applying such a definition.

Expedited or Reduced Filing Procedures

The OCC's regulations currently have expedited review provisions for eligible banks or eligible savings associations for thirteen types of filings. Two commenters expressed concerns about the agency's ability to review filings under expedited or reduced filing procedures. The OCC disagrees with these comments. As noted in the proposal, the OCC's regulations have contained expedited or reduced filing procedures for decades, and the agency has demonstrated its ability to complete the required reviews within such timeframes. To the extent that individual filings warrant different treatment, the OCC has existing authority in part 5 to adjust the procedures for such filings. The OCC will retain the ability to extend the expedited review period or remove a filing from expedited review, as the OCC's regulations currently provide for filings by eligible banks and eligible savings associations in 12 CFR 5.13(a)(2)(i). Further, the OCC retains the discretion under 12 CFR 5.2(b) to adopt materially different procedures for a particular filing, or class of filings, as it deems necessary—for example, in exceptional circumstances or for unusual transactions, after providing notice of the change to the filer and to any other party that the OCC determines should receive notice. Accordingly, the expansion of expedited or reduced filing procedures will not impair the OCC's ability to perform the required reviews.

While expedited review provisions exist in thirteen types of filings, these provisions are not uniform and vary depending on the nature of the filing type. For charter applications, 12 CFR 5.20(j) provides expedited review for an application to establish a full-service national bank or Federal savings association sponsored by a bank holding company or savings and loan holding company whose lead depository institution is an eligible bank or eligible savings association. Twelve CFR 5.23(d)(4) and 5.24(h) provide for expedited review of an application to convert from an eligible bank to a Federal savings association and from an eligible savings association to a national bank, respectively. Twelve CFR 5.26(e)(3) provides for expedited review of an application by an eligible bank or eligible savings association to exercise fiduciary powers. Twelve CFR 5.30(f)(6) provides for expedited review of applications for establishment or relocation of a branch by an eligible bank. Twelve CFR 5.31(f)(2)(iii)

[8] For example, the *Comptroller's Handbook,* ''Examination Process'' series booklets are delineated by institution size, including the general ''Bank Supervision Process,'' ''Community Bank Supervision,'' and ''Large Bank Supervision'' booklets.

[9] *See* 12 U.S.C. 1828(c)(5).

[10] *See* FDIC Community Banking Study (Dec. 2012), available at *https://www.fdic.gov/resources/community-banking/report/2012/2012-cbi-study-full.pdf.*

provides that an eligible savings association need not file an application to establish or relocate a branch if it has published public notice and no person has filed a comment opposing the branch, or if the OCC determines that a comment raises issues not relevant to the approval standards for an application for a branch or that OCC action in response to the comment is not required. If an application is required, because a comment has been filed or the branch is located in the District of Columbia,[11] 12 CFR 5.31(f)(1)(iii) provides for expedited review of applications by an eligible savings association. Twelve CFR 5.40(c)(4) provides for expedited review of applications to relocate a main office or home office of an eligible bank or eligible savings association, respectively. Twelve CFR 5.45(g)(3) provides for expedited review of applications for a capital increase by an eligible savings association. Twelve CFR 5.46(i)(2) provides for expedited review of applications for a change in permanent capital by an eligible bank. Under 12 CFR 5.47(f)(1)(i)(A) and (f)(2)(i)(A), an eligible bank is required to receive OCC approval to issue any subordinated debt or to prepay subordinated debt not included in tier 2 capital, respectively, only if the national bank will not continue to be an eligible bank after the transaction, the OCC has previously notified the national bank that prior approval is required, or prior approval is required by law. Similarly, 12 CFR 5.56(b)(1)(ii) provides for expedited review of applications to include subordinated debt securities or mandatorily redeemable preferred stock in tier 2 capital by an eligible savings association. The OCC proposed adding covered community bank or covered community savings association to each of these provisions referencing an eligible bank or eligible savings association. The OCC did not receive any comments on these provisions and is finalizing these amendments as proposed.

Under 12 CFR 5.33(i), an application for a business combination is eligible for expedited review if the filing qualifies as a business reorganization as defined in 12 CFR 5.33(d)(3) or the filing qualifies as a streamlined business combination application as described in 12 CFR 5.33(j).[12] The OCC proposed to add to paragraph (j) a new paragraph permitting the use of the streamlined application form when the acquiring national bank or Federal savings association is a covered community bank or covered community savings association and the transaction would result in a national bank or Federal savings association with less than $30 billion in total assets.

A commenter suggested that allowing expedited review of business combinations by acquiring covered community banks or covered community savings associations was inconsistent with the OCC's required review of such transactions under the Bank Merger Act, section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)). The commenter suggested that a 45-day review period provided the OCC with insufficient time to consider mandatory statutory factors for such transactions, such as the convenience and needs of the communities to be served. The commenter also criticized that expedited reviews were only conditioned on the acquirer being well capitalized, which would permit expedited review when the target is not well capitalized.

The OCC disagrees with these commenter concerns and therefore is adopting the revisions to 12 CFR 5.33(j) without alteration. The current streamlined application and expedited review process in § 5.33 has been in place since 1996, and the OCC has a demonstrated history of completing reviews required under the Bank Merger Act under these procedures. As previously discussed, the OCC has the authority to remove merger applications from the expedited review process where additional time is needed. Furthermore, conditioning eligibility based on the acquirer's capital category and not the target's is consistent with the existing criteria for expedited review eligibility in 12 CFR 5.33, as multiple options for streamlined applications do not require the target institution to be an eligible bank, eligible savings association, or eligible depository institution, each of which requires the institution to be well capitalized.[13] The OCC will review the financial resources of both the existing and resulting institutions in accordance with the Bank Merger Act.[14] To the extent that a target institution's capital could adversely impact the resulting institution's capital position, the OCC would retain authority to extend the review period to fully evaluate such concerns, as needed. Accordingly, the OCC is finalizing this amendment as proposed.

Under 12 CFR 5.55(e)(1)(i), a Federal savings association must file an application before making a capital distribution if, inter alia, it would not be at least well capitalized or otherwise remain an eligible savings association following the distribution. The OCC proposed adding covered community savings association to this provision and restructuring paragraph (e)(1)(i) for clarity. Specifically, an application would be required if either the Federal savings association is not an eligible savings association or a covered community savings association or the Federal savings association is an eligible savings association or a covered community savings association but would not remain well capitalized following the distribution. Twelve CFR 5.55(g)(1) provides for expedited review of capital distribution applications by eligible savings associations. The OCC proposed adding covered community savings association to this provision. The OCC did not receive comments on these provisions and is finalizing these amendments as proposed.

The OCC's regulations also provide for expedited or reduced filing

[11] *See* 12 U.S.C. 1464(m); 12 CFR 5.31(j).

[12] Twelve CFR 5.33(j) authorizes the use of a streamlined application if: (i) At least one party to the transaction is an eligible bank or eligible savings association, and all other parties to the transaction are eligible banks, eligible savings associations, or eligible depository institutions; the resulting national bank or resulting Federal savings association will be well capitalized immediately following consummation of the transaction; and the total assets of the target institution are no more than 50 percent of the total assets of the acquiring bank or Federal savings association, as reported in each institution's Consolidated Report of Condition and Income filed for the quarter immediately preceding the filing of the application; (ii) the acquiring bank or Federal savings association is an eligible bank or eligible savings association; the target bank or savings association is not an eligible bank, eligible savings association, or an eligible depository institution; the resulting national bank or resulting Federal savings association will be well capitalized immediately following consummation of the transaction; and the filers in a prefiling communication request and obtain approval from the appropriate OCC licensing office to use the streamlined application; (iii) the acquiring bank or Federal savings association is an eligible bank or eligible savings association; the target bank or savings association is not an eligible bank, eligible savings association, or an eligible depository institution; the resulting bank or resulting Federal savings association will be well capitalized immediately following consummation of the transaction; and the total assets acquired do not exceed 10 percent of the total assets of the acquiring national bank or acquiring Federal savings association, as reported in each institution's Consolidated Report of Condition and Income filed for the quarter immediately preceding the filing of the application; or (iv) in the case of a transaction under 12 CFR 5.33(g)(4), the acquiring bank is an eligible bank; the resulting national bank will be well capitalized immediately following consummation of the transaction; the filers in a prefiling communication request and obtain approval from the appropriate OCC licensing office to use the streamlined application; and the total assets acquired do not exceed 10 percent of the total assets of the acquiring national bank, as reported in the bank's Consolidated Report of Condition and Income filed for the quarter immediately preceding the filing of the application.

[13] *See* 12 CFR 5.3.

[14] *See* 12 U.S.C. 1828(c)(5).

requirements for certain filings by national banks and Federal savings associations that are well managed and well capitalized. Twelve CFR 5.34(f)(1) generally requires an application for a national bank to establish or acquire an operating subsidiary or perform a new activity in an existing operating subsidiary. Twelve CFR 5.34(f)(2) permits a national bank that is well capitalized and well managed to provide after-the-fact notice instead of an application if the operating subsidiary meets certain structural and activity requirements. Similarly, 12 CFR 5.34(f)(6) permits a national bank to acquire or establish an operating subsidiary or perform a new activity in an existing operating subsidiary if the bank is well managed and well capitalized and meets other requirements. The OCC proposed that a national bank qualify for these expedited or reduced filing requirements if it is a covered community bank or is both well capitalized and well managed. The OCC did not receive comments on these provisions and is finalizing these amendments as proposed.

Twelve CFR 5.35(f)(2)(ii) provides for expedited review of a notice to make an investment in a bank service company or to perform new activities in an existing bank service company if the national bank or Federal savings association is well capitalized and well managed and the bank service company meets certain activity qualifications. The OCC proposed adding covered community banks and covered community savings associations to this provision. The OCC did not receive comments on this provision and is finalizing this amendment as proposed.

Twelve CFR 5.36(e) permits a national bank to file a notice no later than 10 days after making a non-controlling investment if the notice contains, inter alia, a certification that the bank is well capitalized and well managed at the time of the investment. If the national bank is not well capitalized and well managed but still meets other requirements necessary to make the non-controlling investment, it must instead file an application under 12 CFR 5.36(f). The OCC proposed to add covered community bank as an alternative to the current requirement that a national bank be well capitalized and well managed for purposes of the certification in 12 CFR 5.36(e)(3). Twelve CFR 5.36(h)(1) permits a national bank that is well capitalized and well managed to make a non-controlling investment in an enterprise that engages in the activities of holding and managing assets acquired by the parent bank in satisfaction of a debt previously contracted. The national bank must submit a notice with the OCC no later than 10 days after making the investment. The OCC proposed to permit covered community banks to use this procedure. Twelve CFR 5.58 provides substantively identical provisions for Federal savings association's pass-through investments. The OCC proposed parallel changes for covered community savings associations in that regulation. The OCC did not receive comments on these provisions and is finalizing these amendments as proposed.

Twelve CFR 5.38 provides for expedited review of an application to establish or acquire an operating subsidiary or to perform a new activity in an existing operating subsidiary by a Federal savings association [15] that is well capitalized and well managed if the operating subsidiary meets certain structural and activity requirements. Twelve CFR 5.59 provides for expedited review of an application to establish or acquire a service corporation, or to perform a new activity in an existing service corporation subsidiary, by a Federal savings association [16] that is well capitalized and well managed if the service corporation engages only in one or more of the preapproved activities listed in 12 CFR 5.59(f). The OCC proposed to add covered community savings associations to these provisions. The OCC did not receive comments on these provisions and is finalizing these amendments as proposed.

Adverse Comments

Additionally, the OCC proposed to clarify the standard for when an adverse comment raises a significant supervisory, CRA, or compliance concern. Under 12 CFR 5.13(a)(2)(i), the OCC may extend the expedited review period or remove a filing from expedited review procedures if, inter alia, it concludes that the filing, or an adverse comment regarding the filing, presents a significant supervisory, CRA, or compliance concern. The OCC does not extend the expedited review period or remove a filing from expedited review procedures if, inter alia, the OCC determines that an adverse comment does not raise a significant supervisory, CRA, or compliance concern. The OCC's regulation does not currently define when a concern is significant. The OCC proposed to add a sentence to 12 CFR 5.13(a)(2)(ii) that, for purposes of that paragraph, it considers a concern to be significant if the facts are previously unknown to the OCC and, if proven accurate, would support denial of the filing. This new sentence would provide additional clarity to filers and commenters on when the OCC may extend the expedited review period or remove a filing from expedited review procedures in light of the comment. If the information in a comment is already known to the OCC, the OCC may act under 12 CFR 5.13(a)(2)(i) or deny the filing, as appropriate. If the information in a comment, if accurate, would not support denial of the filing, the OCC does not see a basis to change the otherwise applicable expedited processing, as the record available to the OCC would already provide sufficient basis for decision.

One commenter criticized the proposed standard as difficult and arbitrary. The OCC has not significantly changed its regulations regarding consideration of public comments since 1996. The addition of a standard for a significant comment would provide additional clarity, as the OCC has done in other rulemakings in recent years.[17] The proposed standard continues this clarification and offers more information to commenters and institutions than the current regulation.

The OCC also received a comment requesting clarification regarding what constitutes a significant adverse comment, with which the OCC agrees. Specifically, the commenter contended that a comment should be considered significant if it would warrant not only a denial, as originally proposed, but also if it would warrant the OCC imposing a condition on the approval of the filing. The OCC has authority to impose conditions on its approvals, and such conditions are generally enforceable by the OCC under 12 U.S.C. 1818(b), if needed. The OCC recognizes that the proposal was insufficiently granular regarding such conditional approvals, which the final rule remedies by expressly addressing such scenarios. The OCC believes that if a comment raises concerns that may warrant a conditional approval, the comment necessarily raises an issue of

[15] Twelve CFR 5.38 does not apply to a Federal savings association that is not subject to 12 U.S.C. 1828(m) because the Federal savings association is a Federal savings bank that was chartered prior to October 15, 1982 as a savings bank under State law or acquired its principal assets from an institution that was chartered prior to October 15, 1982, as a savings bank under State law. *See* 12 CFR 5.38(b). Such a Federal savings association may establish or acquire an operating subsidiary or commence a new activity in an existing operating subsidiary without a filing to the OCC.

[16] As with 12 CFR 5.38, the application requirements in 12 CFR 5.59 do not apply to Federal savings associations not subject to 12 U.S.C. 1828(m). *See* 12 CFR 5.59(h)(1)(i).

[17] *See* 85 FR 80436 (Dec. 11, 2020) (adding definition of ''non-substantive'').

significance to the filing and, thus, will be considered significant in such circumstances. Accordingly, the OCC is finalizing the proposed amendment substantially as proposed with the additional reference to conditional approval.

III. Regulatory Analysis

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),[18] the OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The information collection requirements in this final rule have been submitted to OMB under OMB control number 1557–0014 (Licensing Manual).

The final rule creates a new definition of ''covered community bank or covered community savings association'' and amends various provisions of 12 CFR part 5 to grant expedited or reduced filing procedures already present in the regulations to covered community banks and covered community savings associations.

Title: Licensing Manual.

OMB Control Number: 1557–0014.

Frequency of Response: Occasional.

Affected Public: National banks and Federal savings associations.

The changes to the burden of the Licensing Manual are *de minimis* and continue to be:

Estimated Number of Respondents: 3,694.

Estimated Total Annual Burden: 12,481.15.

Comments continue to be invited on:

(a) Whether the collections of information are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the estimate 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;

(d) Ways to minimize the burden of the information collections 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.

All comments will become a matter of public record. Written comments and recommendations for the information collection should be sent within 30 days of publication of this notice. Comments on the collection of information should be sent to Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0014, 400 7th Street SW, Suite 3E–218, Washington, DC 20219. Comments may also be sent to *prainfo@occ.treas.gov* or to *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or using the search function.

Regulatory Flexibility Act

In general, the Regulatory Flexibility Act (RFA) [19] 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),[20] of which approximately 609 are small entities.[21] The OCC estimates that on average, up to 68 OCC-supervised institutions could be impacted by the rule, based on the definition of covered community bank or covered community savings association. In general, the OCC classifies the economic impact on an individual small entity as significant if the total estimated impact in one year is greater than 5 percent of the small entity's total annual salaries and benefits or greater than 2.5 percent of the small entity's total non-interest expense. Furthermore, the OCC considers 5 percent or more of OCC-supervised small entities to be a substantial number. Thus, at present, 30 OCC-supervised small entities would constitute a substantial number.

The final rule will provide expedited review of certain applications for some small entities and would require fewer filings for some small entities for other types of filings. This would result in cost savings for some OCC-regulated institutions that would now qualify for expedited or reduced filing procedures. Although there are individual small entities that will be impacted by the final rule, the economic impact would not be more than 5 percent of the small entity's total annual salaries and benefits nor greater than 2.5 percent of the small entity's total non-interest expense. 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).[22] 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,[23] 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.

The OCC estimates that the final rule would not require additional expenditures from OCC regulated entities. As noted earlier, there would likely be a decrease in expenditures due to reduced filing requirements, resulting in cost savings. Therefore, the OCC finds that the final rule does not trigger the UMRA cost threshold. Accordingly, the OCC has not prepared the written

[18] 44 U.S.C. 3501–3521.

[19] 5 U.S.C. 601 *et seq.*

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

[21] We base our 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), we count the assets of affiliated financial institutions when determining if we should classify an OCC-supervised institution as a small entity. We use 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.*

[22] 2 U.S.C. 1531 *et seq.*

[23] 2 U.S.C. 1532.

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 (RCDRIA) 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 3, 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, but rather provide expedited or reduce filing requirements to certain 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 finds the final rule to be a ''significant regulatory action,'' Executive Order 12866 requires the agencies to conduct a cost-benefit analysis of the final rule and for OIRA to conduct a review of the final 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.

OMB has determined that this final rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866 and, therefore, is not subject to review under 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 ten 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 rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866. Further, the final rule is a deregulatory action under Executive Order 14192 because it will result in potential cost savings for OCC-supervised institutions.

Congressional Review Act

For purposes of the Congressional Review Act, OMB makes a determination as to whether a final rule constitutes a ''major rule.'' [24] 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.[25]

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.[26]

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, 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 § 5.3 by adding the definition of ''Covered community bank or covered community savings association'' in alphabetical order to read as follows:

§ 5.3 Definitions.

* * * * *

Covered community bank or *covered community savings association* means:

(1) A national bank or Federal savings association that:

(i) Has less than $30 billion in total assets, as reported in the national bank's or Federal savings association's Call Report, and is not an affiliate of a depository institution or foreign bank with $30 billion or more in total assets, as reported in the depository institution's Call Report or the foreign bank's equivalent to a Call Report;

(ii) Is well capitalized as defined in § 5.3; and

(iii) Is not subject to a cease and desist order, a consent order, or a formal written agreement, that requires action to improve the financial condition of the national bank or Federal savings association unless otherwise informed in writing by the OCC.

(2) For purposes of this definition, the term ''affiliate'' means any company

[24] 5 U.S.C. 801 *et seq.*

[25] 5 U.S.C. 801(a)(3).

[26] 5 U.S.C. 804(2).

that controls, is controlled by, or is under common control with the depository institution or foreign bank, as control is defined in § 5.50(d)(4).

* * * * *

■ 3. Amend § 5.13(a)(2)(ii) by adding a sentence after the first sentence to read as follows:

§ 5.13 Decisions.

(a) * * *

(2) * * *

(ii) * * * For purposes of this paragraph (a)(2)(ii), the OCC considers a concern to be significant if the facts are previously unknown to the OCC and, if proven accurate, would support denying, or imposing a condition on the approval of, the filing. * * *

* * * * *

§ 5.20 [Amended]

■ 4. Amend § 5.20(j) introductory text by removing the phrase ''eligible bank or eligible savings association'' and adding in its place the phrase ''eligible bank, eligible savings association, covered community bank, or covered community savings association''.

§ 5.23 [Amended]

■ 5. Amend § 5.23(d)(4) by adding the phrase ''or covered community bank'' after the phrase ''eligible bank''.

§ 5.24 [Amended]

■ 6. Amend § 5.24(h) by adding the phrase ''or covered community savings association'' after the phrase ''eligible savings association''.

§ 5.26 [Amended]

■ 7. Amend § 5.26(e)(3) by removing the phrase ''eligible bank or eligible savings association'' and adding in its place the phrase ''eligible bank, eligible savings association, covered community bank, or covered community savings association''.

§ 5.30 [Amended]

■ 8. Amend § 5.30(f)(6) by adding the phrase ''or covered community bank'' after the phrase ''eligible bank''.

§ 5.31 [Amended]

■ 9. Amend § 5.31(f)(1)(iii) introductory text and (f)(2)(iii) introductory text by adding the phrase ''or covered community savings association'' after the phrase ''eligible savings association''.

■ 10. Amend § 5.33 by:

■ a. In paragraph (j)(1)(iii), removing the word ''or'' at the end of the paragraph;

■ b. In paragraph (j)(1)(iv), removing the period at the end of the paragraph and adding in its place ''; or''; and

■ c. Adding paragraph (j)(1)(v).

The addition reads as follows:

§ 5.33 Business combinations involving a national bank or Federal savings association.

* * * * *

(j) * * *

(1) * * *

(v) The acquiring national bank or Federal savings association is a covered community bank or covered community savings association and the transaction would result in a national bank or Federal savings association with less than $30 billion in total assets.

* * * * *

§ 5.34 [Amended]

■ 11. Amend § 5.34 by:

■ a. In paragraph (f)(2)(i) introductory text, adding the phrase ''a covered community bank or is both'' after the phrase ''a national bank that is''; and

■ b. In paragraph (f)(6) introductory text, adding the phrase ''a covered community bank or is both'' after the phrase ''if the bank is''.

§ 5.35 [Amended]

■ 12. Amend § 5.35(f)(2)(ii)(A) by adding the phrase ''a covered community bank or covered community savings association or is both'' after the phrase ''national bank or Federal savings association is''.

§ 5.36 [Amended]

■ 13. Amend § 5.36 by:

■ a. In paragraph (e)(3), adding the phrase ''a covered community bank or is both'' after the phrase ''that the bank is''; and

■ b. In paragraph (h)(1), adding the phrase ''a covered community bank or is both'' after the phrase ''national bank that is''.

§ 5.38 [Amended]

■ 14. Amend § 5.38(f)(2)(ii)(A) by adding the phrase ''a covered community savings association or is both'' after the phrase ''savings association is''.

§ 5.40 [Amended]

■ 15. Amend § 5.40(c)(4) by removing the phrase ''eligible bank or eligible savings association'' and adding in its place the phrase ''eligible bank, eligible savings association, covered community bank, or covered community savings association''.

§ 5.45 [Amended]

■ 16. Amend § 5.45(g)(3) by removing the phrase ''eligible savings association's application'' and adding in its place the phrase ''application by an eligible savings association or covered community savings association''.

■ 17. Amend § 5.46 by revising and republishing paragraph (i)(2) to read as follows:

§ 5.46 Changes in permanent capital of a national bank.

* * * * *

(i) * * *

(2) *Expedited review.* An application by an eligible bank or covered community bank is deemed approved by the OCC 15 days after the date the OCC receives the application described in paragraph (i)(1) of this section, unless the OCC notifies the bank prior to that date that the application has been removed from expedited review, or the expedited review process is extended, under § 5.13(a)(2). An eligible bank or covered community bank seeking to decrease its capital may request OCC approval for up to four consecutive quarters. The request need only specify a total dollar amount for the four-quarter period and need not specify amounts for each quarter. An eligible bank may decrease its capital pursuant to such a plan only if the bank maintains its eligible bank status before and after each decrease in its capital. A covered community bank may decrease its capital pursuant to such a plan only if it maintains its covered community bank status before and after each decrease in its capital.

* * * * *

■ 18. Amend § 5.47 by:

■ a. Redesignating paragraph (f)(1)(i)(B) as paragraph (f)(1)(i)(C);

■ b. Adding new paragraph (f)(1)(i)(B);

■ c. Revising newly redesignated paragraph (f)(1)(i)(C);

■ d. Redesignating paragraph (f)(2)(i)(B) as paragraph (f)(2)(i)(C);

■ e. Adding new paragraph (f)(2)(i)(B); and

■ f. Revising newly redesignated paragraph (f)(2)(i)(C).

The additions and revisions read as follows:

§ 5.47 Subordinated debt issued by a national bank.

* * * * *

(f) * * *

(1) * * *

(i) * * *

(B) *Covered community bank.* A covered community bank is required to receive prior approval from the OCC to issue any subordinated debt, in accordance with paragraph (g)(1)(i) of this section, if:

(*1*) The national bank will not continue to be well capitalized after the transaction;

(*2*) The OCC has previously notified the national bank that prior approval is required; or

(*3*) Prior approval is required by law.

(C) *National bank not an eligible bank or covered community bank.* A national bank that is not an eligible bank or covered community bank must receive prior OCC approval to issue any subordinated debt, in accordance with paragraph (g)(1)(i) of this section.

* * * * *

(2) * * *

(i) * * *

(B) *Covered community bank.* A covered community bank is required to receive prior approval from the OCC to prepay any subordinated debt that is not included in tier 2 capital (including acceleration, repurchase, redemption prior to maturity, and exercising a call option), in accordance with paragraph (g)(1)(ii) of this section, only if:

(*1*) The national bank will not continue to be well capitalized after the transaction;

(*2*) The OCC has previously notified the national bank that prior approval is required;

(*3*) Prior approval is required by law; or

(*4*) The amount of the proposed prepayment is equal to or greater than one percent of the national bank's total capital, as defined in 12 CFR 3.2.

(C) *National bank not an eligible bank or covered community bank.* A national bank that is not an eligible bank or covered community bank must receive prior OCC approval to prepay any subordinated debt that is not included in tier 2 capital (including acceleration, repurchase, redemption prior to maturity, and exercising a call option), in accordance with paragraph (g)(1)(ii) of this section.

* * * * *

■ 19. Amend § 5.55 by:

■ a. Revising paragraph (e)(1)(i); and

■ b. In paragraphs (g)(1) introductory text and (g)(2)(i), adding the phrase ''or covered community savings association'' after the phrase ''eligible savings association''.

The revision reads as follows:

§ 5.55 Capital distributions by Federal savings associations.

* * * * *

(e) * * *

(1) * * *

(i) The Federal savings association is:

(A) Not an eligible savings association or covered community savings association; or

(B) Is an eligible savings association or covered community savings association but would not continue to be well capitalized following the distribution;

* * * * *

§ 5.56 [Amended]

■ 20. Amend § 5.56(b)(1)(ii) introductory text by adding the phrase ''or covered community savings association'' after the phrase ''eligible savings association''.

§ 5.58 [Amended]

■ 21. Amend § 5.58 by:

■ a. In paragraph (e)(3), adding the phrase ''a covered community savings association or is both'' after the phrase ''that the Federal savings association is''; and

■ b. In paragraph (h)(1), adding the phrase ''a covered community savings association or is both'' after the phrase ''Federal savings association that is''.

§ 5.59 [Amended]

■ 22. Amend § 5.59(h)(2)(ii)(A) by adding the phrase ''a covered community savings association or is both'' after the phrase ''savings association is''.

Jonathan V. Gould,

Comptroller of the Currency.

[FR Doc. 2026–04275 Filed 3–3–26; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 27

[Docket ID OCC–2025–0405]

RIN 1557–AF42

Fair Housing Home Loan Data System

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

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is rescinding its Fair Housing Home Loan Data System regulation. The OCC has determined that the regulation is obsolete and largely duplicative of and inconsistent with other legal authorities that require national banks to collect and retain certain information on applications for home loans. Moreover, it imposed asymmetrical data collection requirements on national banks compared to their other depository institution counterparts, and the data collected had limited utility. For these reasons, rescinding the regulation eliminates the regulatory burden for national banks without having a material impact on the availability of data necessary for the OCC to conduct its fair housing-related supervisory activities.

DATES: The final rule is effective April 3, 2026.

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

SUPPLEMENTARY INFORMATION:

I. Background

The OCC is rescinding its Fair Housing Home Loan Data System regulation codified at 12 CFR part 27.[1] The OCC issued part 27 in 1979 to provide a basis for a more effective fair housing monitoring program for home loans.[2] The OCC's issuance of part 27 also assisted with implementation of certain parts of the settlement reached in *National Urban League et al.,* v. *Office of the Comptroller of the Currency et al.*[3] Part 27 established recordkeeping requirements and a data collection system for monitoring national banks and any of their subsidiaries[4] (national banks)[5] for compliance with the Fair Housing Act[6] and the Equal Credit Opportunity Act.[7] Specifically, part 27 required national banks to (i) engage in quarterly recordkeeping of certain home loan data if the national bank is required to report

[1] 44 FR 63084 (Nov. 2, 1979) as amended at 49 FR 11825 (Mar. 28, 1984), 59 FR 26415 (May 20, 1994), 73 FR 22251 (Apr. 24, 2008).

[2] 44 FR 63084 (Nov. 2, 1979).

[3] *See National Urban League, et al.* v. *Office of the Comptroller of the Currency, et al.,* 78 FRD. 543, 544 (D.D.C. May 3, 1978); 44 FR 63084 (Nov. 2, 1979). The settlement agreement expressly provides that the terms expired in three years, and do not currently obligate the OCC to maintain part 27. *See National Urban League, et al.* v. *Office of the Comptroller of the Currency, et al.,* Settlement Agreement at 531, No. 76–0718 (D.D.C. Mar. 23, 1977).

[4] As originally promulgated, the regulation also applied to banks located in the District of Columbia. The OCC amended part 27 in 2008 to remove banks chartered in Washington, DC from the scope of the regulation since those entities are no longer national banks. *See* 73 FR 22216, 22232 (Apr. 24, 2008).

[5] The regulation defines the term ''bank'' as ''a national bank and any subsidiaries of a national bank.'' *See* 12 CFR 27.2(c). However, this **SUPPLEMENTARY INFORMATION** uses the term ''national bank'' in place of the defined term ''bank'' to improve readability and distinguish the relevant data requirements applicable to national banks from those applicable to other types of depository institutions.

[6] 42 U.S.C. 3601 *et seq.*

[7] 15 U.S.C. 1691 *et seq.*

loans under the Home Mortgage Disclosure Act[8] (HMDA reporters) or if the national bank is a non-HMDA reporter that receives 50 or more home loan[9] applications a year, as applicable; [10] (ii) attempt to obtain all of the prescribed information for applications for home loans; [11] (iii) maintain certain additional information in loan files; [12] and (iv) collect and maintain certain information on a log, if the OCC orders the national bank to maintain a log of inquiries and applications.[13]

When part 27 was promulgated in 1979, the principal purpose of the regulation was to provide for the collection and retention of information necessary to establish a valid statistical analysis of national banks' home lending decisions without placing an undue burden upon the national banks subject to the rule.[14] At the time the rule was promulgated, the OCC stated that it would engage in reviews of the efficiency and effectiveness of the regulatory requirements.[15] Recently, the OCC has undertaken such a review as part of its ongoing efforts to tailor bank supervision and regulation.[16]

The OCC has determined that part 27 is obsolete because it is largely duplicative of and inconsistent with revisions to other legal authorities that require national banks to collect and retain certain information on applications for home loans. In addition, because part 27 only applied to national banks, national banks had more home loan data collection requirements than other depository institutions. Moreover, the burden the rule imposed on national banks was not justified by the limited utility of data collected under part 27. Also, when part 27 was promulgated, the OCC stated that the regulation's requirements were designed to assist agency examiners in performing full and complete fair housing examinations. However, since then, the OCC has found that agency examiners generally base their fair lending supervisory activities on data collected under other legal authorities that require national banks to collect and maintain information on applications for home loans. The OCC believes that the rescission of part 27, therefore, will not have a material impact on the availability of data necessary for the OCC to conduct its fair housing supervisory activities. For these reasons, as explained in greater detail below, the OCC is rescinding the regulation—thereby eliminating the regulatory burden attributable to part 27 for national banks.

Duplicative Requirements. Part 27 was largely duplicative of the HMDA and its implementing regulation, Regulation C,[17] and Regulation B,[18] which implements the Equal Credit Opportunity Act (ECOA).[19] For example, under part 27, HMDA reporters were required to maintain reasons for denial of a loan application, but HMDA reporters are already required to provide this information pursuant to Regulation C.[20] Additionally, many of the categories of information that all national banks were required to collect and maintain under 12 CFR 27.3(b) are already collected and reported by HMDA reporters under Regulation C.[21]

Regulatory Inconsistencies. There were several inconsistencies between part 27 and Regulations B and C, particularly concerning the available categories for the collection of ethnicity and race data. These inconsistencies stem from the fact that the OCC has not materially updated part 27 since 1994,[22] despite substantive and jurisdictional changes to Regulations B and C in the intervening years. Specifically, Regulations B and C provide two aggregate categories for ethnicity data: Hispanic or Latino; and Not Hispanic or Latino. Regulations B and C also include the following five aggregate categories for race data: American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; and White. In contrast, part 27 required the collection of race and national origin under the following six categories: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; White, not of Hispanic origin; Hispanic; Other. Because part 27 did not separate race from ethnicity, its collection and recordkeeping requirements were inconsistent with the requirements of Regulations B and C. Further, part 27 also required less granular information collection than allowed under Regulation C, which allows for more specific categories for ethnicity and race.[23] Specifically, under Regulation C, within the Hispanic or Latino category an applicant may also select among one or more of the following four subcategories: Mexican; Puerto Rican; Cuban; and Other Hispanic or Latino. In addition, within the Asian and the Native Hawaiian or Other Pacific Islander aggregate categories an applicant may select one or more of seven and four subcategories, respectively. The Asian race subcategories are: Asian Indian; Chinese; Filipino; Japanese; Korean; Vietnamese; and Other Asian. The Native Hawaiian or Other Pacific Islander race subcategories are: Native Hawaiian; Guamanian or Chamorro; Samoan; and Other Pacific Islander. Under Regulation B, a national bank that is a non-HMDA reporter may

[8] 12 U.S.C. 2801 *et seq.*

[9] A home loan, as defined in part 27, is ''a real estate loan for the purchase, permanent financing for construction, or the refinancing of residential real property which the applicant intends to occupy as a principal residence.'' 12 CFR 27.2(f).

[10] 12 CFR 27.3.

[11] 12 CFR 27.3.

[12] 12 CFR 27.5.

[13] 12 CFR 27.4.

[14] 44 FR 63084, 63085 (Nov. 2, 1979).

[15] 44 FR 63084, 63085 (Nov. 2, 1979). Specifically, in response to comments that the OCC should include more data collection requirements under part 27, the agency explained its reasoning for limiting the data collection requirements and stated that ''the Comptroller will regularly review the efficiency and effectiveness of [the data collection] requirements, as well as the value of statistical analysis through the use of electronic data processing, to determine whether the regulatory scope should be reexamined in the future.'' While this statement was made in contemplation of a future review of the regulatory scope of the regulation to determine whether more data should be collected under part 27, the conclusions drawn from the OCC's review of the efficiency and effectiveness of a regulation will depend on the particular facts, which the OCC believes weigh in favor of rescission in this instance.

[16] *See* Executive Order 14192, 90 FR 9065 (Feb. 6, 2025). The OCC also regularly conducts reviews under the Economic Growth and Regulatory Paperwork Reduction Act of 1996, Public Law 104–208 (1996) (EGRPRA). The OCC received a public comment pursuant to its 2014–17 EGRPRA review suggesting that the OCC could reduce regulatory burden by removing part 27. *See* Federal Financial Institutions Examination Council Joint Report to Congress, Economic Growth and Regulatory Paperwork Reduction Act, (March 2017) (commenter noting that the regulation has not been updated since 1994, that the regulation is duplicative of the HMDA and Fair Housing Act, and that the regulation is outdated because it refers to the Board's Regulation C and not the CFPB's HMDA rule).

[17] 12 CFR part 1003.

[18] 12 CFR part 1002.

[19] As part of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank), rulemaking authority pursuant to HMDA and ECOA shifted from the Federal Reserve Board (Board) to the Consumer Financial Protection Bureau (CFPB). Public Law 111–203, 124 Stat. 1376 (July 21, 2010). Dodd-Frank also required the CFPB to amend Regulation C. The CFPB amended Regulation C, and subsequently Regulation B to conform to revised Regulation C. *See* 80 FR 66128 (Oct. 28, 2015); 82 FR 43088 (Sept. 13, 2017).

[20] *See* 12 CFR 27.3(a)(1)(i); *See also* 12 CFR 1003.4(a)(16).

[21] Compare data points required by 12 CFR 27.3(b) with data points required under 12 CFR 1003.4.

[22] In 2008, the OCC amended part 27 to remove banks chartered in Washington, DC from the scope of the regulation since those entities are no longer national banks. *See* 73 FR 22216, 22232 (Apr. 24, 2008).

[23] Compare for example, the data collection requirements under 12 CFR 27.3(b)(1) with the data collection requirements under Regulation C (12 CFR 1003.4).

generally collect ethnicity and race data using either the aggregate race and ethnicity categories described in Regulations B or using the more detailed subcategories set forth in Regulation C.[24] Therefore, the requirement in part 27 to collect aggregate data was inconsistent with the requirements imposed by Regulations B and C.

Asymmetric Data Requirements. Despite the duplication and inconsistencies with Regulations B and C, part 27 required national banks to collect and maintain certain unique data. However, not all depository institutions were required to collect this information. With respect to OCC-regulated institutions, part 27 did not apply to Federal savings associations, nor is there a comparable regulation applicable to Federal savings associations. In addition, the other Federal prudential regulators—the Board and the Federal Deposit Insurance Corporation (FDIC)—do not have regulations that require the separate collection of home loan data from their supervised institutions and rely largely on the data collected pursuant to Regulations B and C to conduct fair lending analyses. Therefore, because part 27 only applied to national banks, national banks had more home loan data collection requirements than other depository institutions.

Limited Utility. The OCC considered whether, notwithstanding the issues discussed above, the unique data collection and maintenance requirements of part 27 offered a sufficient countervailing benefit when compared to the regulatory burden imposed on national banks by the regulation. After considering how the OCC uses home loan data in its supervisory activities, the OCC believes that any burden imposed on national banks is not justified by the limited utility of data collection under part 27. Specifically, the OCC largely utilizes information collected pursuant to the HMDA and ECOA to conduct its supervisory activities. The OCC only considered part 27 data in limited circumstances where the data requirements did not overlap. Further, as noted above, part 27 data was most useful in helping to assess fair lending risk, and any resulting fair lending examinations would have required the OCC to engage in sampling to obtain necessary home loan data.

Specifically, with regard to the subset of national banks that are non-HMDA reporters and originate more than 50 loans annually, the OCC may obtain the information that part 27 required these national banks to collect pursuant to the agency's general supervisory authority and its supervisory authority under the Fair Housing Act and ECOA.[25] Therefore, national banks' collection and maintenance of home loan data under part 27 had limited utility for the OCC when considering the related burden on national banks. Moreover, while the removal of part 27 will reduce regulatory burden for all national banks, the main benefactors of this burden reduction will be non-HMDA reporters that originate more than 50 loans annually, which are typically smaller national banks. This is because HMDA-reporters will continue to collect and maintain required home loan data in accordance with Regulations B and C.

Part 27 data also had limited utility for external stakeholders. Specifically, the part 27 data requirements were collection and maintenance requirements. Unlike the HMDA data, part 27 data was not publicly available. Therefore, removal of part 27 will not result in a reduction in the data available for external stakeholders' home loan data analysis.

Alternatives Considered. The OCC considered, as an alternative, revising part 27 to bring it into conformity with Regulations B and C. However, the OCC believes rescission is the better approach because, even if the OCC updated the regulation to conform with Regulations B and C, part 27 would still be largely duplicative of those other regulations and the utility of the non-duplicative data does not outweigh the regulatory burden on national banks to collect and maintain that data.

Proposal and Comments. Consistent with these reasons, the OCC proposed rescinding part 27.[26] The OCC received six substantive comments on its proposal. Most comments generally opposed the rescission of part 27, expressing concern that rescinding its data collection requirements would negatively affect the OCC's ability to identify and prevent lending discrimination. Two comments also stated that the proposal did not comply with the Administrative Procedures Act because it would diminish fair lending enforcement without a reasoned explanation. One comment also critiqued several elements of the proposal's regulatory impact analysis.

As noted in the proposal, the data collected pursuant to part 27 was largely duplicative of the information collection requirements under Regulation C and Regulation B. Furthermore, the OCC's fair lending supervision relies almost exclusively on information collected pursuant to Regulation C and Regulation B. The rescission of part 27, therefore, will not have a material impact on the availability of data necessary for the OCC to conduct its fair housing supervisory activities. Further, rescinding part 27 enhances regulatory consistency by applying the same information collection requirements to national banks. The OCC is finalizing the rescission of part 27 as proposed.

II. Regulatory Analysis

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),[27] the OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC has reviewed this rulemaking and determined that it will not create any new or revise any existing, collections of information under the PRA and therefore, require no PRA filings, other than a discontinuance request to OMB for the currently approved ''Fair Housing Home Loan Data System Regulation (1557–0159)'' information collection.

Title of Information Collection: Fair Housing Home Loan Data System Regulation.

OMB Control Number: 1557–0159.

Affected Public: Businesses or other for-profit.

Description: Under the current 12 CFR part 27 certain national banks are required to record certain home loan data home loan data if they: (1) are otherwise required to maintain and report data pursuant to Regulation C,[28] which implements HMDA,[29] in which case they are HMDA reporters or (2) receive more than 50 home loan applications annually. Specifically, national banks that are HMDA reporters meet the part 27 requirement by recording HMDA data along with the reasons for denying any loan application on the HMDA Loan Application/Register (LAR).[30] A national bank that is not a HMDA reporter but that receives more than 50 home loan applications annually must comply with part 27 by either: (1) recording and reporting HMDA data and denial reasons on the LAR as if they were a HMDA reporter[31] or (2)

[24] *See* 12 CFR 1002.13(a)(1)(i).

[25] 12 U.S.C. 481; 12 CFR part 4.

[26] 90 FR 51583 (Nov. 18, 2025).

[27] 44 U.S.C. 3501–3521.

[28] 12 CFR part 1003.

[29] 12 U.S.C. 2801 *et seq.*

[30] 12 CFR 27.3(a)(1)(i).

[31] 12 CFR 27.3(a)(5).

recording and maintaining part 27-specified activity data relating to aggregate numbers of certain types of loans by geography and action taken.[32] Part 27 also requires that all national banks, including those not subject to the recording requirements, to maintain certain application and loan information in loan files. Part 27 further provides that the OCC may require national banks to maintain and submit additional information if there is reason to believe that the bank engaged in discrimination.

Current Burden

Number of Respondents: 702.
Total Annual Burden: 12,632 hours.

The OCC received one comment criticizing the proposal's PRA analysis and lack of PRA materials. However, because the final rule eliminates information collection requirements, no PRA filings are required, other than the discontinuance request to OMB discussed above. Accordingly, the OCC did not make any changes to its PRA analysis based on the comments it received.

Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* requires an agency, in connection with a final rule, to prepare and make public a Regulatory Flexibility Analysis describing the impact of the rule on small entities (defined by the 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) or to certify that the rule will not have a significant economic impact on a substantial number of small entities. The OCC currently supervises approximately 609 small entities [33] of which 218 will be impacted by the final rule. Although the final rule will apply to the 399 small national banks that make at least 50 home loans per year,[34] only 218 small national banks will be impacted because only institutions that are not required to report under HMDA needed to collect any additional information under part 27. The OCC estimates the yearly savings for non-HMDA reporters from not calculating the statistics required by part 27 to be up to $6,798 per institution.

In general, the OCC considers 5 percent or more of OCC-supervised small entities to be a substantial number. At present, 31 OCC-supervised small entities constitute a substantial number. However, 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. Therefore, although the final rule will affect a substantial number of small entities, it will not have a significant economic impact on those small entities in any given year. Accordingly, a Regulatory Flexibility Analysis is not required, and the OCC certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

The OCC received one comment criticizing the proposal's lack of detailed RFA analysis of the costs to small entities associated with the proposal. However, because the final rule eliminates information collection requirements, it eliminates the costs associated with those requirements and does not impose any additional costs or burdens on small entities. Accordingly, the OCC did not make any changes to its RFA analysis based on the comments it received.

Unfunded Mandates Reform Act of 1995

The OCC analyzed the final rule under the factors set forth in the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532). 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,[35] 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 final rule.

Because the final rule rescinds existing regulations and does not contain any new mandates, the OCC's estimated UMRA cost is zero. Therefore, the OCC finds that this final rule does not trigger the UMRA cost threshold. Accordingly, the OCC has not prepared the written statement described in section 202 of UMRA.

The OCC received one comment criticizing the proposal's lack of an UMRA written statement. However, the final rule does not impose any mandates that will result in any expenditures by State, local, and tribal governments. Accordingly, the OCC did not make any changes to its UMRA analysis based on the comments it received.

Administrative Procedure Act

The Administrative Procedure Act (APA) requires that, with certain exceptions, a substantive rule must be published not less than 30 days before its effective date.[36] The April 3, 2026 effective date of this final rule meets the APA effective date requirement, as it will take effect at least 30 days after its publication date of March 4, 2026.

Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA) of 1994 [37] 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.[38] This final rule does not impose additional reporting, disclosure, or other requirements on an insured depository institution. Therefore, section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 does not apply to this final rule.

The OCC received one comment suggesting that the OCC stay enforcement of this provision for at least

[32] 12 CFR 27.3(a)(2).

[33] The OCC bases its estimate of the number of small entities on the Small Business Administration's size thresholds, which are $850 million or less in total assets for commercial banks and savings institutions, and $47 million, or less in total assets for trust companies. Consistent with the General Principles of Affiliation in 13 CFR 121.103(a), the OCC counts the assets of affiliated financial institutions when determining whether to classify an OCC-supervised institution as a small entity. The OCC uses December 31, 2024, to determine size because a ''financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' *See* footnote 8 of the U.S. Small Business Administration's *Table of Size Standards.*

[34] As noted above, part 27 only applied to national banks not Federal savings associations.

[35] 2 U.S.C. 1532.

[36] 5 U.S.C. 553(d).

[37] 12 U.S.C. 4802(a).

[38] 12 U.S.C. 4802(b).

12 months.[39] However, this final rule removes data collection and recordkeeping requirements and does not have any enforcement provisions.

Executive Orders 12866 and 14192

Executive Order 12866, as amended, provides that the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) will review all ''significant regulatory actions'' as defined therein. OIRA has determined that this final rule is not a ''significant regulatory action'' for purposes of Executive Order 12866, as amended. Executive Order 14192, titled ''Unleashing Prosperity Through Deregulation,'' separately requires that an agency, unless prohibited by law, identify at least ten 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. The OCC has determined that the final rule will be a deregulatory action under Executive Order 14192 because it will result in costs savings for affected OCC-supervised institutions.

Congressional Review Act

Before a rule can take effect, the Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.,* provides that the OCC must submit to Congress and to the Comptroller General the rule along with a report indicating whether it is a ''major rule.'' In general, if a rule is a ''major rule,'' the CRA provides that unless Congress enacts a joint resolution of disapproval the rule takes effect the later of: (1) 60 days after Congress receives the required report or publication of the rule in the **Federal Register**, whichever is later; or (2) the date the rule would otherwise take effect.[40] The CRA defines a ''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget 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) a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.[41] OIRA has determined that this final rule is not a major rule. As required by the CRA, 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 27

Civil rights, Credit, Fair housing, Mortgages, National banks, Reporting and recordkeeping requirements.

PART 27—[REMOVED AND RESERVED]

■ For the reasons stated in the preamble, under the authority of 12 U.S.C. 93a, the OCC removes and reserves 12 CFR part 27.

Jonathan V. Gould,

Comptroller of the Currency.

[FR Doc. 2026–04276 Filed 3–3–26; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–3437; Project Identifier MCAI–2025–00161–T; Amendment 39–23259; AD 2026–03–10]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2024–19–13, which applied to certain Airbus SAS Model A318 and A320 series airplanes, and Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes, and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes. AD 2024–19–13 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2024–19–13, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This AD continues to require certain actions in AD 2024–19–13 and requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This AD also adds Model A319–173N and Model A321–253NY airplanes to the applicability. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 8, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 8, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 26, 2024 (89 FR 84274, October 22, 2024).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–3437; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–3437.

FOR FURTHER INFORMATION CONTACT: Emma Copeland, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 847–294–8068; email: *emma.m.copeland@faa.gov.*

SUPPLEMENTARY INFORMATION:

[39] This comment also suggested the OCC's proposal had several other deficiencies including its invocation of the ''good cause'' exception under 5 U.S.C. 553(b)(B) or 553(d)(3) and the lack of a Systems of Records Notice (SORN) or a Privacy Impact Assessment (PIA). The OCC's proposal did not propose additional data collection requirements, so a SORN or PIA are not required. Further the proposal did not invoke the ''good cause'' exception under the APA.

[40] 5 U.S.C. 801(a)(3).

[41] 5 U.S.C. 804(2).

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2024–19–13, Amendment 39–22855 (89 FR 84274, October 22, 2024) (AD 2024–19–13). AD 2024–19–13 applied to certain Airbus SAS Model A318 and A320 series airplanes, and Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes, and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes. AD 2024–19–13 required revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations. The FAA issued AD 2024–19–13 to correct an unsafe condition.

The NPRM was published in the **Federal Register** on November 17, 2025 (90 FR 51212). The NPRM was prompted by AD 2025–0031, dated February 10, 2025, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2025–0031) (also referred to as the MCAI). The MCAI states that new or more restrictive airworthiness limitations have been developed.

In the NPRM, the FAA proposed to retain certain requirements of AD 2024–19–13. The NPRM also proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, as specified in EASA AD 2025–0031.

The FAA is issuing this AD to address a safety significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–3437.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from Air Line Pilots Association, International (ALPA) who supported the NPRM without change.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0031, which specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD also requires EASA AD 2024–0030, which the Director of the Federal Register approved for incorporation by reference as of November 26, 2024 (89 FR 84274, October 22, 2024).

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 1,989 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2024–19–13 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2024–19–13, Amendment 39–22855 (89 FR 84274, October 22, 2024); and

■ b. Adding the following new AD:

2026–03–10 Airbus SAS: Amendment 39–23259; Docket No. FAA–2025–3437; Project Identifier MCAI–2025–00161–T.

(a) Effective Date

This airworthiness directive (AD) is effective April 8, 2026.

(b) Affected ADs

This AD replaces AD 2024–19–13, Amendment 39–22855 (89 FR 84274, October 22, 2024) (AD 2024–19–13).

(c) Applicability

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1) through (4) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 4, 2024.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, –171N, and –173N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –272N, and –272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address a safety significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a New Terminating Action

This paragraph restates the requirements of paragraph (n) of AD 2024–19–13, with a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before December 15, 2023, except for Model A319–173N and Model A321–253NY airplanes: Except as specified in paragraph (h) of this AD, comply with all required actions and compliance times specified in, and in accordance with European Union Aviation Safety Agency (EASA) AD 2024–0030, dated January 31, 2024 (EASA AD 2024–0030). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2024–0030, With No Changes

This paragraph restates the exceptions specified in paragraph (o) of AD 2024–19–13, with no changes.

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0030.

(2) Paragraph (3) of EASA AD 2024–0030 specifies revising ''the approved AMP,'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after November 26, 2024 (the effective date of AD 2024–19–13).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0030 is at the applicable ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2024–0030, or within 90 days after November 26, 2024 (the effective date of AD 2024–19–13), whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2024–0030.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0030.

(i) Retained Provisions for Alternative Actions and Intervals

This paragraph restates the requirements of paragraph (p) of AD 2024–19–13, with a new exception. Except as required by paragraph (j) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2024–0030.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0031, dated February 10, 2025 (EASA AD 2025–0031). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2025–0031

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2025–0031.

(2) Paragraph (3) of EASA AD 2025–0031 specifies revising ''the approved AMP,'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2025–0031 is at the applicable ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2025–0031, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2025–0031.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0031.

(l) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2025–0031.

(m) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (n) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Additional Information

For more information about this AD, contact Emma Copeland, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 847–294–8068; email: *emma.m.copeland@faa.gov.*

(o) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following material was approved for IBR on April 8, 2026.

(i) European Union Aviation Safety Agency (EASA) AD 2025–0031, dated February 10, 2025.

(ii) [Reserved]

(4) The following material was approved for IBR on November 26, 2024 (89 FR 84274, October 22, 2024).

(i) EASA AD 2024–0030, dated January 31, 2024.

(ii) [Reserved]

(5) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*

(6) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(7) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov*.

Issued on February 9, 2026.

Peter A. White,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2026–04277 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–1365; Project Identifier AD–2024–00684–E; Amendment 39–23271; AD 2026–04–11]

RIN 2120–AA64

Airworthiness Directives; Lycoming Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2024–21–02, which applies to Lycoming Engines (Lycoming) model engines that have certain connecting rod assemblies installed. AD 2024–21–02 required repetitive oil inspections for bronze metal particulates and, if found, additional inspections of the connecting rod bushings for damage, proper fit, movement, and wear, and replacement if necessary. As terminating action to the connecting rod bushing inspections, AD 2024–21–02 also required replacement of the connecting rod bushings with parts eligible for installation. Since the FAA issued AD 2024–21–02, the ship date range for potentially affected parts that may be subject to connecting rod failure has been expanded, and additional parts that are eligible for installation have been identified. This AD requires the actions in AD 2024–21–02 and expands the applicability. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 8, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 8, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–1365; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Lycoming material identified in this AD, contact Lycoming Engines, 652 Oliver Street, Williamsport, PA 17701; phone: (800) 258–3279; website: *lycoming.com/contact/knowledge-base/publications.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–1365.

FOR FURTHER INFORMATION CONTACT: David Bergeron, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (516) 228–7321; email: *david.j.bergeron@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2024–21–02, Amendment 39–22869 (89 FR 86721, October 31, 2024) (AD 2024–21–02). AD 2024–21–02 applied to Lycoming model engines that have certain connecting rod assemblies installed. AD 2024–21–02 was prompted by several reports of connecting rod failures, which resulted in uncontained engine failure and in-flight shutdowns. The NPRM was published in the **Federal Register** on August 7, 2025 (90 FR 38081). Since the FAA issued AD 2024–21–02, the ship date range for potentially affected parts that may be subject to connecting rod failure has been expanded, and additional parts that are eligible for installation have been identified. In addition, the manufacturer requested that credit be given to operators for the actions required in AD 2024–21–02 provided that the operators already accomplished AD 2017–16–11 and re-inspected any replacement connecting rod bushings received from Lycoming in accordance with the required actions of AD 2017–16–11. In the NPRM, the FAA proposed to require repetitive oil inspections for bronze metal particulates and, if found, additional inspections of the connecting rod bushings for damage (*e.g.,* deterioration, missing metal), proper fit, movement, and wear, and replacement if necessary. As terminating action to the connecting rod bushing inspections, the NPRM also proposed to require replacement of the connecting rod bushings with parts eligible for installation. The NPRM also proposed to expand the applicability by extending the shipping date range for affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from one commenter, Lycoming. The following presents the comment received on the NPRM and the FAA's response to that comment.

Request To Modify List of Known Engine Models With Affected Parts Installed

Lycoming requested that the FAA modify the list of engines known to have an affected part installed in the proposed AD to include Lycoming Model IO–580 series, IO–720 series, and O–290 series engines.

The FAA agrees with the commenter's request and has revised Note 1 to paragraph (c) of this AD to include Lycoming Model IO–580 series, IO–720 series, and O–290 series engines.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Lycoming Mandatory Service Bulletin No. 630B, dated June 11, 2025, which specifies procedures for inspection of the connecting rod bushings for damage, proper fit, movement, and wear.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 45,152 engines installed on airplanes of U.S. registry.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect oil	2 work-hours × $85 per hour = $170	$65	$235	$10,610,720
Inspect connecting rod bushings	1 work-hour × $85 per hour = $85	0	85	3,837,920
Replace connecting rod bushings (per bushing)	4.5 work-hours × $85 per hour = $382	380	762	34,405,824

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2024–21–02, Amendment 39–22869 (89 FR 86721, October 31, 2024); and

■ b. Adding the following new airworthiness directive:

2026–04–11 Lycoming Engines: Amendment 39–23271; Docket No. FAA–2025–1365; Project Identifier AD–2024–00684–E.

(a) Effective Date

This airworthiness directive (AD) is effective April 8, 2026.

(b) Affected ADs

This AD replaces AD 2024–21–02, Amendment 39–22869 (89 FR 86721, October 31, 2024); (AD 2024–21–02).

(c) Applicability

This AD applies to Lycoming Engines (Lycoming) model engines that have an affected part and part number (P/N) installed and are assembled within the ship date range, as specified in Table 1 to paragraph (c) of this AD.

TABLE 1 TO PARAGRAPH (c)—AFFECTED P/NS

P/N	Affected part	Ship date range
LW–13923	Connecting Rod Bushing	01/30/2009–09/09/2021
LW–11750	Connecting Rod Assembly	01/30/2009–09/09/2021
78030	Connecting Rod Assembly	01/30/2009–09/09/2021
LW–19332	Connecting Rod Assembly	01/30/2009–09/09/2021
LW–13865	Connecting Rod Assembly	01/30/2009–09/09/2021
77450	Connecting Rod Assembly	01/30/2009–09/09/2021
LW–13422	Connecting Rod Assembly	01/30/2009–09/09/2021
LW–13937	Connecting Rod Assembly	01/30/2009–09/09/2021
LW–15288	Connecting Rod Assembly	01/30/2009–09/09/2021

Note 1 to paragraph (c): The affected parts are known to be installed on Lycoming Model AEIO–320 series, AEIO–360 series, AEIO–390 series, AEIO–540 series, AEIO–580–B1A, AIO–320 series, AIO–360 series, HIO–360 series, HIO–390–A1A, HIO–540–A1A, HO–360 series, IO–320 series, IO–360 series, IO–390 series, IO–540 series, IO–580 series, IO–720 series, IVO–360–A1A, IVO–540–A1A, LHIO–360 series, LIO–320 series, LIO–360 series, LO–360 series, LTIO–540 series, LTO–360 series, O–233–A1, O–235 series, O–290 series, O–320 series, O–340 series, O–360 series, O–435 series, O–540 series, SO–580 series, TEO–540 series, TIGO–541 series, TIO–360 series, TIO–540 series, TIO–541 series, TIVO–540–A2A, TO–360 series, TVO–435 series, TVO–540–A1A, VO–360 series, VO–435 series, VO–540 series, and VSO–580–A1A engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 8500, Engine (Reciprocating).

(e) Unsafe Condition

This AD was prompted by several reports of connecting rod failures resulting in uncontained engine failure and in-flight shutdowns (IFSDs). The FAA is issuing this AD to prevent connecting rod failure. The unsafe condition, if not addressed, could result in engine failure, an IFSD, and loss of control of the aircraft.

(f) Compliance

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

(g) Required Actions

(1) At the next oil change or within 4 months after the effective date of this AD, whichever occurs first, and thereafter at every oil change until the bushing replacement required by either paragraph (g)(3) or (4) of this AD is done, perform a visual inspection of the engine oil filter, oil pressure screen, and oil suction screen (depending on the engine configuration) for bronze metal particulates. The actions required by this paragraph may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

Note 2 to paragraph (g)(1): Guidance for engine oil filter, oil pressure screen, and oil suction screen inspection instructions and identification of metallic solids may be found in Lycoming Mandatory Service Bulletin No. (MSB) 480F, dated May 25, 2017 (Lycoming MSB 480F).

(2) If, during any inspection required by paragraph (g)(1) of this AD, any bronze metal particulates are found and the source is identified as the connecting rod bushings, before further flight, inspect all affected connecting rod bushings for damage (*e.g.* deterioration, missing metal), proper fit, movement, and wear in accordance with ''Connecting Rod Bushing Inspection,'' of Lycoming MSB 630B, dated June 11, 2025.

Note 3 to paragraph (g)(2): Guidance for identifying the source of metallic contamination may be found in Table 3 of Lycoming MSB 480F.

(3) If the connecting rod bushings fail any inspection required by paragraph (g)(2) of this AD, before further flight, replace the connecting rod bushings with parts eligible for installation. This terminates the repetitive inspection required by paragraph (g)(1) of this AD.

(4) At the next engine overhaul, replace the connecting rod bushings with parts eligible for installation. This terminates the repetitive inspection required by paragraph (g)(1) of this AD.

(h) Definition

For the purpose of this AD, a ''part eligible for installation'' is any connecting rod bushing having P/N 01K28983 or AEL13923, and any connecting rod assembly having P/N AEL11750, AEL78030, SL78030, SL77450, SL13937, SL19332, SL11750, and SL13422.

(i) Credit for Previous Actions

(1) You may take credit for the actions required by paragraph (g)(1) of this AD if you performed those actions before the effective date of this AD using Lycoming MSB 480F.

(2) You may take credit for the actions required by paragraph (g)(2) of this AD if you performed those actions before the effective date of this AD using Lycoming MSB 630A, dated June 13, 2017.

(3) You may take credit for the actions required by paragraph (g) of this AD if you accomplished AD 2017–16–11, Amendment 39–18988 (82 FR 37296, August 10, 2017) before the effective date of this AD. Credit is not given if you received replacement bushings from Lycoming as a result of accomplishing AD 2017–16–11 and you did not perform the connecting rod bushing press-out verification procedure on the replacement bushings in accordance with Lycoming Engines Mandatory Service Bulletin No. 632B, dated August 4, 2017.

(4) You may take credit for the actions required by paragraph (g) of this AD if you accomplished AD 2024–21–02, Amendment 39–22869 (89 FR 86721, October 31, 2024) before the effective date of this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, East Certification Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the East Certification Branch, send it to the attention of the person identified in paragraph (k)(1) of this AD and email to: *AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Additional Information

(1) For more information about this AD, contact David Bergeron, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (516) 228–7321; email: *david.j.bergeron@faa.gov.*

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (l)(3) of this AD.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Lycoming Mandatory Service Bulletin No. 630B, dated June 11, 2025.

(ii) [Reserved]

(3) For Lycoming material identified in this AD, contact Lycoming Engines, 652 Oliver Street, Williamsport, PA 17701; phone: (800) 258–3279; website: *lycoming.com/contact/knowledge-base/publications.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov.*

Issued on February 18, 2026.

Paul R. Bernado,

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

[FR Doc. 2026–04281 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–5037; Project Identifier AD–2025–00212–A; Amendment 39–23255; AD 2026–03–06]

RIN 2120–AA64

Airworthiness Directives; Textron Aviation, Inc. (Type Certificate Previously Held by Cessna Aircraft Company) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that was published in the **Federal Register**. That AD applies to all Textron Aviation, Inc., Model 525B airplanes. As published, there was an error in Table 1 to paragraph (g) of the AD. This document corrects that error. In all other respects, the original document remains the same.

DATES: This correction is effective March 13, 2026. The effective date of AD 2026–03–06 remains March 13, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–5037, or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Soban Saeed, Aviation Safety Engineer, FAA, 1801 South Airport Road, Wichita, KS 67209; phone: (316) 946–4123; email: *CCB-COS@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

AD 2026–03–06, Amendment 39–23255 (91 FR 5283, February 6, 2026) (AD 2026–03–06), requires revising the Airworthiness Limitations Section (ALS) of the existing aircraft maintenance manual (AMM) or instructions for continued airworthiness (ICA) and the existing approved maintenance or inspection program, as applicable, for all Textron Aviation, Inc., Model 525B airplanes.

Need for Correction

As published, there is an error in Table 1 to paragraph (g)—Revised Model 525B Airworthiness Limitation Tasks of the AD. Specifically, Task Number 54–50–00–250, Inspection Document incorrectly references 4–12–MI. The correct reference is 4–12–NA.

Correction of Publication

This document corrects an error and correctly adds the AD as an amendment to 14 CFR 39.13. Although no other part of the preamble or regulatory information has been corrected, the FAA is publishing the entire rule in the **Federal Register**.

The effective date of this AD remains March 13, 2026.

Since this action only corrects one typographical error and does not affect compliance with the AD, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public comment procedures are unnecessary.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Corrected]

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

2026–03–06 Textron Aviation, Inc.: Amendment 39–23255; Docket No. FAA–2025–5037; Project Identifier AD–2025–00212–A.

(a) Effective Date

This airworthiness directive (AD) is effective March 13, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Textron Aviation, Inc. (Type Certificate previously held by Cessna Aircraft Company) Model 525B airplanes, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5530, Vertical Stabilizer Structure; 5415, Nacelle/Pylon, Attach Fittings.

(e) Unsafe Condition

This AD was prompted by the manufacturer's revision of the aircraft maintenance manual (AMM) to introduce more restrictive inspection intervals. The FAA is issuing this AD to prevent undetected cracks in the engine mount and vertical stabilizer front and rear spar caps. The unsafe condition, if not addressed, could result in reduced structural integrity and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Airworthiness Limitations Section (ALS) Revision

Within 150 hours time-in-service (TIS) or 12 months after the effective date of this AD, whichever occurs first: Revise the ALS of the existing AMM or instructions for continued airworthiness (ICA) and the existing approved maintenance or inspection program, as applicable, by incorporating the information identified in table 1 to paragraph (g) of this AD.

TABLE 1 TO PARAGRAPH (G)—REVISED MODEL 525B AIRWORTHINESS LIMITATION TASKS

Task No.	Task title	Existing task interval	Revised task interval	Inspection document	Zone
54–50–00–250.	Forward Engine Mount Channel Flange (Eddy Current) Special Detailed Inspection.	6,000 hours TIS	6,100 hours TIS, then 4,100 hours TIS thereafter.	4–12–NA	411, 412
54–50–00–252.	Aft Engine Beam Aft Upper Angle Common to Aft Web, BL 24.50 (Eddy Current) Special Detailed Inspection.	11,500 hours TIS	14,100 hours TIS, then every 2,700 hours TIS thereafter.	4–12–MR	311, 312
54–50–00–254.	Forward Engine Mount Aft Channel Web (Eddy Current) Special Detailed Inspection.	12,000 hours TIS	16,300 hours TIS, then every 11,600 hours TIS thereafter.	4–12–MS	410, 420
54–50–00–255.	Forward Engine Mount Forward Channel Web (Eddy Current) Special Detailed Inspection.	12,000 hours TIS	15,600 hours TIS, then every 11,100 hours TIS thereafter.	4–12–NB	410, 420
55–40–00–250.	Vertical Fin Left and Right Front Spar Cap at Attachment Hole #2 (Eddy Current) Special Detailed Inspection.	9,000 hours TIS, then every 7,500 hours TIS thereafter.	9,000 hours TIS, then every 7,000 hours TIS thereafter.	4–12–ML	340
55–40–00–251.	Vertical Fin Left and Right Front Spar Cap at Attachment Hole #1 (Eddy Current) Special Detailed Inspection.	15,000 hours TIS	17,700 hours TIS, then every 14,900 hours TIS thereafter.	4–12–MO	340

TABLE 1 TO PARAGRAPH (G)—REVISED MODEL 525B AIRWORTHINESS LIMITATION TASKS—Continued

Task No.	Task title	Existing task interval	Revised task interval	Inspection document	Zone
55–40–00–252.	Vertical Fin Left and Right Rear Spar Cap at Attachment Hole #1 (Eddy Current) Special Detailed Inspection.	15,000 hours TIS, then every 14,500 hours TIS thereafter.	23,600 hours TIS, then every 12,100 hours TIS thereafter.	4–12–MQ	340

Note 1 to paragraph (g): Additional guidance for accomplishing the actions required by this AD can be found in Textron Aviation Service Letter SL525B–05–04, Revision 1, dated January 7, 2025.

(h) Provisions for Alternative Actions and Intervals

After the action required by paragraph (g) of this AD has been done, no alternative actions and associated thresholds and intervals are allowed unless they are approved as specified in the provisions of paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Central Certification Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the Central Certification Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD and email to: *AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Additional Information

(1) For more information about this AD, contact Soban Saeed, Aviation Safety Engineer, FAA, 1801 South Airport Road, Wichita, KS 67209; phone: (316) 946–4123; email: *CCB-COS@faa.gov.*

(2) For Textron Aviation material identified in this AD that is not incorporated by reference, contact Textron Aviation, Inc., P.O. Box 7706, Wichita, KS 67277; phone: (316) 517–6215; email: *citationpubs@txtav.com;* website: *ww2.txtav.com/technicalpublications/.*

(k) Material Incorporated by Reference

None.

Issued on February 27, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–04331 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–2545; Project Identifier MCAI–2024–00657–T; Amendment 39–23264; AD 2026–04–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by reports of certain fuel transfer float valves failing in the closed position, preventing normal fuel transfer between the center and wing fuel tanks. This AD requires replacing the existing fuel transfer float valves on airplanes approved for extended-range twin-engine operation performance standards (ETOPS). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 8, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 8, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–2545; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–2545.

FOR FURTHER INFORMATION CONTACT: Joseph Catanzaro, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 516–228–7366; email: *joseph.catanzaro@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The NPRM was published in the **Federal Register** on September 15, 2025 (90 FR 44356). The NPRM was prompted by AD CF–2024–37, dated November 4, 2024 (Transport Canada AD CF–2024–37) (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states that there have been several reports of fuel transfer float valves failing in the closed position, preventing normal fuel transfer between the center fuel tank and wing fuel tanks. An investigation determined that high friction of the fuel transfer float valve carbon seal prevents the fuel transfer float valve from opening. Each wing tank is equipped with one fuel transfer float valve. If one fuel transfer float valve fails closed, the crew is alerted and may manually

transfer fuel to correct the resulting lateral fuel imbalance. A gravity fuel transfer system provides a back-up to the manual transfer. If both fuel transfer float valves simultaneously fail in the closed position, the crew is alerted, and fuel in the center tank becomes unusable as it cannot be transferred to the wing tanks. The crew may need to divert to prevent fuel starvation before reaching the destination airport. Simultaneous failure of both fuel transfer float valves in the closed position is critical for ETOPS missions as fuel starvation and engine shutdown may occur before reaching a diversion airport.

In the NPRM, the FAA proposed to require replacing the existing fuel transfer float valves on airplanes approved for ETOPS, as specified in Transport Canada AD CF–2024–37. The FAA is issuing this AD to address the simultaneous failure of both fuel transfer float valves in the closed position during an ETOPS flight. The unsafe condition, if not addressed, during an ETOPS flight, could lead to a forced diversion or fuel starvation and engine shutdown before reaching a diversion airport.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–2545.

Discussion of Final Airworthiness Directive

Comment

The FAA received comments from the Citizens Rulemaking Alliance. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Justify Forgoing Notice and Comment or Issue an NPRM

The commenter requested that the FAA either provide its justification for finding good cause to bypass notice and comment procedures, convert this action to an NPRM, or stay the effective date until 30 days after close of a comment period of at least 45 days. The commenter asserted the FAA has not adequately justified use of the good cause exemption to bypass notice and comment and the 30-day delayed effective date.

The FAA notes the comment was submitted in response to an NPRM for which the FAA provided a 45-day comment period. This final rule is effective 35 days after its publication in the **Federal Register**. Therefore, no change to this AD is necessary.

Request To Make Incorporation by Reference (IBR) Materials Reasonably Available

The commenter stated that the FAA's current practices for IBR frequently fail to meet the legal and regulatory standards for reasonable availability. The commenter called on the FAA to guarantee that all IBR materials are easily and freely accessible to the public and affected parties for both commenting and compliance purposes. They also requested that this access be documented in the rulemaking record.

The FAA's practices comply with 5 U.S.C. 552(a) of the Administrative Procedure Act and 1 CFR part 51. The FAA makes IBR materials available in the AD docket when the final rule is published in the **Federal Register**, following formal approval of the IBR by the Office of the Federal Register. Materials may only be posted before the final rule's publication if they are already publicly available or if there is written consent from the owner of the IBR material. All relevant materials incorporated by reference will be accessible in the AD docket on *Regulations.gov*, which the public can access without registration or fees.

The FAA also provides summaries and access details in the preamble and regulatory text, makes materials available for inspection at FAA and National Archives and Records Administration (NARA) offices, offers publisher contact information, and obtains formal IBR approval from the Office of the Federal Register. These efforts are intended to ensure that all IBR materials meet the ''reasonably available'' standard required by 1 CFR part 51. The FAA did not change this AD as a result of this comment.

Request To Comply With the Paperwork Reduction Act (PRA)

The commenter requested that the FAA revise the AD to comply with the PRA if reporting is required or remove any reporting provisions until PRA requirements are satisfied. If reporting is not required, the commenter requested the FAA clarify that in the AD.

The FAA notes this AD does not require reporting. If an AD were to require reporting, the preamble of the AD would include a paragraph titled ''Paperwork Reduction Act'' that would provide the applicable OMB control number, required PRA statements, and the estimated time to collect the required information (burden). Any costs associated with the reporting requirement would be included in the Costs of Compliance section in the preamble of the AD. Therefore, the FAA did not change this AD as a result of this comment.

Request To Provide Additional Cost Information

The commenter requested that the FAA add to the AD docket the methodology and assumptions supporting the estimated cost of the proposed AD and reopen the comment period for public input on the additional cost information. The commenter stated that the FAA should also provide the fleet size, per airplane labor and parts cost, any assumed downtime or out-of-service impacts, and any assumption that the manufacturer would provide parts free of charge.

The FAA recognizes that, in doing the actions required by an AD, operators might incur indirect or incidental costs in addition to the direct costs. The cost analysis in an AD typically describes only the direct costs of the specific actions required by an AD, which does not include indirect or incidental costs such as downtime, loss of revenue, planning, or time necessitated by other administrative actions since those costs might vary significantly among operators. The number of work hours necessary to do the required actions of an AD is provided by the manufacturer. This number represents the time necessary to perform only the actions actually required by an AD. The cost of parts or special tools, if necessary, to complete the actions required by an AD is also provided by the manufacturer. Further, when the FAA is informed that the manufacturer may cover some or all of the estimated costs of an AD under warranty, the FAA indicates that in the AD.

In the Cost of Compliance section of the proposed AD, the FAA disclosed the estimated number of work hours and the number of airplanes affected on the U.S. registry. The FAA did not disclose an estimated parts cost in the proposed AD but noted the parts would be provided at no charge to all operators for a limited time. Since the FAA has assessed and disclosed the total known costs of the AD requirements in the Costs of Compliance section of the proposed AD, and the commenter did not provide additional cost data for the FAA to consider in its cost analysis, it is not necessary to reopen the comment period or provide additional information in the AD docket. The FAA did not change this AD as a result of this comment.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the

FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

Transport Canada AD CF–2024–37 specifies procedures for replacing the existing fuel transfer float valves and O-rings on the left and right wing with new fuel transfer float valves and O-rings and performing operational tests of the center-to-wing fuel transfer. Transport Canada AD CF–2024–37 also specifies that inserting a copy of Transport Canada AD CF–2024–37 into the ETOPS Configuration, Maintenance, and Procedures (CMP) or using ETOPS CMP issue 009.00 or later is an acceptable method of compliance.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 35 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 16 work-hours × $85 per hour = $1,360	Unknown *	Up to $1,360	Up to $47,600.

* The FAA has received no definitive data on which to base the cost estimate for the parts specified in this AD.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–04–04 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–23264; Docket No. FAA–2025–2545; Project Identifier MCAI–2024–00657–T.

(a) Effective Date

This airworthiness directive (AD) is effective April 8, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–2024–37, dated November 4, 2024 (Transport Canada AD CF–2024–37).

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD was prompted by reports of certain fuel transfer float valves failing in the closed position, preventing normal fuel transfer between the center and wing fuel tanks. The FAA is issuing this AD to address the simultaneous failure of both fuel transfer float valves in the closed position during an extended-range twin-engine operation performance standards (ETOPS) flight. The unsafe condition, if not addressed, during an ETOPS flight, could lead to a forced diversion or fuel starvation and engine shutdown before reaching a diversion airport.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2024–37.

(h) Exceptions to Transport Canada AD CF–2024–37

(1) Where Transport Canada AD CF–2024–37 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2024–37 refers to hours air time, this AD requires using flight hours.

(3) Where paragraph B. of Transport Canada AD CF–2024–37 specifies ''thereafter, operating that aeroplane accordingly,'' this AD does not require that action as that action is already required by existing FAA operating regulations (see 14 CFR 121.374(n)).

(4) Where the material referenced in Transport Canada AD CF–2024–37 specifies discarding parts, this AD requires removing those parts from service.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by Manager, AIR–520, Continued Operational Safety Branch, FAA; or Transport Canada; or Airbus Canada Limited Partnership's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the Designee's authorized signature.

(j) Additional Information

For more information about this AD, contact Joseph Catanzaro, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 516–228–7366; email: *joseph.catanzaro@faa.gov*.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Transport Canada AD CF–2024–37, dated November 4, 2024.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov*.

Issued on February 17, 2026.

Peter A. White,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2026–04278 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–1321; Project Identifier MCAI–2025–01769–E; Amendment 39–23261; AD 2026–04–02]

RIN 2120–AA64

Airworthiness Directives; BRP-Rotax GmbH & Co KG (Formerly BRP–POWERTRAIN GMBH & CO KG and Bombardier-Rotax GmbH) Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all BRP-Rotax GmbH & Co KG (Rotax) Model 915 iSc2 C24 and 915 iSc3 C24 engines. This AD was prompted by a report of a certain collar nut that was not installed on the propeller gearbox. This AD requires a visual inspection of the propeller gearbox to determine if a collar nut is installed on the propeller shaft and, if not installed, replacement of the propeller gearbox with a serviceable propeller gearbox. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 19, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 19, 2026.

The FAA must receive comments on this AD by April 20, 2026.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–1321; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Rotax material identified in this AD, contact Rotax, Rotaxstrasse 1, Gunskirchen, Austria; phone: +43 7246 601 0; website: *www.flyrotax.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–1321.

FOR FURTHER INFORMATION CONTACT: David Bergeron, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (860) 386–1805; email: *david.j.bergeron@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–1321; Project Identifier MCAI–2025–01769–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

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

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2025–0267–E, dated November 28, 2025 (EASA AD 2025–0267–E) (also referred to as the MCAI), to correct an unsafe condition on Rotax Model 915 iSc2 A, 915 iSc3 A, 915 iSc2 C24, 915 iSc3 C24, 916 iSc2 A, 916 iSc3 A, 916 iSc3 B, 916 iSc2 C24, and 916 iSc3 C24 engines. The MCAI states that an occurrence was reported of the M40 x 1.5 collar nut that had not been installed on the propeller gearbox of a recently manufactured engine, which could result in the propeller shaft being pulled out of the gearbox housing during operation. To address this potential unsafe condition, Rotax published service material to provide instructions for inspection of the propeller gearbox and corrective action if the M40 x 1.5 collar nut is not installed on the propeller gearbox. This condition, if not detected and corrected, could lead to an in-flight engine failure and loss of propeller retention, possibly resulting in loss of control of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–1321.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Rotax Alert Service Bulletin ASB–915 i-021R1/ASB–916 i-009R1, Revision 1, dated November 27, 2025 (published as a single document) (Rotax ASB–915 i-021R1/ASB–916 i-009R1), which specifies procedures for a visual inspection of the propeller gearbox to determine if a collar nut is installed on the propeller shaft and, if not installed, replacement of the propeller gearbox with a serviceable propeller gearbox.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in the material already described, except as discussed under ''Differences Between This AD, the MCAI, and the Referenced Material.''

Differences Between This AD, the MCAI, and the Referenced Material

Where EASA AD 2025–0267–E applies to Rotax Model 915 iSc2 A, 915 iSc3 A, 916 iSc2 A, 916 iSc3 A, 916 iSc3 B, 916 iSc2 C24, and 916 iSc3 C24 engines, all serial numbers, this AD does not, as these engine models do not have an FAA type certificate. Although none of these models are listed on the current FAA type certificate, certain Rotax Model 915i and 916i series engines are undergoing FAA validation towards FAA type certification.

Where Rotax ASB–915 i–021R1/ASB–916 i–009R1 specifies ''If contamination is found, contact your local ROTAX Authorized Distributors or their independent Service Centers,'' this AD requires, before further flight, accomplishing further action in accordance with a method approved by the Manager, International Validation Branch, FAA; EASA; or Rotax' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

Justification for Immediate Adoption and Determination of the Effective Date

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

The FAA justifies waiving notice and comment prior to adoption of this rule because no domestic operators are affected by this AD. It is unlikely that the FAA will receive any adverse comments or useful information about this AD from any U.S. operator.

Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b). In addition, for the foregoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act

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

Costs of Compliance

There are no costs of compliance with this AD because there are no engines with this type certificate on the U.S. Registry.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce.

This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–04–02 BRP–Rotax GmbH & Co KG (formerly BRP–POWERTRAIN GMBH & CO KG and Bombardier-Rotax GmbH): Amendment 39–23261; Docket No. FAA–2026–1321; Project Identifier MCAI–2025–01769–E.

(a) Effective Date

This airworthiness directive (AD) is effective March 19, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all BRP-Rotax GmbH & Co KG (formerly BRP–POWERTRAIN GMBH & CO KG and Bombardier-Rotax GmbH) (Rotax) Model 915 iSc2 C24 and 915 iSc3 C24 engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7210, Turbine Engine Reduction Gear.

(e) Unsafe Condition

This AD was prompted by a report of a certain collar nut that was not installed on the propeller gearbox. The FAA is issuing this AD to detect and correct a collar nut that was not installed on the propeller gearbox. The unsafe condition, if not addressed, could result in an in-flight engine failure and loss of propeller retention, possibly resulting in loss of control of the airplane.

(f) Compliance

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

(g) Definition

For the purpose of this AD:

(1) A ''serviceable gearbox'' is a propeller gearbox that meets one of the conditions in paragraphs (g)(1)(i) through (iv) of this AD.

(i) A propeller gearbox having Part Number 686790 that has passed the inspection required by paragraph (h)(1) of this AD.

(ii) A propeller gearbox manufactured after November 18, 2025.

(iii) A propeller gearbox that was overhauled after November 18, 2025.

(iv) A propeller gearbox having a serial number that is not listed in paragraph 4) Appendix, of Rotax Alert Service Bulletin ASB–915 i–021R1/ASB–916 i–009R1, Revision 1, dated November 27, 2025 (published as a single document) (Rotax ASB–915 i–021R1/ASB–916 i–009R1).

(2) An ''affected propeller gearbox'' is a propeller gearbox that is listed in paragraph 4) Appendix, of Rotax ASB–915 i–021R1/ASB–916 i–009R1.

(h) Required Actions

(1) Before further flight after the effective date of this AD and thereafter before further flight after installation of an affected propeller gearbox, do a visual inspection of the propeller gearbox for a collar nut installed on the propeller shaft in accordance with the Accomplishment/Instructions, paragraph 3.5.1) of Rotax ASB–915 i–021R1/ASB–916 i–009R1.

(2) If, during the inspection required by paragraph (h)(1) of this AD, any propeller gearbox is found without the collar nut installed on the propeller shaft, replace the propeller gearbox with a serviceable propeller gearbox and perform a test run in accordance with paragraphs (3.5.2) and (3.6) of Rotax ASB–915 i–021R1/ASB–916 i–009R1.

(i) Exception to the Referenced Material

Where Rotax ASB–915 i–021R1/ASB–916 i–009R1 specifies ''If contamination is found, contact your local ROTAX Authorized Distributors or their independent Service Centers,'' this AD requires, before further flight, accomplishing further action in accordance with a method approved by the Manager, International Validation Branch, FAA; European Union Aviation Safety Agency (EASA); or Rotax' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Additional Information

For more information about this AD, contact David Bergeron, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (860) 386–1805; email: *david.j.bergeron@faa.gov*.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) BRP-Rotax GmbH & Co KG Alert Service Bulletin ASB–915 i–021R1/ASB–916 i–009R1, Revision 1, dated November 27, 2025 (published as a single document).

(ii) [Reserved]

(3) For Rotax material identified in this AD, contact Rotax, Rotaxstrasse 1, Gunskirchen, Austria; phone: +43 7246 601 0; website: *www.flyrotax.com.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov*.

Issued on February 10, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–04280 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 145

[Docket ID: DOD–2025–OS–0441]

RIN 0790–AL88

Cooperation With the Office of Special Counsel of the Merit Systems Protection Board

AGENCY: Office of the General Counsel, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: This final rule removes this DoD regulation concerning cooperation with the Office of Special Counsel (OSC) in carrying out OSC's responsibilities to conduct investigations of alleged prohibited personnel practices and ensure the investigation of other allegations of improper or illegal conduct that OSC refers to DoD. This part does not reflect the current policy set forth in the DoD directive referenced in the **SUPPLEMENTARY INFORMATION** section, and is being removed rather than updated. The rule does not impose obligations on members of the public. Therefore, this part may be removed from the CFR.

DATES: This final rule is effective March 4, 2026.

FOR FURTHER INFORMATION CONTACT: William R. Sprance, 703–571–9457.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule removes this DoD regulation concerning cooperation with the OSC in carrying out OSC's responsibilities under Public Law 95–454 and 5 CFR parts 1201 and 1250 to conduct investigations of alleged prohibited personnel practices and ensure the investigation of other allegations of improper or illegal conduct that OSC refers to DoD. Part 145 does not reflect the current policy set forth in DoD Directive 5500.19, ''Cooperation with the United States Office of Special Counsel (OSC),'' May 4, 2004 (available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/550019p.pdf?ver=DfZFJBjmU3vWP8sAiq_dFQ%3d%3d*), and is being removed rather than updated.

II. Publication of This Final Rule for Public Comment Is Not Required by Statute

It has been determined that publication of this final rule in the CFR for public comment is impracticable, unnecessary, and contrary to public interest, because DoD is merely removing a provision no longer in effect. On May 9, 1986, part 145 was published as a final rule at 51 **Federal Register** 17178.

III. E.O. 12866, ''Regulatory Planning and Review,'' and E.O. 13563, ''Improving Regulation and Regulatory Review''

E.O.s 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 3(f) of E.O. 12866, dated September 30, 1993.

IV. E.O. 14192, Unleashing Prosperity Through Deregulation''

This rule is not subject to E.O. 14192, because this rule is not a significant regulatory action under E.O. 12866.

V. Congressional Review Act (5 U.S.C. 801 et seq.)

Pursuant to the Congressional Review Act, this rule has not been designated a major rule, as defined by 5 U.S.C. 804(2).

VI. Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. 601 et seq.)

It has been that certified this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

VII. Sec. 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. This rule will not mandate any requirements for state, local, or tribal governments, and will not affect private sector costs.

VIII. Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. 3501 et seq.)

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

IX. E.O. 13132, ''Federalism''

E.O. 13132 establishes certain requirements that an agency must meet when it promulgates a final rule that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has federalism implications. This rule will not have a substantial effect on State and local governments.

X. E.O. 13175, ''Consultation and Coordination With Indian Tribal Governments''

E.O. 13175 establishes certain requirements that an agency must meet when it promulgates a final rule that imposes substantial direct compliance costs on one or more Indian tribes, preempts tribal law, or effects the distribution of power and responsibilities between the Federal Government and Indian tribes. This rule will not have a substantial effect on Indian tribal governments.

List of Subjects in 32 CFR Part 145

Equal employment opportunity, Government employees, Investigations, Merit Systems Protection Board.

PART 145—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 145 is removed.

Dated: March 2, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–04315 Filed 3–3–26; 8:45 am]

BILLING CODE 6001–FR–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–OLEM–2025–1247; FRL–12905–02–OLEM]

Deletion From the National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of one site, Corozal Well, from the

Superfund National Priorities List (NPL). The NPL, created under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. The EPA and the Commonwealth of Puerto Rico, through the Puerto Rico Department of Natural and Environmental Resources (PRDNER), have determined that all appropriate response actions under CERCLA have been completed and no further response is appropriate. However, this deletion does not preclude future actions under Superfund.

DATES: The document is effective March 4, 2026.

ADDRESSES:

Docket: EPA has established a docket for this action under the Docket ID No. included in table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. All documents in the docket are listed on the *https://www.regulations.gov* website. The Final Close-Out Report (FCOR, for a full site deletion) or the Partial Deletion Justification (PDJ, for a partial site deletion) is the primary document which summarizes site information to support the deletion. It is typically written for a broad, non-technical audience and this document is included in the deletion docket for each of the sites in this rulemaking. Although listed in the index, some information is not publicly available, *i.e.,* 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 in hard copy form. Docket materials are available through *https://www.regulations.gov* or at the corresponding Regional Records Centers. Locations, addresses, and phone numbers-of the Regional Records Center follows.

- Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; telephone number: (212) 637–4308.
- EPA Headquarters Docket Center Reading Room (deletion dockets for all States), William Jefferson Clinton (WJC) West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004; telephone number: (202) 566–1744.

EPA staff listed below in the **FOR FURTHER INFORMATION CONTACT** section may assist the public in answering inquiries about deleted sites, accessing deletion support documentation, and determining whether there are additional physical deletion dockets available.

FOR FURTHER INFORMATION CONTACT:

- Grace Stern and Robert Keating, U.S. EPA Region 2 (NJ, NY, PR, VI), email address: *stern.grace@epa.gov,* telephone number: (212) 637–4341; email address: *keating.robert@epa.gov,* telephone number: (212) 637–4325.
- Ashley Miller, Matt Spencer, and Jennifer Edwards, U.S. EPA Headquarters, email address: *miller.ashley@epa.gov,* telephone number: (202) 566–1084; email address: *spencer.matthew@epa.gov,* telephone number: (202) 566–1851; email address: *edwards.jennifer@epa.gov,* telephone number: (202) 566–1051.

SUPPLEMENTARY INFORMATION: The NPL, created under section 105 of CERCLA, as amended, is an appendix of the NCP. The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. Partial deletion of sites is in accordance with 40 CFR 300.425(e) and are consistent with the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List, 60 FR 55466 (November 1, 1995). The sites to be deleted are listed in table 1, including docket information containing reference documents with the rationale and data principally relied upon by the EPA to determine that the Superfund response is complete. The NCP permits activities to occur at a deleted site, or that media or parcel of a partially deleted site, including operation and maintenance of the remedy, monitoring, and five-year reviews. These activities for the site are entered in table 1 in this **SUPPLEMENTARY INFORMATION** section, if applicable, under Footnote such that; 1= site has continued operation and maintenance of the remedy, 2= site receives continued monitoring, and 3= site five-year reviews are conducted. As described in 40 CFR 300.425(e)(3) of the NCP, a site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial action if future conditions warrant such actions.

TABLE 1

Site name	City/county, state	Type	Docket No.	Footnote
Corozal Well	Corozal, PR	Full	EPA–HQ–OLEM–2025–1247.	

1 = Site has continued operation and maintenance of the remedy.
2 = Site receives continued monitoring.
3 = Site five-year reviews are conducted.

Information concerning the site to be deleted from the NPL, and the proposed rule for the deletion of the site, are included in table 2.

TABLE 2

Site name	Date, proposed rule	FR citation	Public comment	Responsiveness summary	Full site deletion (full) or media/parcels/ description for partial deletion
Corozal Well	09/11/2025	90 FR 43988	Yes	Yes	Full.

For the site proposed for deletion, the closing date for comments in the proposed rule was October 14, 2025. The EPA received six submissions for the Corozal Well site, each with multiple comments. The EPA prepared a Responsiveness Summary to address public comment for the Corozal Well site full deletion. The EPA placed the

public submissions with comments and Responsiveness Summary for the Corozal Well site in the docket specified in table 1, on *https://www.regulations.gov,* and in the appropriate Regional Records Center listed in the **ADDRESSES** section.

Commenters for the Corozal Well site expressed concerns that the site proposed for deletion may still contain contamination. Groundwater sampling data and additional statistical analysis indicate that site contaminants of concern have all been below their remediation goals. In addition, maximum contaminant levels at all site wells are consistently decreasing or on stable trends. Accordingly, sampling establishes that the site does not contain contamination exceeding the maximum contaminant levels. All appropriate response actions under CERCLA have been completed. The remedy implemented at the site has achieved all remedial action objectives, the cleanup levels identified in the decision documents, and is consistent with agency policy and guidance. The EPA clarified it has determined that the implemented actions at the Corozal Well site are protective of human health and the environment. EPA has achieved cleanup levels and remedial action objectives for groundwater, and the remedy allows for unrestricted use of the groundwater. Groundwater sampling data and additional statistical analysis indicate that site contaminants of concern have all been below their remediation goals and maximum contaminant levels at all site wells with consistently decreasing or stable trends.

Other commenters expressed concern about groundwater contamination and potential source areas recontaminating the groundwater. EPA conducted source area investigations by first conducting a broad screening of soil gas around the site. The data collected in the remedial investigation did not indicate the presence of a contamination source in the soil that would continue to impact groundwater. The data quality program complied with throughout the remedial action was sufficiently rigorous to enable EPA and PRDNER to determine that remedial actions were completed as designed.

Commenters also expressed concern about the lack of water quality data for the Santana Well prior to 2010 and wanted to know who would be responsible for regulating the well into the future if the site is deleted. Agencies in Puerto Rico will be responsible for any continued monitoring and maintenance of the well. PRDNER regulates installation of wells and issues well franchises, and the Puerto Rico Department of Health (PRDOH) regulates the operation of a water system. The Santana Well System has been regulated by the PRDOH since 2007 before the site was included on the NPL to ensure that water distributed to the public met drinking water standards; that will continue to occur after the site is deleted from the NPL. Public comments were carefully considered in the EPA's final decision to delete the Corozal Well site from the NPL. The EPA is proceeding with the full deletion action as originally proposed. The EPA concluded the deletion criteria for the site were met. EPA's decision and supporting documentation is provided in the specified docket.

The EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Mark Barolo,

Office Director, Office of Superfund and Emergency Management.

For reasons set out in the preamble, the EPA amends 40 CFR part 300 as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.;* 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 2. In appendix B to part 300, table 1 is amended by removing the entry ''PR'', ''Corozal Well'', ''Corozal''.

[FR Doc. 2026–04320 Filed 3–3–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 40

Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Substance Abuse Professional and the Return-to-Duty Process

AGENCY: Office of the Secretary of Transportation (OST), U.S. Department of Transportation (DOT or Department).

ACTION: Notification: The Do's and Don'ts for the Substance Abuse Professional and the Return-to-Duty Process in the U.S. Department of Transportation Drug and Alcohol Testing Program.

SUMMARY: The Substance Abuse Professional (SAP) is the 'gatekeeper' for the Department of Transportation's return-to-duty process (RTD). As the 'gatekeeper', the SAP has a crucial role to play in recommending the level of treatment an employee may need in their path to returning to performing a safety-sensitive function after violating the DOT's drug and alcohol testing regulations. Given this critical role, the Department is publishing this notification in response to several SAP/RTD-related issues that the Department has recently become aware of, to remind DOT-qualified SAPs to follow all the RTD process procedures in the drug and alcohol testing regulation (49 CFR part 40) and to remind DOT-regulated employers of the SAP responsibilities and RTD process.

DATES: March 4, 2026.

FOR FURTHER INFORMATION CONTACT: Doug Simon, Director, Office of Drug and Alcohol Policy and Compliance 1200 New Jersey Ave. SE, Washington, DC 20590; telephone number 202–366–3784; *ODAPCwebmail@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Purpose

The Department's drug and alcohol testing program requires that employees who test positive, refuse a test, or violate other DOT Agency testing regulation provisions to immediately be removed from performing safety-sensitive functions [§ 40.23] and to successfully complete the RTD requirements, outlined in 49 CFR part 40 (Part 40), before the employee can again perform DOT-regulated safety-sensitive functions. SAPs play an important role as ''gatekeepers'' for DOT's RTD process. SAPs are responsible for several duties important to the evaluation, referral, and treatment

of employees in the RTD process. SAPs represent the major decision point (and in some cases, the only decision point) an employer may have in choosing whether or not to place an employee behind the steering wheel of a school bus, in the cockpit of a plane, at the helm of an oil tanker, at the throttle of a train, in the engineer compartment of a subway car, or at the emergency control valves of a natural gas pipeline. The SAP's responsibility to the public is enormous.

On several occasions, the Department issued reminders to SAPs on their roles and responsibilities in the drug and alcohol testing program. For example, on October 4, 2022, the Office of Drug and Alcohol Policy and Compliance (ODAPC) sent a list serve notice titled ''Reminder to Substance Abuse Professionals—Ensuring a Return-to-Duty Process Unique to Each Individual Employee.'' This list serve was in response to learning that some SAPs were telling employees how long their RTD process would take *before* conducting the required initial evaluation and SAP assessment of the employee. The list serve reminded the SAPs not to provide employees with estimated RTD timelines because each employee's situation was unique. It also reminded the SAPs of their Part 40 roles and responsibilities and that decisions they make and the actions they take regarding an employee who has violated the DOT drug or alcohol regulations have the potential to impact transportation safety.

On June 1, 2023, ODAPC issued updated Substance Abuse Professional Guidelines. This document addresses and provides guidance concerning the RTD process and the SAP's responsibilities in that process. Among other updates, it reiterated that assessments, evaluations, recommendations for education or treatment, and follow-up testing, had to be *unique to each employee.*

On August 2, 2023, ODAPC sent a list serve titled 'Back to Basics' directed at SAPs to 'Do it right the first time and every time'. The notice in part said, ''Your function is to protect the public interest in safety by professionally evaluating the employee and recommending appropriate education and/or treatment, follow-up tests, and aftercare. Your decisions and actions have the potential to impact transportation safety directly.'' The notice also highlighted several important points regarding SAP's role as the 'gatekeeper' of the RTD process.

'Back to Basics' was a series of short reminders for service agents (*e.g.,* Substance Abuse Professionals, specimen collectors, Medical Review Officers, etc.). The series emphasized 'Doing it right' because 'doing it right' is important for protecting the safety of the traveling public, protecting the integrity of the testing process, and making sure that the process is fair to employees. 'Back to Basics' pointed out the more common issues we heard about regarding the drug and alcohol testing process. It was not a checklist for service agents, but a reminder that their role is crucial to the drug and alcohol testing process. We wanted to remind service agents to ''Do it right the first time, and every time.''

Recently, the Department has become aware of other issues related to the SAP's roles and responsibilities. For example, employers were having a hard time getting the follow-up testing plans from SAPs; SAPs were referring employees solely to online programs as opposed to in-person programs as appropriate; SAPs were prescribing the minimum number of follow up tests in response to pressure from consortium/third-party administrators (C/TPA) to only prescribe the minimum number of follow up tests or risk being removed from the C/TPA's list of recommended SAPs; SAPs were administering follow up tests; SAPs not holding an appropriate credential to act as a DOT-qualified SAP; SAPs were performing the RTD process in a very short timeframe to get the employee back to work quicker; SAPs were going outside their credential's geographical limit to perform remote evaluations; and SAPs were performing remote evaluations without real time two-way audio and visual communication with the employee.

As previously stated, the SAP's responsibility to the public is enormous. When an employee tests positive for drugs, has an alcohol violation, or refuses to submit to testing, the employee has chosen to violate their responsibility to safety. Due to this threat to safety, they are immediately removed from performing safety-sensitive functions and cannot return to performing those functions until they have successfully completed the SAP/RTD process.

SAPs clinically evaluate employees, make treatment recommendations based on those evaluations, let the employer know when the employee has 'successfully' completed the RTD process, and provide a follow-up testing plan to the employer. The decisions SAPs make and the actions SAPs take regarding an employee who has violated the DOT drug or alcohol regulations have the potential to impact transportation safety. Based on this, employers decide whether to place the employee back in a safety-sensitive position. This is why the Department has emphasized the importance of the SAP/RTD process from the beginning and is now reminding SAPs to strictly adhere to Part 40. SAPs must not prioritize 'volume' of evaluations over the 'quality' of the evaluation. There is no room for error in this process by DOT-qualified SAPs, nor for non-qualified SAPs to act as DOT-qualified SAPs.

The following outlines the RTD process in DOT's drug and alcohol testing program, including the SAP's role; however, it is not a substitute for Part 40, and SAPs should refer to Part 40 and the SAP Guidelines as the authoritative documents. It addresses several questions participants have raised about the process and the SAP role and applies to participants in the programs of all DOT operating administrations involved: the Federal Aviation Administration (FAA), Federal Railroad Administration (FRA), Federal Motor Carrier Safety Administration (FMCSA), Federal Transit Administration (FTA), Pipeline and Hazardous Materials Safety Administration (PHMSA), and the United States Coast Guard (USCG).

General Role and Functions of a Substance Abuse Professional (SAP)

The following can be found in Part 40, which we reference: *https://www.transportation.gov/odapc/part40.*

- As a SAP, your function is to protect the public interest in safety by evaluating the employee and recommending appropriate education or treatment, follow-up tests, and aftercare [§ 40.291(b)].
- You are not an advocate for the employer or employee [§ 40.291(b)].
- To be a SAP, you need to have certain credentials, possess specific knowledge, receive training, and achieve a passing score on an examination. You must meet all the requirements before performing any SAP functions [§ 40.281(c)(3)]. You must also take 12 professional development hours (*e.g.,* CEUs) every three years, relevant to your performing SAP duties [§ 40.281(d)].
- SAPs should be current on the permissions and jurisdictional limitations of their qualifying credentials [§ 40.281(f)].
- If a State licensing authority or DOT-recognized credentialing organization decides that it is appropriate for one or more of their authorized practitioner categories that qualify a person to be a SAP to practice

across State lines, DOT will defer to that granting authority.

- SAPs must evaluate each employee within the parameters of the SAP's State-issued license or other credential [§ 40.291(a)].
- All assessments and evaluations must be done face-to-face (whether in-person or remote) [§ 40.291(a)(1)].
- The evaluation should be comprised of a review of the employee's psychosocial history, an in-depth review of the employee's drug and alcohol use history (with information regarding onset, duration, frequency, and amount of use; substance(s) of use and choice; emotional and physical characteristics of use; and associated health, work, family, personal, and interpersonal problems), and an evaluation of the employee's current mental status [§ 40.281(f)].
- The evaluation should provide a diagnosis, treatment recommendations, and a treatment plan that the employee must complete before becoming eligible for the required follow-up evaluation and subsequent return (if the employer desires) to safety-sensitive functions.
- You must conduct a comprehensive assessment and clinical evaluation unique to each employee [§ 40.293(e)].
- It is never appropriate to provide employees with an estimated RTD timeline before conducting an initial SAP evaluation and assessment.
- You must recommend a course of education or treatment unique to each employee.
- It is never appropriate to assign the same education or treatment to every employee.
- As a SAP, when determining what your recommendations will be, you must not take into consideration any of the following [§ 40.293(g)]:
  - Claims that the testing process was unjust or inaccurate;
  - Employee attempts to mitigate the seriousness of the violation (*e.g.,* hemp oil, ''medical marijuana'' use, ''contact positives'', poppy seed ingestion, job stress);
  - Personal opinions about the justification or rationale for the drug and alcohol testing.
- SAPs should not provide employees with an estimated RTD timeline because each employee's situation is different. SAPs should not 'fast-track' the RTD process with a promise to get the employee back to performing safety-sensitive functions as soon as possible. Again, each employee's situation is unique, and the RTD process will progress accordingly.
- You must NEVER give the employee a copy of their follow-up testing plan. You should also instruct the employer not to share the follow-up testing plan with the employee.
- SAPs may direct an employee to be tested for both alcohol and drugs for the RTD test and for the follow-up testing plan.
- FAA ONLY—SAPs must understand the FAA's requirements for RTD testing. The type of RTD test (drug or alcohol) must be in accordance with 14 CFR 120.109(e) and/or 120.217(e).
- FAA ONLY—When working with individuals who hold or are required to hold an airman medical certificate issued under 14 CFR part 67 to perform a safety-sensitive function for an employer, the SAP must follow 14 CFR 120.113(d)(2) or 120.221(c)(4) to ensure the individual has an airman medical certificate dated after their drug or alcohol violation before recommending to the employer that the individual may be returned to a safety-sensitive position.
- FMCSA ONLY—SAPs are required to report specific information to FMCSA's Clearinghouse. This reporting must comply with the requirements outlined in 49 CFR 382.705(d).
- FRA ONLY—SAPs performing the role of the 'Drug and Alcohol Counselor (DAC)' as outlined in FRA's crewmember certification rules (see §§ 240.115 and 240.111) for non-DOT testing violations, DUIs, and voluntary self-referrals must not apply Part 40 requirements. Any follow-up testing resulting from a DAC evaluation must be non-DOT. SAPs and employers must verify and re-verify together, the authority under which the violations or referrals occur. Using DOT authority for directly observed RTD and follow-up testing without a Part 40 violation is a serious breach of an employee's Constitutional right to reasonable search and seizure.

Confidentiality and Recordkeeping

- Part 40 authorizes SAPs to provide written reports (including the follow-up testing plan) directly to the employer or the gaining employer when requested. Ensure the SAP report includes all required elements [§ 40.311].
- When requested by the employee, you must provide the SAP reports, from which you must redact the follow-up testing requirements [§ 40.329(c)].
- You may communicate with the MRO or the education or treatment program personnel [§ 40.293(h) & § 40.301(b)(1)].
- Maintain copies of the employee's reports for five years (from the date of the 2nd report) [§ 40.311(g)]. All records should be maintained in limited-access areas that permit no unauthorized entry.
- Nothing in Part 40 limits the number of times a SAP can provide the follow-up testing plan to a potential or gaining employer.

Enforcement

- Examples of the kinds of serious noncompliance that the Department views as appropriate grounds for starting a Public Interest Exclusion (PIE) proceeding (not an exclusive list) [§ 40.365]:
  - Providing SAP services while not meeting the SAP qualifications required in § 40.281 or performing evaluations without interviews meeting the requirements of § 40.291(a)(1);
  - Any service agent falsely representing that the service agent, or its activities, are approved or certified by the Department or a DOT agency (such presentation includes, but is not limited to, the use of a Department or DOT agency logo, title, or emblem);
  - Any service agent maintaining a relationship with another party that constitutes a conflict of interest under Part 40.

Issued in Washington, DC.

Douglas Simon,

Director, Office of Drug and Alcohol Policy Compliance.

[FR Doc. 2026–04337 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 250312–0037; RTID 0648–XF517]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2026 total allowable catch (TAC) of Pacific cod allocated to vessels using pot gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 2, 2026, through 1200 hours, A.l.t., September 1, 2026.

FOR FURTHER INFORMATION CONTACT: Abby Jahn, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2026 Pacific cod TAC apportioned to vessels using pot gear in the Central Regulatory Area of the GOA is 3,688 metric tons (mt) as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025) and inseason adjustment (91 FR 5858, February 10, 2026).

In accordance with § 679.20(d)(1)(i), the Regional Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2026 Pacific cod TAC apportioned to vessels using pot gear in the Central Regulatory Area of the GOA has or will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 3,688 mt and is setting aside the remaining 0 mt as incidental catch because it is not necessary to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be or has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA to prevent exceeding this sector's A season allowance of Pacific cod TAC.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data on Pacific cod catch in a timely fashion and would delay the closure of directed fishing for Pacific cod by vessels using pot gear in the A season in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on Pacific cod catch only became available as of February 27, 2026.

There is good cause under 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after date of publication. This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 2, 2026.

David R. Blankinship,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–04311 Filed 3–2–26; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 91, No. 42
Wednesday, March 4, 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 39

[Docket No. FAA–2026–2289; Project Identifier MCAI–2025–01592–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–2A12 airplanes. This proposed AD was prompted by reports of low clearance in the right wing between the fuel line flexible coupling and the harness support bracket clip-nut, between the fuel line flexible coupling and hydraulic system, and between the hydraulic system and fuel vent tube. This proposed AD would require rectifying the low clearance condition between the fuel line flexible coupling and the harness support bracket clip-nut, rectifying the low clearance condition between the fuel line flexible coupling and the hydraulic system, and doing an inspection for adequate clearance between the hydraulic system and the fuel vent tube and applicable on-conditions actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 20, 2026.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2289; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.* It is also available at *regulations.gov* under Docket No. FAA–2026–2289.

You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–2289; Project Identifier MCAI–2025–01592–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2025–49, dated October 1, 2025 (Transport Canada AD CF–2025–49) (also referred to as the MCAI), to correct an unsafe condition for certain Bombardier, Inc., Model BD–700–2A12 airplanes. The MCAI states there have been reports of low clearance in the right wing between the fuel line flexible coupling and the harness support bracket clip-nut located in bay 3, between the fuel line flexible coupling and hydraulic system 3 line located in bay 18, and between the hydraulic system 3 lines and fuel vent tube located in bay 20. These low clearance conditions, if not addressed,

may result in an ignition source developing in the fuel tank in the event of a lightning strike.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–2289.

Material Incorporated by Reference Under 1 CFR Part 51

Transport Canada AD CF–2025–49 specifies procedures for rectifying the low clearance condition between the fuel line flexible coupling and the harness support bracket clip-nut located in bay 3 of the right wing by replacing the clip-nut on the harness bracket in the right-hand wing between rib 3 and rib 4, rectifying the low clearance condition between the fuel line flexible coupling and the hydraulic system 3 line located in bay 18 of the right wing by replacing fuel tube assemblies in the right-hand wing between rib 17 and rib 20, doing an inspection for adequate clearance between the hydraulic system 3 lines and the fuel vent tube located in bay 20 of the right wing, and applicable on-conditions actions. On-condition actions include rectifying any low clearance condition found (*i.e.,* replace the hydraulic system support brackets in the right-hand wing between rib 19 and rib 21). This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in Transport Canada AD CF–2025–49 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2025–49 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2025–49 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2025–49 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–2289 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 60 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
9 work-hours × $85 per hour = $765	$1,928	$2,693	$161,580

* Includes the replacement of the clip-nut, the replacement of the fuel tube assemblies, and the inspection for adequate clearance between the hydraulic system 3 lines and the fuel vent tube.

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Labor cost	Parts cost	Cost per product
14 work-hours × $85 per hour = $1,190	$4,582	$5,772

* Replacement of the hydraulic system support brackets.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism

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

For the reasons discussed above, I certify this proposed regulation:

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

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2026–2289; Project Identifier MCAI–2025–01592–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 20, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–2A12 airplanes, certificated in any category, as identified in Transport Canada AD CF–2025–49, dated October 1, 2025 (Transport Canada AD CF–2025–49).

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of low clearance in the right wing between the fuel line flexible coupling and the harness support bracket clip-nut located in bay 3, between the fuel line flexible coupling and hydraulic system 3 line located in bay 18, and between the hydraulic system 3 lines and fuel vent tube located in bay 20. The FAA is issuing this AD to address low clearance conditions. The unsafe condition, if not addressed, could result in an ignition source developing in the fuel tank in the event of a lightning strike.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2025–49.

(h) Exception to Transport Canada AD CF–2025–49

(1) Where Transport Canada AD CF–2025–49 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2025–49 refers to hours air time, this AD requires using flight hours.

(i) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2025–49 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(k) Additional Information

For more information about this AD, contact Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@faa.gov*.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Transport Canada AD CF–2025–49, dated October 1, 2025.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca*. You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation*.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov*.

Issued on February 27, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–04239 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2026–C–2014]

Ecoflora Cares; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Ecoflora Cares, c/o Exponent, Inc., proposing that we amend our color additive regulations to provide for the safe use of jagua (genipin-glycine) blue as a color additive in pet foods at levels consistent with good manufacturing practice.

DATES: The color additive petition was filed on February 24, 2026.

ADDRESSES: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and insert the docket number found in brackets in the heading of this document into the

''Search'' box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Shayla West-Barnette, Office of Food Chemical Safety, Dietary Supplements, and Innovation, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1262; or Meadow Platt, Office of Policy and International Engagement, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

SUPPLEMENTARY INFORMATION: Under section 721(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(d)(1)), we are giving notice that we have filed a color additive petition (CAP 6C0341), submitted by Ecoflora Cares, c/o Exponent, Inc., 1150 Connecticut Avenue NW, Suite 1100, Washington, DC 20036. The petition proposes that we amend our color additive regulations in § 73.225 (21 CFR 73.225) (*Listing of Color Additives Exempt from Certification*) to provide for the safe use of jagua (genipin-glycine) blue as a color additive in pet foods at levels consistent with good manufacturing practice.

The petitioner claims that this action is categorically excluded under 21 CFR 25.32(k) because the substance is intended to remain in food through ingestion by pet consumers and is not intended to replace macronutrients in food. In addition, the petitioner states that, to their knowledge, no extraordinary circumstances exist. If FDA determines a categorical exclusion applies, neither an environmental assessment nor an environmental impact statement is required. If FDA determines a categorical exclusion does not apply, we will request an environmental assessment and make it available for public inspection.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–04288 Filed 3–3–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2026–F–2048]

Kemin Industries, Inc.; Filing of Food Additive Petition (Animal Use)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a food additive petition, submitted by Kemin Industries, Inc., proposing that we amend our food additive regulations to provide for the safe use of chromium propionate as a source of chromium in food for layer and breeding chickens.

DATES: The food additive petition was filed on February 7, 2026. Either electronic or written comments on the petitioner's environmental assessment must be submitted by April 3, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 3, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2026–F–2048 for ''Kemin Industries, Inc.; Filing of Food Additive Petition (Animal Use).'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number found in brackets in the heading of this document into the ''Search'' box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lauren LaPlace, Center for Veterinary Medicine, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 301–348–1819, *Lauren.LaPlace@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(b)(5)), we are giving notice that we have filed a food additive petition (FAP 2325), submitted by Kemin Industries, Inc, 1900 Scott Avenue, Des Moines, IA 50317. The petition proposes to amend in 21 CFR part 573—Food Additives Permitted in Feed and Drinking Water of Animals, to provide for the safe use of chromium propionate to be used as a source of chromium in food for layer and breeding chickens.

We are reviewing the potential environmental impact of this petition. To encourage public participation consistent with regulations issued under the National Environmental Policy Act (40 CFR 1501.4(b)), we are placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Staff (see **DATES** and **ADDRESSES**) for public review and comment.

We will also place on public display, at the Dockets Management Staff and at *https://www.regulations.gov,* any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on our review, we find that an environmental impact statement is not required, and this petition results in a regulation, we will publish the notice of availability of our finding of no significant impact and the evidence supporting that finding with the regulation in the **Federal Register** in accordance with 21 CFR 25.51(b).

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–04284 Filed 3–3–26; 8:45 am]

BILLING CODE 4164–01–P

POSTAL REGULATORY COMMISSION

39 CFR Chapter III

[Docket No. RM2026–3; Order No. 9467]

RIN 3211–AA41

Rules of Organization, Practice, and Procedure

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Notice of Proposed Rulemaking amends certain Commission rules for agency organization, as well as rules of practice and procedure. These amendments are intended to improve transparency of current Commission structure and organizational functions. These amendments also promote efficiency for several internal Commission processes. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 3, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives. The Rule Summary can be found on the Commission's Rule Summary Page at *https://www.prc.gov/rule-summary-page.*

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Background
II. Basis of Proposed Rules
III. Proposed Rules

I. Background

In accordance with 5 U.S.C. 552,[1] Commission regulations describe, among other things, the agency's central organization, as well as ''the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.'' *See* 39 CFR part 3000; *see also* 5 U.S.C. 552(a)(1)(A) and (B). Thus, revisions to agency regulations are necessary when an agency's structure or its organizational functions are modified internally or when other statutory changes are enacted that require revisions to agency regulations.

In addition, the Commission seeks to end its codification of both the Market Dominant and Competitive product lists. These product lists currently appear at 39 CFR part 3040, Appendix A and B to subpart A. However, Postal Accountability and Enhancement Act (PAEA),[2] does not require the codification of the product lists in the CFR, it only requires publication of the product lists in the **Federal Register** when the Commission revises those lists. The Commission also proposes revisions to the product list regulations that better reflect the Commission's process related to these updates.

II. Basis of Proposed Rules

A. Amendments Related to Organization Structure and Functions

The proposed rules reflect the creation of the new Office of Budget and Finance (OBF), which was created to better align with federal agency best practices in organizing finance budget operations, including having a more appropriate separation of agency functions. In addition, to better reflect that certain filings are directed by and performed on behalf of the Commission or the Chairman, the Commission proposes to replace ''the Secretary'' with ''the Commission'' or ''the Chairman'' in discrete proposed rule amendments.

Moreover, consistent with statutory updates, the proposal revises Commission regulations regarding the Office of Inspector General (OIG). The PSRA eliminated the requirement of a separate Commission OIG and effectively merged the legacy Commission OIG with the Postal Service OIG.[3] Accordingly, these proposed regulatory changes conform Commission rules to the updated statutory framework.

B. Amendments Related to Internal Commission Processes

The PRA required the establishment of an MCS.[4] In Docket No. RM85–1, the Commission codified the MCS in 39 CFR part 3001, Appendix A to Subpart C to make the MCS more readily available to interested persons.[5] However, no provision of the PRA required codification of the MCS as part of the CFR. It was an effort by the

[1] Section 552 of the United States Code requires agencies to, among other things, ''separately state and currently publish in the **Federal Register** for the guidance of the public'' information such as the ''descriptions of its central [ ] organization,'' as well as ''statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.'' *See* 5 U.S.C. 552(a)(1)(A) and (a)(1)(B).

[2] Public Law 109–435, 120 Stat. 3198, 3207 (2006) (codifying, among other things, 39 U.S.C. 3633(a)(3)).

[3] *See generally* PSRA, section 209(a)(1) and 209(a)(2)(A); *see also* 5 U.S.C. app. 3, § 8G.

[4] Postal Reorganization Act, Public Law 91–375, 84 Stat. 719, 761 (1970), section 3623.

[5] *See generally* Docket No. RM85–1, Notice, May 20, 1985 (Docket No. RM85–1 Notice); Docket No. RM85–1, Order Adopting Final Rule, June 28, 1985 (Order No. 614) (''The Commission has decided to make the Domestic Mail Classification Schedule (DMCS) more readily available to interested persons by publishing it as Appendix A to Subpart C of Part 3001 of the Commission's rules of practice and procedure.'' *Id.* at 1.

Commission to make the MCS accessible at a time when information was not readily available on a Commission website or the internet in general. Later, the PAEA bifurcated all Postal Service products into separate categories labeled Market Dominant and Competitive, originally listed at 39 U.S.C. 3621 and 3631, respectively. The PAEA required the development of the product lists and **Federal Register** publication whenever the Commission changes either product list. *See* 39 U.S.C. 3642. The PAEA also does not require the codification of the product lists in the CFR. The only restrictions imposed are that the Notice of Product List Update must be published in the **Federal Register**, which must include: (1) the revised product list(s), and (2) how and when the previous list is superseded. *See* 39 U.S.C. 3642(d)(2).

However, currently, each notice includes three items: (1) the revised product list(s), which include amendatory language necessary to update the CFR, (2) an indication of how and when the previous list is superseded, and (3) lists of every product addition and/or removal.[6] Thus, each Commission notice is an unnecessary action that contains information not required by statute and costly to the Commission. First, the codification of each product list as an appendix to 39 CFR part 3040, subpart A is not required by statute. This agency-imposed regulation, stemming from the PRA-era, when access to information related to Postal Service offerings was sparse and unclear. Now, the Commission maintains an MCS on its website, which includes each product list and is easily accessible. Thus, codification of the product lists is unnecessary. Second, including a separate list of product additions and removals in each publication is duplicative, making publications longer, and thus more costly to the Commission. In recent years, Postal Service product changes have increased significantly, and burdensome publication costs and challenging resource burdens have only continued to impede product list updates.[7] To reduce these burdens that the excessive information generates, the Commission proposes to modify its Notice of Product List Update publication to include information that strictly adheres to the requirements of 39 U.S.C. 3642(d)(2).

Additionally, the Administrative Procedure Act, Public Law 79–404, 60 Stat. 237 (1946) (APA), requires certain agency documents be published in the **Federal Register**. 5 U.S.C. 553 and 554. Generally, documents submitted to the **Federal Register** must include information used to develop the action, detail agency choices and reasoning, cite to important data, identify the applicable legal authority and, in the case of rulemakings, include affected regulatory text.[8]

For many years, a Commission's **Federal Register** submission and the Commission document prompting the **Federal Register** submission would match verbatim. However, Commission rulemaking proceedings can involve dense records and analysis, oftentimes containing in-depth discussion of all issues presented, even issues that may be outside the scope of that particular proceeding. Thus, Commission Orders often have information above and beyond the information required by the **Federal Register**.

Therefore, the Commission is updating applicable regulations that clarify documents sent to the **Federal Register** may be summarized at the Commission's discretion, in compliance with all **Federal Register** requirements.

III. Proposed Rules

List of Subjects

39 CFR Part 3000

Organization and functions, Seals and insignia.

39 CFR Part 3010

Administrative practice and procedure, Confidential business information, Freedom of information, Sunshine Act.

39 CFR Part 3013

Administrative practice and procedure, Confidential business information, Postal Service, Reporting and recordkeeping requirements.

39 CFR Part 3020

Administrative practice and procedure, Postal Service.

39 CFR Part 3030

Administrative practice and procedure, Fees, Postal Service.

39 CFR Part 3040

Administrative practice and procedure, Foreign relations, Postal Service.

39 CFR Parts 3041 and 3050

Administrative practice and procedure, Postal Service, Reporting and recordkeeping requirements.

39 CFR Part 3045

Administrative practice and procedure, Postal Service.

For the reasons stated in the preamble, the Commission proposes to amend 39 CFR chapter III as set forth below:

PART 3000—THE COMMISSION AND ITS OFFICES

■ 1. The authority citation for part 3000 is revised to read as follows:

Authority: 39 U.S.C. 503; 5 U.S.C. 552; 5 U.S.C. app. 3, 5, 8G.

■ 2. Amend § 3000.111 by revising paragraphs (b) and (e) to read as follows:

§ 3000.111 The Office of Secretary and Administration.

* * * * *

(b) The Office of Secretary and Administration is responsible for the Commission's strategic planning and serves as the point of contact for all Commission audits.

* * * * *

(e) The Office of Secretary and Administration is responsible for managing the Commission's operational and administrative functions, including the Commission's facilities and infrastructure. In this role, the Office of Secretary and Administration manages facility security; provides information technology, cybersecurity, and other support services essential to the efficient and effective conduct of operations.

■ 3. Add § 3000.116 to read as follows:

§ 3000.116 The Inspector General of the Postal Service.

(a) The Inspector General of the Postal Service shall function as the Inspector General for the Commission and shall have equal responsibility over the Postal Service and the Commission in accordance with 5 U.S.C. app. 3, 8G and 39 CFR Chapter I, subpart D of this title.

(b) The Governors and the members of the Commission shall appoint, by a favorable vote of a majority of the Governors in office and of a majority of the members of the Commission in

[6] *See, e.g.,* Docket No. RM2020–8, Notice of Update to Product Lists, February 9, 2024.

[7] Between FY 2023 and FY 2024, the number of approved NSAs increased from 280 to 706, and in FY 2025, the Commission approved 1,719 NSAs. *See* Negotiated Service Agreement Dashboard, available at: *https://app.powerbigov.us/view?r=eyJrIjoiOGViZjJkOTAtMDE0Zi00M2Y0LTkxMzUtZDMwY2QzZGZmMDBhIiwidCI6IjljZDM1YmZmLTExNGItNDIwMS1iYTNhLWZkYjJlMDM3MzVjOSJ9*. In addition, the Postal Service has begun issuing notices of NSA terminations in bulk. *See* USPS Notice of Termination of 341 Negotiated Service Agreements, December 9, 2025. These occurrences illustrate large impacts on the product lists and time-consuming revisions that they ultimately require.

[8] *See generally https://www.federalregister.gov/; see also https://uploads.federalregister.gov/uploads/2013/09/The-Rulemaking-Process.pdf.*

office, the Inspector General. The Inspector General may be removed for cause with the written concurrence of at least 7 Governors and 3 members of the Commission.

(c) The Office of Inspector General shall comply with and adhere to the procedures governing the release of information maintained by the Commission as set forth in Part 3006 and related provisions of these regulations to the extent such procedures do not conflict with any provision in this part.

(d) Commission records in the custody of the Office of Inspector General that contain proprietary information will not be released by the Inspector General without consultation with the appropriate Commission official responsible for the record.

(e) All Commission employees shall cooperate with all audits, reviews, and investigations conducted by the Office of Inspector General. Deliberately submitting information known to be false or misleading to the Office of Inspector General or failing to cooperate with all audits, reviews, and investigations conducted by the Office of Inspector General may be grounds for disciplinary or other legal action.

(f) Any employee who has authority to take, direct another to take, recommend or approve any personnel action shall not retaliate against any employee as a reprisal for cooperating and assisting with any Office of Inspector General audit, review, or investigation (including reporting facts or information to the Office of Inspector General that leads to any audit, review, or investigation).

■ 4. Add § 3000.117 to read as follows:

§ 3000.117 The Office of Budget and Finance.

(a) The Office of Budget and Finance is responsible for ensuring the strategic and operational planning, establishment, execution, monitoring, analysis and presentation of the Commission's budget.

(b) The Office of Budget and Finance manages budget planning. In this role, the Office of Budget and Finance determines future funding needs based on the Commission's strategic and operational plans, within fiscal constraints.

(c) The Office of Budget and Finance is responsible for budget establishment and execution, which involves the distribution and management of funds to accomplish the Commission's mission. In this role, the Office of Budget and Finance develops and enforces fiscal policies and guidelines in accordance with applicable regulations and laws for Commission fiscal operations. The Office of Budget and Finance ensures recognition of Commission approved requirements and executes according to established policies, guidelines, and financial targets.

(d) The Office of Budget and Finance manages accounting and performs financial management activities. In this role, the Office of Budget and Finance ensures accuracy, compliance, and timely payments, including those related to the payroll. This role includes personnel compensation management and monitoring, oversight and execution of funding requests, invoice and reimbursement processing, travel processing and management, expenditure tracking and reconciliation, and contract execution and management.

(e) The Office of Budget and Finance is responsible for the monitoring and presentation of budget data. In this role, the Office of Budget and Finance tracks, monitors, performs analysis on, and reports on the usage of fiscal resources that support the Commission's mission. This role also includes ensuring alignment of budget data with the Commission's strategic and operational goals and objectives as well as the intent of the Commission Chairman and Commissioners.

PART 3010—RULES OF PRACTICE AND PROCEDURE

■ 5. The authority citation for part 3010 continues to read as follows:

Authority: 39 U.S.C. 404(d); 503; 504; 3661.

■ 6. Amend § 3010.102 by revising paragraph (e) to read as follows:

§ 3010.102 Commission dockets.

* * * * *

(e) The Secretary's assignment of a docket designation does not, by itself, establish a docket or initiate a proceeding. A docket is formally established and proceedings initiated only by the issuance of a Commission notice or order except for certain negotiated service agreements for which the authority to establish a docket and initiate a proceeding by issuance of a notice has been delegated to the Office of the General Counsel.

* * * * *

■ 7. Amend § 3010.106 by revising paragraph (b) to read as follows:

§ 3010.106 Presiding officers.

* * * * *

(b) *Notice of designation.* The Chairman shall issue a notice of any decision to designate a presiding officer. The notice shall identify the presiding officer and the date of appointment. Any expansion or limitation on the presiding officer's authority, or specific direction to a presiding officer (such as specific direction to issue an intermediate decision for the Commission's consideration) not specified in this section shall be included in the notice.

* * * * *

■ 8. Amend § 3010.142 by revising paragraph (c) to read as follows:

§ 3010.142 Parties to hearings on the record.

* * * * *

(c) *Form and time of filing.* Notices of intervention shall be filed no later than the date fixed for such filing by the Commission, unless for good cause shown, the Commission authorizes a late filing. Without a showing for good cause, late intervenors shall be subject to and may not challenge decisions by the Commission or presiding officer made prior to acceptance of the request for late intervention.

* * * * *

■ 9. Amend § 3010.152 by revising paragraph (a) to read as follows:

§ 3010.152 Notices initiating dockets for consideration of negotiated service agreements.

(a) The Office of the General Counsel shall issue a notice to initiate a docket for each request that proposes the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list. Multiple requests may be combined into a single notice.

* * * * *

PART 3013—PROCEDURES FOR COMPELLING PRODUCTION OF INFORMATION BY THE POSTAL SERVICE

■ 10. The authority citation for part 3013 continues to read as follows:

Authority: 39 U.S.C. 503; 504; 3651(c); 3652(d).

■ 11. Amend § 3013.13 by revising paragraph (b)(1) to read as follows:

§ 3013.13 Subpoenas issued in response to a third-party request.

* * * * *

(b) * * *

(1) A request for the issuance of a subpoena shall be made by motion as provided by § 3010.160 of this chapter. A copy of the request shall be served upon the Postal Service as provided by

§ 3010.127 of this chapter and by forwarding a copy to the General Counsel of the Postal Service, or such other person authorized to receive process by personal service, by Express Mail or Priority Mail, or by First-Class Mail, Return Receipt requested. The Postal Service shall transmit a copy of the request to any covered person that it deems likely to be affected by the request and shall provide the person requesting the subpoena with the name, business address and business phone number of the persons to whom the request has been transmitted. Proof of service of the request shall be filed with the Secretary by the person requesting the subpoena. The Commission shall issue a notice of the filing of proof of service and the deadline for filing answers to the request.

* * * * *

PART 3020—RULES APPLICABLE TO POSTAL SERVICE REQUESTS FOR CHANGES IN THE NATURE OF POSTAL SERVICES

■ 12. The authority citation for part 3020 continues to read as follows:

Authority: 39 U.S.C. 404(d); 503; 504; 3661.

■ 13. Revise § 3020.112 to read as follows:

§ 3020.112 Filing of formal requests.

Whenever the Postal Service determines to request that the Commission issue an advisory opinion on a proposed change in the nature of postal services subject to this subpart, the Postal Service shall file with the Commission a formal request for such an opinion in accordance with the requirements of subpart B to part 3010 of this chapter and § 3020.113. The request shall be filed not less than 90 days before the proposed effective date of the change in the nature of postal services involved. Within five days after the Postal Service has filed a formal request for an advisory opinion in accordance with this section, the Commission shall lodge a notice thereof for publication in the **Federal Register**.

PART 3030—REGULATION OF RATES FOR MARKET DOMINANT PRODUCTS

■ 14. The authority citation for part 3030 continues to read as follows:

Authority: 39 U.S.C. 503; 3622.

■ 15. Amend § 3030.263 by revising paragraph (a) and adding paragraph (h) to read as follows:

§ 3030.263 Dockets and notice.

(a) The Commission will establish a docket for each request to adjust rates due to extraordinary or exceptional circumstances and post the filing on its website at *http://www.prc.gov.* The notice shall include the items specified in paragraphs (b) through (g) of this section.

* * * * *

(h) The notice, or an abstract thereof, shall be published in the **Federal Register**.

PART 3040—REGULATION OF RATES FOR MARKET DOMINANT PRODUCTS

■ 16. The authority citation for part 3030 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

§ 3040.101 Applicability.

■ 17. Revise § 3040.101 to read as follows:

(a) The rules in this part require the Commission to establish and maintain a Mail Classification Schedule.

(b) The Mail Classification Schedule shall provide lists of Postal Service products, as well as current price and classification information applicable to the products appearing on the market dominant and competitive product lists.

(c) Once established the Mail Classification Schedule and the product lists may be modified subject to the procedures specified in this part.

(d) Modification of the competitive product list to add a competitive negotiated service agreement is not governed by this part but is governed by part 3041 of this chapter. The rules in part 3041 of this chapter regarding removal of a negotiated service agreement from the competitive product list supersede any conflicting rules in this part.

■ 18. Revise § 3040.102 to read as follows:

§ 3040.102 Product lists.

(a) The Commission shall maintain the product lists as part of the Mail Classification Schedule on its website at *http://www.prc.gov.* Copies of the Mail Classification Schedule, including each product list, shall be made available, upon request, during regular business hours for reference and public inspection at the Postal Regulatory Commission located at 901 New York Avenue NW, Suite 200, Washington, DC 20268–0001.

(b) The product lists shall categorize postal products as either market dominant or competitive. As established, the market dominant and competitive product lists shall be consistent with the market dominant products identified in 39 U.S.C. 3621(a) and the competitive products identified in 39 U.S.C. 3631(a). The market dominant and competitive product lists shall also include products identified as market tests pursuant to 39 U.S.C. 3641 and nonpostal pursuant to 39 U.S.C. 404(e).

■ 19. Revise § 3040.103 to read as follows:

§ 3040.103 Notice of product list change.

(a) Whenever the Commission issues a final order that modifies the list of products in the market dominant category or the competitive category, it shall revise the lists of products maintained as part of the Mail Classification Schedule within 6 months of the issue date of the applicable final order that affects the change.

(b) Notice of the revised lists of products shall be submitted to the **Federal Register** for publication within 6 months of the issue date of the applicable final order that affects the change.

(c) Modifications pending publication in the **Federal Register** are effective immediately upon written direction from the Commission.

(d) The **Federal Register** document shall:

(1) Include the revised lists of products; and

(2) Indicate how and when any previous product lists are superseded.

■ 20. Amend § 3040.104, by revising paragraphs (a), (b)(2)(i) and (b)(3)(i) to read as follows:

§ 3040.104 Mail Classification Schedule.

(a) The Commission shall publish a Mail Classification Schedule (including both current and previous versions) on its website at *http://www.prc.gov.* Copies of the Mail Classification Schedule also shall be available, upon request, during regular business hours for reference and public inspection at the Postal Regulatory Commission located at 901 New York Avenue NW, Suite 200, Washington, DC 20268–0001.

(b) * * *

(2) * * *

(i) The market dominant product list; and

* * * * *

(3) * * *

(i) The competitive product list; and

* * * * *

■ 21. Amend § 3040.105, by revising paragraph (b) to read as follows:

§ 3040.105 Modification to the Mail Classification Schedule.

* * * * *

(b) Modifications to the Mail Classification Schedule shall be incorporated within 6 months of the issue date of the final order.

* * * * *

Appendix A to Subpart A of Part 3040—Market Dominant Product List [Removed]

■ 22. Remove Appendix A to Subpart A of Part 3040.

Appendix B to Subpart A of Part 3040—Competitive Product List [Removed]

■ 23. Remove Appendix B to Subpart A of Part 3040.

■ 24. Revise § 3040.133 to read as follows:

§ 3040.133 Docket and notice.

(a) The Commission will establish a docket for each request to modify the market dominant list or the competitive product list and post the filing on its website at *http://www.prc.gov.* The notice shall include:

(1) The general nature of the proceeding;

(2) A reference to legal authority to which the proceeding is to be conducted;

(3) A concise description of the proposals for changes in the Mail Classification Schedule;

(4) The identification of an officer of the Commission to represent the interests of the general public in the docket;

(5) A specified period for public comment; and

(6) Such other information as the Commission deems appropriate.

(b) The notice, or an abstract thereof, shall be published in the **Federal Register**.

■ 25. Revise § 3040.153 to read as follows:

§ 3040.153 Docket and notice.

(a) The Commission will establish a docket for each request to modify the market dominant list or the competitive product list and post the filing on its website at *http://www.prc.gov.* The notice shall include:

(1) The general nature of the proceeding;

(2) A reference to legal authority to which the proceeding is to be conducted;

(3) A concise description of the proposals for changes in the Mail Classification Schedule;

(4) The identification of an officer of the Commission to represent the interests of the general public in the docket;

(5) A specified period for public comment; and

(6) Such other information as the Commission deems appropriate.

(b) The notice, or an abstract thereof, shall be published in the **Federal Register**.

■ 26. Revise § 3040.173 to read as follows:

§ 3040.173 Docket and notice.

(a) The Commission will establish a docket for each request to modify the market dominant list or the competitive product list and post the filing on its website at *http://www.prc.gov.* The notice shall include:

(1) The general nature of the proceeding;

(2) A reference to legal authority to which the proceeding is to be conducted;

(3) A concise description of the proposals for changes in the Mail Classification Schedule;

(4) The identification of an officer of the Commission to represent the interests of the general public in the docket;

(5) A specified period for public comment; and

(6) Such other information as the Commission deems appropriate.

(b) The notice, or an abstract thereof, shall be published in the **Federal Register**.

■ 27. Amend § 3040.182 by revising paragraph (a) and adding paragraph (f) to read as follows:

§ 3040.182 Docket and notice of material changes to product descriptions.

(a) The Commission shall take the actions identified in paragraphs (b) through (f) of this section.

* * * * *

(f) Publish the notice, or an abstract thereof, in the **Federal Register**.

■ 28. Amend § 3040.191 by revising paragraph (a) and adding paragraph (f) to read as follows:

§ 3040.191 Docket and notice of minor corrections to product descriptions.

(a) The Commission shall take the actions identified in paragraphs (b) through (f) of this section.

* * * * *

(f) Publish the notice, or an abstract thereof, in the **Federal Register**.

■ 29. Amend § 3040.211 by:

■ a. Revising paragraph (b);

■ b. Adding new paragraph (c); and

■ c. Redesignating paragraphs (c) and (d) as paragraphs (d) and (e).

The addition and revisions read as follows:

§ 3040.211 Limitations applicable to market dominant mail matter.

* * * * *

(b) The Commission shall provide notice of the proposed update and seek public comment on whether the proposed update is in accordance with the policies and the applicable criteria of chapter 36 of title 39 of the United States Code.

(c) The notice, or an abstract thereof, shall be published in the **Federal Register**.

* * * * *

PART 3041—COMPETITIVE NEGOTIATED SERVICE AGREEMENTS

■ 30. The authority citation for part 3041 continues to read as follows:

Authority: 39 U.S.C. 503; 3633.

■ 31. Amend § 3041.405 by revising paragraph (b) to read as follows:

§ 3041.405 Docket and notice.

* * * * *

(b) The Commission will promptly publish the notice, or an abstract thereof, in the **Federal Register**, and post the filing on its website at *http://www.prc.gov.*

* * * * *

PART 3045—RULES FOR MARKET TESTS OF EXPERIMENTAL PRODUCTS

■ 32. The authority citation for part 3045 continues to read as follows:

Authority: 39 U.S.C. 503; 3641.

* * * * *

■ 33. Amend § 3041.405 by revising paragraphs (a) and (b) to read as follows:

§ 3041.405 Review

(a) The Commission will establish a docket for each market test initiated under this part and post the filing on its website at *http://www.prc.gov.* The notice shall:

* * * * *

(b) The notice, or an abstract thereof, shall be published in the **Federal Register**.

PART 3050—PERIODIC REPORTING

■ 34. The authority citation for part 3045 continues to read as follows:

Authority: 39 U.S.C. 503; 3651; 3652; 3653.

■ 35. Amend § 3050.11 by revising paragraphs (d)(1) to read as follows:

§ 3050.11 Proposals to change an accepted analytical principle applies in the Postal Service's annual period reports to the Commission.

* * * * *

(d) * * *

(1) After the conclusion of discovery procedures, if any, the Commission shall determine whether to issue a notice of proposed rulemaking based on the petition and the supporting material received. Such notice shall be evaluated by procedures that are consistent with 5 U.S.C. 553. The notice, or an abstract thereof, shall be published in the **Federal Register**. Interested parties will

be afforded an opportunity to present written comments and reply comments, and, if the Commission so orders, to present oral comments as well.

* * * * *

By the Commission.

Mallory S. Richards,

Attorney-Advisor.

[FR Doc. 2026–04261 Filed 3–3–26; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–3821; FRL–13144–01–R9]

Air Plan Approval; Arizona; Attainment Plan for the Hayden SO_2 Nonattainment Area for the 1971 and 2010 Sulfur Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Arizona state implementation plan (SIP) for attaining the 1971 and 2010 sulfur dioxide (SO_2) national ambient air quality standards (NAAQS or ''standards'') in the Hayden SO_2 nonattainment area. These SIP revisions, collectively referred to as the ''Hayden SO_2 Plan'' or ''Plan,'' include Arizona's attainment demonstration and other elements required under Clean Air Act (CAA or ''Act'') sections 110, 172, 191, and 192. In addition to an attainment demonstration, the revisions address the requirements for meeting reasonable further progress (RFP) toward attainment of the NAAQS, reasonably available control measures and reasonably available control technology (RACM/RACT), base-year and projection-year emissions inventories, nonattainment new source review (NSR), emissions limitations necessary to provide for attainment, and contingency measures. The EPA is proposing to approve the SIP revisions as meeting the CAA requirements. This action is being taken under the CAA. We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before April 3, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2025–3821, at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Ashley Graham, Geographic Strategies and Modeling Section (AIR–2–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; telephone number: (415) 972–3877; email address: *graham.ashleyr@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA.

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I. Background

Under section 109 of the CAA, the EPA has established primary and secondary NAAQS for certain pervasive air pollutants (referred to as ''criteria pollutants'') and conducts periodic reviews of the NAAQS to determine whether they should be revised or whether new NAAQS should be established. The primary NAAQS represent ambient air quality standards the attainment and maintenance of which the EPA has determined are requisite to protect public health with an adequate margin of safety. The secondary NAAQS represent ambient air quality standards the attainment and maintenance of which the EPA has determined are requisite to protect public welfare from any known or anticipated adverse effects associated with the presence of such an air pollutant in the ambient air.

Under the CAA, the EPA must establish NAAQS for criteria pollutants, including SO_2. SO_2 is released to the atmosphere primarily through the burning of fossil fuels by power generation and certain industrial processes. Short-term exposure to SO_2 can damage the human respiratory system and increase breathing difficulties. Small children and people with respiratory conditions, such as asthma, are more sensitive to the effects of SO_2. Sulfur oxides at high concentrations in ambient air can also react with compounds to form small particulates (fine particulate matter) that can penetrate deeply into the lungs and cause health problems.

The EPA first established primary SO_2 standards in 1971.[1] The short-term (24-hour) standard of 0.140 parts per million (ppm) was not to be exceeded more than once per calendar year. The long-term standard specifies an annual arithmetic mean not to exceed 0.030 ppm. The level of the secondary SO_2 NAAQS is 0.5 ppm over a 3-hour averaging period (not to be exceeded more than once per year).[2]

On March 3, 1978, for lack of a state recommendation, the EPA designated Pinal County as a primary SO_2 nonattainment area based on monitored violations of the primary SO_2 NAAQS in

[1] 36 FR 8186 (April 30, 1971). See 40 CFR 50.4.

[2] See 40 CFR 50.5. The 1971 final rule also included a secondary annual standard of 0.02 ppm and a 24-hour SO_2 standard of 0.1 ppm (not to be exceeded more than once per year) as a guide to be used in assessing implementation plans to achieve the annual standard. In 1973, the secondary 3-hour SO_2 standard was retained without revision and the secondary annual SO_2 standard was revoked (38 FR 25678, September 14, 1973).

the county between 1975 and 1977.[3] At the request of the Arizona Department of Environmental Quality (ADEQ), the nonattainment area was subsequently reduced to nine townships in and around Hayden, Arizona.[4]

On the date of enactment of the 1990 CAA Amendments, SO_2 areas meeting the conditions of section 107(d) of the Act were designated nonattainment for the SO_2 NAAQS by operation of law. Section 107(d) of the CAA describes the processes by which nonattainment areas are designated, including the pre-existing SO_2 nonattainment areas. Thus, the Hayden area remained nonattainment for the primary SO_2 NAAQS following enactment of the 1990 CAA Amendments on November 15, 1990.

On June 22, 2010, the EPA promulgated a new 1-hour primary SO_2 NAAQS of 75 parts per billion (ppb).[5] This standard is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations does not exceed 75 ppb, as determined in accordance with Appendix T of 40 CFR part 50.[6] The EPA provided that the 24-hour and annual standards established in 1971 were to remain in place for those areas designated nonattainment for the 2010 SO_2 NAAQS until such time that the state submits, and the EPA approves, an implementation plan providing for attainment of the 2010 SO_2 NAAQS.[7]

Under CAA section 107(d)(1), the EPA is required to designate areas as ''nonattainment,'' ''attainment,'' or ''unclassifiable'' within two years of establishing a new standard or revising an existing standard. The Hayden nonattainment area for the 2010 SO_2 NAAQS was established effective October 4, 2013.[8] The dominant source of SO_2 emissions in the Hayden SO_2 nonattainment area is the Hayden copper smelter (''Hayden Smelter'' or ''Smelter''), owned and operated by ASARCO LLC (''Asarco'').[9] This final area designation triggered a requirement for Arizona to submit by April 4, 2015 (within 18 months per CAA section 191(a)), a SIP revision with an attainment plan for how the Hayden SO_2 nonattainment area would attain the 2010 SO_2 NAAQS as expeditiously as practicable, but no later than October 4, 2018, per CAA section 192(a) in accordance with CAA sections 110(a), 172(c), 191, and 192.

As required by CAA section 110(k)(1)(B), the EPA published a final rule on March 18, 2016, finding that Arizona had failed to submit the required SO_2 nonattainment area plan by the submittal deadline.[10] This finding initiated a deadline under CAA section 179(a) for the potential imposition of new source and highway funding sanctions. Additionally, under CAA section 110(c), the finding triggered a requirement that the EPA promulgate a Federal implementation plan (FIP) within two years of the effective date of the finding unless by that time the State had made the necessary complete submittal and the EPA had approved the submittal as meeting applicable requirements.

In response to the requirement for SO_2 nonattainment area plan submittals, ADEQ submitted a SIP revision on March 9, 2017, titled ''Arizona State Implementation Plan Revision: Hayden Sulfur Dioxide Nonattainment Area for the 2010 SO_2 NAAQS'' (''2017 Hayden SO_2 Plan''). The emission limits that were intended to provide for attainment of the 2010 SO_2 NAAQS for the Hayden area were codified in the Arizona Administrative Code (AAC), Title 18, Chapter 2, Article 13, section R18–2–B1302 (''Limits on SO_2 Emissions from the Hayden Smelter'') (''Rule B1302''). ADEQ submitted Rule B1302 to the EPA on April 6, 2017.[11] The EPA issued letters dated July 17, 2017, and September 26, 2017, finding the submittals complete and stopping the sanctions clocks under CAA section 179(a).[12]

On November 5, 2020, the EPA finalized a limited approval and limited disapproval of Arizona Rule B1302,[13] and on November 10, 2020, the EPA finalized a partial approval and partial disapproval of the 2017 Hayden SO_2 Plan.[14] The EPA finalized a limited disapproval of Rule B1302 because we found that some of the rule provisions conflicted with the requirements of CAA sections 110 and 172(c)(6), including that the rule did not contain any numeric emissions limit(s) or ongoing monitoring requirements corresponding to the levels of fugitive emissions that were modeled in the 2017 Hayden SO_2 Plan.[15] The EPA finalized a partial disapproval of the 2017 Hayden SO_2 Plan because we found that the plan did not meet the attainment demonstration, RACM/RACT, enforceable emission limitations, RFP, and contingency measure requirements of the CAA for the 2010 SO_2 NAAQS.[16] The final limited disapproval of Rule B1302 and partial disapproval of the 2017 Hayden SO_2 Plan became effective on December 7, 2020, and December 10, 2020, respectively, and initiated deadlines under CAA section 179(a) for the imposition of new source review offset and highway funding sanctions unless the State had made the necessary complete submittal and the EPA approved the submittal as meeting applicable requirements prior to those deadlines.[17]

On January 31, 2022, the EPA determined that the Hayden SO_2 nonattainment area failed to attain the 2010 1-hour primary SO_2 NAAQS by the October 4, 2018 applicable attainment date, which triggered a requirement under CAA section 179(d) for Arizona to submit a revised SIP by January 31, 2023, that provides for expeditious attainment of the 2010 SO_2 NAAQS in the Hayden SO_2 nonattainment area by January 31, 2027.[18]

The remainder of this document describes the requirements that nonattainment area plans must meet to

[3] 43 FR 8962 (March 3, 1978).

[4] 44 FR 21261 (April 10, 1979). The nonattainment area is composed of the following townships in southern Gila County and northeastern Pinal County: T4S, R14E; T4S, R15E; T4S, R16E; T5S, R14E; T5S, R15E; T5S, R16E; T6S, R14E; T6S, R15E; and T6S, R16E. The following townships were designated ''cannot be classified:'' T4S, R13E; T4S, R17E; T5S, R13E; T5S, R17E; T6S, R13E; and T6S, R17E.

[5] 40 CFR 50.17(a).

[6] 75 FR 35520 (June 22, 2010), codified at 40 CFR 50.17(a) and (b).

[7] See 40 CFR 50.4(e). 75 FR 35520, 35581 (June 22, 2010).

[8] 78 FR 47191 (August 5, 2013), codified at 40 CFR part 81, subpart C.

[9] ASARCO LLC was organized in 1899 as the American Smelting And Refining COmpany.

[10] 81 FR 14736 (March 18, 2016).

[11] Letter dated March 8, 2017, from Timothy S. Franquist, Director, Air Quality Division, ADEQ, to Alexis Strauss, Acting Regional Administrator, EPA Region IX, Subject: ''Submittal of the State Implementation Plan Revision, Sulfur Dioxide National Ambient Air Quality Standards, Hayden Nonattainment Area,'' (submitted electronically on March 9, 2017); and letter dated April 6, 2017, from Timothy S. Franquist, Director, Air Quality Division, ADEQ, to Alexis Strauss, Acting Regional Administrator, EPA Region IX, Subject: ''RE: Submittal of the Final Rules for the State Implementation Plans for Hayden Sulfur Dioxide Nonattainment Area, Hayden Lead Nonattainment Area, and Miami Sulfur Dioxide Nonattainment Area,'' (submitted electronically on April 6, 2017).

[12] Letter dated July 17, 2017, from Elizabeth J. Adams, Acting Director, Air Division, EPA Region IX, to Timothy S. Franquist, Director, Air Quality Division, ADEQ; and letter dated September 26, 2017, from Elizabeth J. Adams, Acting Director, Air Division, EPA Region IX, to Timothy S. Franquist, Director, Air Quality Division, ADEQ.

[13] 85 FR 70483 (November 5, 2020).

[14] 85 FR 71547 (November 10, 2020). As part of our November 10, 2020 final action, the EPA approved the emissions inventory element of the plan and affirmed that the State had met the new source review requirements for the area.

[15] 85 FR 70483, 70484 (November 5, 2020).

[16] 85 FR 71547, 71552 (November 10, 2020).

[17] On June 7, 2022, offset sanctions were imposed in the Hayden SO_2 nonattainment area, and on December 7, 2022, highway sanctions were imposed in the area.

[18] 87 FR 4805 (January 31, 2022).

obtain EPA approval, provides a review of the Hayden SO_2 Plan with respect to these requirements, and describes the EPA's proposed action on the Plan.

II. Requirements for SO_2 Attainment Plans

Nonattainment area SO_2 SIPs must meet the applicable requirements of the CAA, specifically CAA sections 110, 172, 191, and 192. The EPA's regulations governing nonattainment area SIP submissions are set forth at 40 CFR part 51, with specific procedural requirements and control strategy requirements residing at subparts F and G, respectively. Soon after Congress enacted the 1990 amendments to the CAA, the EPA issued comprehensive guidance on SIP revisions in the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (''General Preamble'').[19] Among other things, the General Preamble addressed SO_2 SIP submissions and fundamental principles for SIP control strategies.[20] On April 23, 2014, the EPA issued guidance and recommendations for meeting the statutory requirements in SO_2 SIP submissions, in a document titled, ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions'' (''2014 SO_2 Guidance'').[21] In the 2014 SO_2 Guidance, the EPA described the statutory requirements for the elements of a nonattainment area plan as listed at CAA section 172(c), which include an accurate emissions inventory of current emissions for all sources of SO_2 within the nonattainment area; an attainment demonstration; a demonstration of RFP; implementation of RACM (including RACT); emission limitations and control measures necessary to provide for attainment; nonattainment NSR; and adequate contingency measures. This guidance supplements the EPA's 1994 ''SO_2 Guideline Document,'' which remains applicable unless specifically altered by the 2014 SO_2 Guidance.[22]

In general, the EPA's duties in reviewing state attainment plans are described in CAA sections 110(k) and 110(l). The EPA is first required to determine whether a SIP submission meets certain minimum criteria for completeness. Once a SIP submission has been determined to be complete, the EPA is required to approve the submission, as a whole, if it meets all applicable requirements of the CAA. State attainment plans are approved by the EPA as meeting the minimum requirements of the CAA if they fully address the requirements of CAA sections 110, 172, 191, and 192, and the EPA's regulations at 40 CFR part 51.

Also, under CAA section 110(l), the EPA may not approve a SIP revision that would interfere with any applicable requirement concerning NAAQS attainment and RFP, or any other applicable requirement. Further, under CAA section 193, no control requirement in effect before November 15, 1990 (or required to be adopted by an order, settlement, agreement, or plan in effect before November 15, 1990), in any area that is a nonattainment area for any air pollutant, may be modified in any manner unless the modification insures equivalent or greater emission reductions of such air pollutant.

CAA sections 172(c)(1) and 172(c)(6) direct states with areas designated as nonattainment to demonstrate that the submitted plan and its emissions limitations and control measures provide for attainment of the NAAQS. The EPA's regulations at 40 CFR part 51, subpart G further delineate the control strategy requirements that plans must meet, and that all SIPs and control strategies reflect the four fundamental principles of quantification, enforceability, replicability, and accountability.[23] SO_2 nonattainment area plans must consist of two components: (1) enforceable emission limits and other control measures that assure implementation of permanent, enforceable, and necessary emission controls, and (2) a modeling analysis that meets the requirements of 40 CFR part 51, appendix W and demonstrates that these emission limits and control measures provide for timely attainment of the primary SO_2 NAAQS as expeditiously as practicable, but by no later than the attainment date for the affected area. In all cases, the emission limits and control measures must be accompanied by appropriate methods and conditions to determine compliance with the respective emission limits and control measures and must be quantifiable (*i.e.,* a specific amount of emission reduction can be ascribed to the measures), fully enforceable (*i.e.,* specifying clear, unambiguous, and measurable requirements for which compliance can be practicably determined), replicable (*i.e.,* the procedures for determining compliance are sufficiently specific and non-subjective so that two independent entities applying the procedures would obtain the same result), and accountable (*i.e.,* source specific limits must be permanent and must reflect the assumptions used in the plan demonstrations).

The EPA's 2014 SO_2 Guidance recommends that the emission limits established for an attainment demonstration be expressed as short-term average limits (*e.g.,* addressing emissions averaged over one hour consistent with the averaging time of the 1-hour SO_2 NAAQS), but also describes the option to utilize emission limits with longer averaging times of up to 30 days so long as the limit is demonstrated by the state to assure comparable stringency to a 1-hour average limit that demonstrates attainment of the 1-hour SO_2 NAAQS. The 2014 SO_2 Guidance includes suggested criteria and procedures for making this demonstration.[24] The 2014 SO_2 Guidance recommends that, should states and sources utilize longer averaging times, the longer-term average limit should be set at an adjusted level that reflects a stringency comparable to the 1-hour average limit at the critical emission value shown to provide for attainment.

The 2014 SO_2 Guidance provides an extensive discussion of the EPA's rationale for concluding that appropriately set, comparable stringent limitations based on averaging times as long as 30 days can be found to provide for attainment of the 2010 SO_2 NAAQS. In evaluating this option, the EPA considered the nature of the standard, conducted detailed analyses of the effect of 30-day average limits on the prospects for attaining the standard, and carefully reviewed how best to achieve an appropriate balance among the various factors that warrant consideration in judging whether a state's plan provides for attainment.[25]

As specified in 40 CFR 50.17(b), the 1-hour primary SO_2 NAAQS is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations is less than or equal to 75 ppb. In a year with 365 days of valid monitoring data, the 99th percentile would be the fourth highest daily maximum 1-hour value. Because the standard has this form, a single hourly exceedance of the 75 ppb NAAQS level does not by itself result in a violation of the standard. Instead, at issue is whether a source operating in compliance with a properly set longer-term average could cause multiple hourly exceedances over multiple days in a year, and if so, the resulting

[19] 57 FR 13498 (April 16, 1992).

[20] Id. at 13548–13549, 13567–13568.

[21] Available at *https://www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.*

[22] 2014 SO_2 Guidance, p. 2.

[23] See General Preamble, 13567–13568 (April 16, 1992).

[24] See 2014 SO_2 Guidance, pp. 22–39.

[25] Id. at 22–39, and Appendices B, C, and D.

frequency and magnitude of such exceedances, and in particular, whether the EPA can have reasonable confidence that a properly set longer-term average limit will provide that the 3-year average of annual fourth highest daily maximum hourly values will be at or below 75 ppb. A synopsis of how the EPA evaluates whether such plans ''provide for attainment,'' based on modeling of projected allowable emissions and in light of the form of the SO_2 NAAQS for determining attainment at monitoring sites, follows.

For SO_2 attainment plans based on 1-hour emission limits, the standard approach is to conduct modeling using fixed 1-hour emission rates. The maximum modeled emission rate that results in attainment is labeled the ''critical emission value'' (CEV). The modeling process for identifying this CEV inherently considers the numerous variables that affect ambient concentrations of SO_2, such as meteorological data, background concentrations, and topography. In the standard approach, the state would then provide for attainment by setting a continuously applicable 1-hour emission limit for each stationary SO_2 source at this CEV.

The EPA recognizes that some SO_2 sources have highly variable emissions, for example due to variations in fuel sulfur content and operating rate, that can make it extremely difficult, even with a well-designed control strategy, to ensure in practice that emissions for any given hour do not exceed the CEV. The EPA also acknowledges the concern that longer-term emission limits can allow short periods with emissions above the CEV, which, if coincident with meteorological conditions conducive to high SO_2 concentrations, could in turn create the possibility of an hourly NAAQS exceedance occurring on a day when an exceedance would not have occurred if emissions were continuously controlled at the level corresponding to the CEV. However, for several reasons, the EPA believes that the approach recommended in its guidance document suitably addresses this concern.

First, from a practical perspective, the EPA expects the actual emission profile of a source subject to an appropriately set longer-term average limit to be similar to the emission profile of a source subject to an analogous 1-hour average limit. The EPA expects this similarity because it has recommended that the longer-term average limit be set at a level that is comparably stringent to the otherwise applicable 1-hour limit (reflecting a downward adjustment from the CEV) and that takes the source's emissions profile (and inherent level of emissions variability) into account. As a result, the EPA expects either form of emission limit to yield comparable air quality.

Second, from a more theoretical perspective, the EPA has compared the likely air quality with a source having maximum allowable emissions under an appropriately set longer-term limit, to the likely air quality with the source having maximum allowable emissions under the comparable 1-hour limit. In this comparison, in the 1-hour average limit scenario, the source is presumed at all times to emit at the CEV, and in the longer-term average limit scenario, the source is presumed occasionally to emit more than the CEV, but on average, and presumably at most times, to emit well below the CEV. In an ''average year,'' [26] compliance with the 1-hour limit is expected to result in three exceedance days (*i.e.,* three days with maximum hourly values above 75 ppb) and a fourth day with a maximum hourly value at 75 ppb. By comparison, with the source complying with a longer-term limit, it is possible that additional hourly exceedances would occur that would not occur in the 1-hour limit scenario (if emissions exceed the CEV at times when meteorology is conducive to poor air quality). However, this comparison must also factor in the likelihood that exceedances that would be expected in the 1-hour limit scenario would not occur in the longer-term limit scenario. This result arises because the longer-term limit requires lower emissions most of the time (because the limit is set below the CEV), so a source complying with an appropriately set longer-term limit is likely to have lower emissions at critical times than would be the case if the source were emitting as allowed with a 1-hour limit.

To illustrate this point, the EPA conducted a statistical analysis using a range of scenarios using actual plant data. This analysis is described in Appendix B of the EPA's 2014 SO_2 Guidance. Based on the analysis described in the 2014 SO_2 Guidance, the EPA expects that an emission profile with maximum allowable emissions under an appropriately set, comparably stringent 30-day average limit is likely to have the net effect of having a lower number of hourly exceedances and better air quality than an emission profile with maximum allowable emissions under a 1-hour emission limit at the CEV. This result provides a compelling policy rationale for allowing the use of a longer averaging period, in appropriate circumstances where the facts indicate this result can be expected to occur.

The 2014 SO_2 Guidance offers specific recommendations for determining an appropriate longer-term average limit. The recommended method starts with determination of the 1-hour emission limit that would provide for attainment (*i.e.,* the CEV), and applies an adjustment factor to determine the (lower) level of the longer-term average emission limit that would be estimated to have a stringency comparable to the otherwise necessary 1-hour emission limit. This method uses a database of continuous emission data reflecting the type of control that the source will be using to comply with the plan's emission limits, which (if compliance requires new controls) may require use of an emission database from another source. The recommended method involves using these data to compute a complete set of emission averages, computed according to the averaging time and averaging procedures of the prospective emission limitation (*i.e.,* using 1-hour historical emission values from the emissions database to calculate 30-day average emission values). In this recommended method, the ratio of the 99th percentile among these longer-term averages to the 99th percentile of the 1-hour values represents an adjustment factor that may be multiplied by the candidate 1-hour emission limit CEV to determine a longer-term average emission limit that may be considered comparably stringent.[27]

The 2014 SO_2 Guidance also addresses a variety of related topics, including the potential utility of setting supplemental emission limits, such as mass-based limits or work practice requirements for the operation of SO_2 control equipment, to reduce the likelihood and/or magnitude of elevated emission levels that might occur under the longer-term emission rate limit.

Preferred air quality models for use in regulatory applications are described in Addendum A of the EPA's ''Guideline on Air Quality Models'' (''Appendix W'').[28] In 2005, the EPA promulgated the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) as the

[26] An ''average year'' is used to mean a year with average air quality. While 40 CFR part 50, appendix T, provides for averaging three years of annual 99th percentile daily maximum hourly values (*e.g.,* the fourth highest maximum daily hourly concentration in a year with 365 days with valid data), this discussion and the example discussed herein uses a single ''average year'' in order to simplify the illustration of relevant principles.

[27] For example, if the CEV is 1000 pounds of SO_2 per hour, and a suitable adjustment factor is determined to be 70 percent, the recommended longer-term average limit would be 700 lb/hr.

[28] 40 CFR part 51, appendix W.

Agency's preferred near-field dispersion model for a wide range of regulatory applications addressing stationary sources (*e.g.,* in estimating SO_2 concentrations) in all types of terrain based on an extensive developmental and performance evaluation. Supplemental guidance on modeling for purposes of demonstrating attainment of the SO_2 standard is provided in Appendix A of the 2014 SO_2 Guidance. Appendix A provides extensive guidance on the modeling domain, the source inputs, assorted types of meteorological data, and background concentrations. Consistency with the recommendations in the 2014 SO_2 Guidance would generally ensure that the attainment demonstration offers adequately reliable assurance that the plan provides for attainment.

Attainment demonstrations for the 2010 1-hour primary SO_2 NAAQS must demonstrate future attainment and maintenance of the NAAQS in the entire area designated as nonattainment (*i.e.,* not just at the violating monitor) by using air quality dispersion modeling (see Appendix W) to show that the mix of sources and enforceable control measures and emission rates in an identified area will not lead to a violation of the SO_2 NAAQS. For a short-term (*i.e.,* 1-hour) standard, the EPA believes that dispersion modeling, using allowable emissions and addressing stationary sources in the affected area (and in some cases those sources located outside the nonattainment area that may affect attainment in the area) is technically appropriate, efficient, and effective in demonstrating attainment in nonattainment areas because it takes into consideration combinations of meteorological and emission source operating conditions that may contribute to peak ground-level concentrations of SO_2.

The meteorological data used in the analysis should generally be processed with the most recent version of AERMET. AERMET is a meteorological data preprocessor that incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts. Estimated concentrations should include ambient background concentrations, should follow the form of the standard, and should be calculated as described in section 2.6.1.2 of the August 23, 2010, clarification memo on ''Applicability of Appendix W Modeling Guidance for the 1-hour SO_2 National Ambient Air Quality Standard.'' [29]

Finally, CAA section 123(a) provides that the degree of emission limitation required for control of any air pollutant under an applicable implementation plan shall not be affected in any manner by so much of the stack height of any source as exceeds good engineering practice (GEP) (as determined under regulations promulgated by the Administrator). The EPA's regulations implementing section 123 reside at 40 CFR 51.118 to 51.119, and in a series of definitions at 40 CFR 51.100(ff) to (nn). GEP stack height is defined as the greatest among three values, based on three defined approaches for determining GEP stack height. As relevant here, under the third approach the creditable stack height is defined in 40 CFR 51.100(ii)(3) as ''[t]he height demonstrated by a fluid model . . . which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.'' ''Nearby'' is defined in 40 CFR 51.100(jj)(2) as not greater than 0.8 kilometers (km) (½ mile) with a set of exceptions applying to terrain features. ''Excessive concentrations'' is defined in 40 CFR 51.100(kk)(1), which also specifies that, ''[t]he allowable emission rate to be used in making demonstrations under this part shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible.'' Since this demonstration must rely on allowable emissions, the SIP must include the appropriate limit, either the new source performance standard (NSPS) limit or an alternative limit if the NSPS limit is infeasible, as an adopted part of the plan.[30]

III. Review of Arizona's SIP Submissions

Arizona submitted the ''Final SIP Revision: 2023 Hayden Sulfur Dioxide Nonattainment Area for the 1971 and 2010 SO_2 NAAQS'' (''2023 Hayden SO_2 Plan'') to the EPA as a revision to the Arizona SIP on October 3, 2023.[31] The 2023 Hayden SO_2 Plan includes a copy of Significant Permit Revision No. 96410, Attachment ''I'' Hayden Smelter Site-Specific SIP Requirements (''Hayden SO_2 Permit Revision''), which includes numerical fugitive emissions limits, work practice standards, and recordkeeping/reporting requirements to ensure attainment of the SO_2 NAAQS in the Hayden SO_2 nonattainment area. ADEQ's letter adopting and submitting the 2023 Hayden SO_2 Plan for inclusion in the Arizona SIP clarifies that the SIP revision is intended to satisfy the CAA requirements for the Hayden SO_2 planning area for both the 1971 and 2010 SO_2 NAAQS.[32] The October 3, 2023 submittal became complete by operation of law on April 3, 2024. On May 2, 2024, the EPA issued a completeness letter, determining that Arizona's October 3, 2023 submittal includes all SIP elements required as a result of the January 31, 2022 finding of failure to attain and that the submittal meets the minimum completeness criteria in 40 CFR part 51, appendix V.[33]

On December 8, 2025, ADEQ submitted for parallel processing the proposed ''SIP Revision: Rules Incorporating Hayden Smelter Permit Conditions to Supplement Arizona's 2023 SO_2 SIP'' as a supplement to the 2023 Hayden SO_2 Plan (''Hayden SO_2 Supplement'').[34] In addition to addressing attainment planning requirements, the Hayden SO_2 Supplement includes revisions to Rule B1302 and AAC Title 18, Chapter 2, Appendix 14 (''Procedures for Sulfur Dioxide and Lead Fugitive Emissions Studies for the Hayden Smelter'') (''Appendix 14'') that establish certain enforceable control requirements that are relied upon in the attainment demonstration. ADEQ's December 5, 2025 letter accompanying the Hayden SO_2 Supplement explains that the rule

[29] Memorandum dated August 23, 2010, from Tyler Fox, Leader, Air Quality Modeling Group, C439–01, to Regional Air Division Directors, Subject: ''Applicability of Appendix W Modeling Guidance for the 1-hour SO_2 National Ambient Air Quality Standard.'' Available at *https://www.epa.gov/sites/default/files/2020-10/documents/clarificationmemo_appendixw_hourly-so2-naaqs_final_08-23-2010.pdf.*

[30] See 67 FR 22168, 22209 to 22218 (May 2, 2002) (explaining that the EPA's stack height regulations require sources that wish to obtain above-formula stack height credit to have a SIP limit that is no higher than the NSPS limit used in modeling) and *Montana Sulphur & Chemical Co.* v. *EPA,* 666 F.3d 1174, 1187–1188 (9th Cir. 2012) (upholding this interpretation).

[31] Letter dated October 3, 2023, from Daniel Czecholinski, Director, Air Quality Division, ADEQ, to Martha Guzman, Regional Administrator, EPA Region 9, Subject; ''RE: Submittal of the Arizona Department of Environmental Quality's SIP revision: 2023 Hayden Sulfur Dioxide Nonattainment Area for the 1971 and 2010 SO_2 NAAQS,'' with enclosures (submitted electronically on October 3, 2023).

[32] Id.

[33] Letter dated May 2, 2024, from Matthew Lakin, Director, Air and Radiation Division, EPA Region IX, to Karen L. Peters, Cabinet Executive Officer, ADEQ, Subject: ''Re: Completeness Finding for the State Implementation Plan (SIP) Submission for the Hayden Nonattainment Area for the 1971 and 2010 Sulfur Dioxide (SO_2) National Ambient Air Quality Standards (NAAQS).''

[34] Letter dated December 5, 2025, from Daniel Czecholinski, Director, Air Quality Division, ADEQ, to Michael Martucci, Acting Regional Administrator, U.S. EPA, Region 9 (submitted electronically on December 8, 2025).

revisions ''replace the existing references to the Hayden Smelter permitting conditions in Permit No. 39945 (as amended by Significant Permit Revision No. 92168 and Significant Permit Revision No. 96410) with direct incorporation by reference of the equivalent requirements now codified in the A.A.C.,'' and that where the 2023 Hayden SO_2 Plan referred to the conditions in the permit, ADEQ now requests that EPA instead refer to the applicable rules.[35] These rule revisions have been adopted under State law.[36] However, ADEQ notes that the State is requesting parallel processing of these submissions to help facilitate timely EPA action on the 2023 Hayden SO_2 Plan, given the additional administrative steps required before codification of the rule revisions in the AAC.

Parallel processing refers to a process where the state submits a SIP revision prior to actual adoption by the state.[37] The EPA reviews the proposed SIP revision and prepares a notice of proposed rulemaking under Federal law. Any final rule action by the EPA will occur only after the state formally adopts and submits its final submission to the EPA.

Section 110(k)(1)(B) of the CAA requires the EPA to determine whether a SIP submission is complete within 60 days of receipt. This section also provides that if the EPA has not affirmatively determined a SIP submission to be complete or incomplete, it will become complete by operation of law six months after the date of submission. The EPA's SIP completeness criteria are found in 40 CFR part 51, appendix V. The EPA has reviewed the Hayden SO_2 Supplement and finds that it fulfills the completeness criteria of appendix V, with the exception of the requirements of paragraphs 2.1(e)–2.1(h), which do not apply to plans submitted for parallel processing.

CAA sections 110(a)(1) and (2) and 110(l) require each state to provide reasonable public notice and opportunity for public hearing prior to the adoption and submission of a SIP submission to the EPA. To meet this requirement, a state's SIP submission must include evidence that the state provided adequate public notice and an opportunity for a public hearing, consistent with the EPA's implementing regulations in 40 CFR 51.102. However, because ADEQ submitted the Hayden SO_2 Supplement for parallel processing, this initial submission is exempt from this requirement pursuant to 40 CFR part 51, appendix V, section 2.3.1. ADEQ is required to meet these procedural criteria during the parallel processing period and prior to adopting and submitting the final SIP submission to the EPA. The EPA will evaluate whether the final submission meets these requirements at the time of any final action on the Hayden SO_2 Supplement.

In addition to the 2023 Hayden SO_2 Plan and Hayden SO_2 Supplement, ADEQ previously submitted amendments to AAC Title 18, Chapter 2, Article 13, section R18–2–715 (''Standards of Performance for Existing Primary Copper Smelters: Site-Specific Requirements'') (''Rule 715'') and section R18–2–715.01 (''Standards of Performance for Existing Primary Copper Smelters; Compliance and Monitoring'') (''Rule 715.01'') on April 6, 2017.[38] We have not yet acted on these amendments to Rules 715 and 715.01, which are related to the revisions to Rule B1302. These amendments sunset Rule 715 and 715.01 requirements upon the approval and effective date of Rule B1302. Further details can be found in the technical support document (TSD) titled ''Technical Support Document for Rule Revisions in the Hayden SO_2 Supplement to the 2023 Hayden SO_2 Plan'' included in the docket for this proposed action.[39] On July 17, 2017, the EPA issued a completeness letter for Rules 715 and 715.01, finding that they fulfill the completeness criteria in 40 CFR part 51, appendix V.[40] In the December 5, 2025 letter submitting the revised rules for parallel processing, ADEQ requests that EPA act on the previously submitted Rules 715 and 715.01.

Table 1 lists the rules addressed by this proposal with the dates that they were adopted and submitted by ADEQ.

TABLE 1—SUBMITTED RULES

Rule No.	Rule title	Effective date	Submitted
R18–2–715	Standards of Performance for Existing Primary Copper Smelters; Site-specific Requirements.	May 7, 2017	April 6, 2017.
R18–2–715.01	Standards of Performance for Existing Primary Copper Smelters; Compliance and Monitoring.	May 7, 2017	April 6, 2017.
R18–2–B1302	Limits on SO_2 Emissions from the Hayden Smelter	February 7, 2026	December 8, 2025 (for parallel processing).
Appendix 14	Procedures for Sulfur Dioxide and Lead Fugitive Emissions Studies for the Hayden Smelter.	February 7, 2026	December 8, 2025 (for parallel processing).

[35] The Hayden SO_2 Supplement further clarifies that ADEQ intends to withdraw the previously submitted Hayden SO_2 Permit Revision from the 2023 Hayden SO_2 Plan now that they have incorporated the relevant permit conditions into state rule. Hayden SO_2 Supplement, p. 1.

[36] On December 10, 2025, ADEQ submitted an updated version of the Hayden SO_2 Supplement, which noted in Exhibit A–II that ''[o]n December 2, 2025, the Arizona Governor's Regulatory Review Council (Arizona GRRC) approved the Hayden Pb and SO_2 rulemaking. Accordingly, the Arizona GRRC-approved Notice of Final Rulemaking (NFRM) package was submitted to the Arizona Secretary of State (SOS) on December 9, 2025.'' The NFRM was published in the Arizona Administrative Register on January 2, 2026 (Vol. 32, Issue 1, p. 93) with an effective date of February 7, 2026. However, the codified version of the rules has not yet been published in the AAC.

[37] 40 CFR part 51, appendix V, section 2.3.

[38] Letter dated April 6, 2017, from Timothy S. Franquist, Director, Air Quality Division, ADEQ, to Alexis Strauss, Acting Regional Administrator, EPA Region IX, Subject: ''RE: Submittal of the Final Rules for the State Implementation Plans for Hayden Sulfur Dioxide Nonattainment Area, Hayden Lead Nonattainment Area, and Miami Sulfur Dioxide Nonattainment Area,'' (submitted electronically on April 6, 2017).

[39] EPA Region IX, ''Technical Support Document for Rule Revisions in the Hayden SO_2 Supplement to the 2023 Hayden SO_2 Plan,'' December 2025.

[40] Letter dated July 17, 2017, from Elizabeth J. Adams, Acting Director, Air Division, EPA Region IX, to Timothy S. Franquist, Director, Air Quality Division, ADEQ.

The remainder of this document discusses the EPA's review of and proposed action on the rules summarized in Table 1 and Arizona's Hayden SO_2 Plan for attaining the 1971 and 2010 SO_2 NAAQS.

IV. Review of Modeled Attainment Demonstration

ADEQ provided a summary of the modeled attainment demonstration in section 5 of the 2023 Hayden SO_2 Plan and section 2.2.1 of the Hayden SO_2 Supplement and provided more details in Appendix C (''Modeling Technical Support Document for the Hayden Sulfur Dioxide (SO_2) Nonattainment Area'') of the Plan (''ADEQ's Modeling TSD''). The submission contains an air quality modeling analysis used to demonstrate that the emission limits in the plan will suffice to provide for timely attainment. This section discusses the EPA's review of the State's attainment demonstration. A more detailed discussion of our evaluation is contained in the EPA's modeling TSD for this proposed action, titled ''Technical Support Document, EPA Evaluation of the Modeled Attainment Demonstration in the 2023 Hayden SO_2 Plan.'' [41]

A. Modeling Approach and Receptor Grid

ADEQ's attainment demonstration used AERMOD, the preferred model for this application. The State used AERMOD version 22112 (''v22112''), the regulatory version at the time it conducted its nonattainment planning, for all emission sources. For all emission sources, the State used regulatory default options. The EPA proposes to find this selection appropriate.

The modeling domain was centered on the Hayden Smelter facility and extended to the edges of the Hayden SO_2 nonattainment area. ADEQ used a grid spacing of 25 meters to resolve AERMOD model concentrations along the ambient air boundary surrounding the Smelter with increased grid spacing toward the edges of the nonattainment area. Receptors were placed outside the ambient air boundary, which is defined by the facility's physical fence line, except in several segments where there is no fence, and the State inspected and concluded steep topography precludes public access. The area is further secured by regular security patrols. We propose to find this selection appropriate.

B. Meteorological Data

ADEQ conducted its modeling using five years of on-site surface meteorological data collected by the State, specifically 2015 to 2016 and 2018 to 2020 at a 10-meter tower located approximately 0.35 km south of the Smelter. The State provided audit reports for the years 2015, 2016, 2018, 2019, and 2020 for the monitoring station to document that the station's installation and data collection were consistent with the EPA's recommendations.[42] [43] The anemometer and solar radiation sensor were found to be faulty in 2017 and 2021, respectively, leading to their replacement. These issues prevented both years from meeting the 90 percent data completeness requirement for regulatory modeling. The State used upper air data from the National Weather Service station in Tucson, Arizona (Weather Bureau Army Navy station number 23160), which is 100 km south of the Smelter. The State used AERMET v22112 to process meteorological data for use with AERMOD.

The State used AERSURFACE version 20060, relying on data from the onsite location to estimate the surface characteristics (*i.e.,* albedo, Bowen ratio, and surface roughness). The State calculated the parameters for twelve compass sectors of 30 degrees each out to 1 km at a seasonal temporal resolution.

The State used the Auer (1978) land use method, with land cover data from the United States Geological Survey National Land Cover Data 1992 archives, to determine that the 3-km area around the Hayden Smelter is composed of 89.9 percent rural land types. Therefore, the State selected rural dispersion coefficients for modeling.

Based on our review, the EPA proposes to find the selection and use of these meteorological inputs to be appropriate and in accordance with appendix W and the 2014 SO_2 Guidance.

C. Emissions Data

ADEQ developed a modeling emissions inventory for sources within the Hayden SO_2 nonattainment area and a 50 km buffer zone extending from the nonattainment area boundary based on the 2017 base year emission inventory data. In 2017, the Hayden Smelter emitted 20,498.8 tons of SO_2, accounting for more than 99.9 percent of SO_2 emissions in the nonattainment area. No other sources had SO_2 emissions greater than 25 tons per year (tpy) in the nonattainment area in 2017. The Freeport-McMoRan Miami Inc. (FMMI) copper smelter is located 46 km north of the Hayden Smelter and had 2017 SO_2 emissions of 3,930.3 tpy. The two smelters are separated by large mountains, making these two airsheds distinct. The State modeled the FMMI stack emissions and determined that the modeled concentrations from the source were negligible in the Hayden SO_2 nonattainment area. Additionally, the State determined that all other sources were sufficiently represented by background monitored concentrations.

The State evaluated the stack height of the main stack of the Hayden Smelter in section 5.3 (''Good Engineering Practice (GEP) Stack Height'') of Appendix C of the 2023 Hayden SO_2 Plan. ADEQ relied upon fluid modeling performed in 1979 and an updated 2022 analysis based on the current stack height regulations to determine that the 1,000 foot stack remains an appropriate stack height, pursuant to 40 CFR 51.100(ii)(3). ADEQ also incorporated the NSPS limit for SO_2 of 0.065 percent by volume (applicable to all roasters, smelting furnaces and copper converters),[44] into Rule B1302.

Since 2014, Asarco has undertaken substantial upgrades to the Smelter facility that have reduced SO_2 emissions and has proposed several additional upgrades that have been incorporated into the Hayden SO_2 Permit Revision and revised Rule B1302 as required controls.[45] The State estimated post-upgrade maximum 1-hour SO_2 emissions and used those estimates to model facility sources subject to additional control. The State provided a justification for the control efficiencies assumed in the adjustments.[46] The State modeled all sources within the Smelter complex, including the main stack, anode furnace roof monitors, converter aisle roof monitors, flash furnace building roof monitors, and outdoor slag pouring. Additionally, the modeling included emissions from the acid plant preheater, anode boiler, and oxygen plant boiler as three non-trivial pieces of auxiliary equipment that collectively

[41] EPA Region IX, ''Technical Support Document, EPA Evaluation of the Modeled Attainment Demonstration in the 2023 Hayden SO_2 Plan,'' December 2025.

[42] ADEQ's Modeling TSD, appendix G.

[43] EPA, ''EPA Meteorological Monitoring Guidance for Regulatory Modeling Applications,'' Publication No. EPA–454/R–99–005 (February 2000).

[44] 40 CFR 60.163(a).

[45] ADEQ's Modeling TSD, section 5–1.

[46] See letter dated August 12, 2022, from William B. Jones, Blue Sky Modeling LLC., to Feng Mao, ADEQ, Subject: ''Re: Response to ADEQ comments on ASARCO SO_2 SIP Modeling,'' included as Appendix D of ADEQ's Modeling TSD, Appendix F.

account for an additional 61.69 pounds per hour (lb/hr) of SO_2 emissions.[47]

The hourly emission rates used in the attainment modeling in the 2023 Hayden SO_2 Plan are shown in Table 2. The main stack CEV (1,518 lb/hr) was used to derive a 14-operating day average emission limit, as described in section IV.D of this document.

TABLE 2—PROJECTED MAXIMUM SMELTER SO_2 EMISSIONS AFTER ADDITIONAL CONTROLS

Source	SO_2 emissions (lb/hr)
Main Stack	1,518
Slag Pouring	4.05
Anode Furnace	10.0
Converter Aisle	9.0
Flash Furnace	38.5
Acid Plant Preheater	0.12
Anode Boiler	0.002
Oxygen Plant Boiler	0.01
Total	1,580

Source: ADEQ's Modeling TSD, Table 5–1 and Table 8–4.

In addition to modeling the fugitive emission limits in Table 2, the State included additional modeling results in the Hayden SO_2 Supplement for a series of alternative fugitive emissions limit scenarios that vary emissions among the anode furnace, converter aisle, and flash furnace.[48] The State conducted modeling for these additional scenarios to account for a provision that ADEQ included in Rule B1302. Subsection (C)(3)(d) of Rule B1302 allows the owner or operator to apply for a significant permit revision to change the applicable fugitive emissions limits for the three fugitive sources to those of an alternative scenario. The alternative fugitive emissions limit scenarios and resulting modeled SO_2 concentrations are shown in Table 3 of this document. The modeled design values for these alternative scenarios are all below the NAAQS.

TABLE 3—ALTERNATIVE EMISSIONS LIMIT SCENARIOS

Scenario	Flash furnace (lb/hr)	Converter aisle (lb/hr)	Anode furnace (lb/hr)	Resulting AERMOD concentrations ($\mu g/m^3$) *
1	37	10	10	195.8
2	35.5	10	11	195.3
3	34	10	12	194.8
4	36.5	11	9	195.3
5	35	11	10	194.8
6	34	11	11	195.8
7	32.5	11	12	195.3
8	35	12	9	195.8
9	33.5	12	10	195.3
10	32	12	11	194.9
11	30.5	12	12	194.7
12	33	13	9	194.9
13	32	13	10	195.8
14	30.5	13	11	195.7
15	29.1	13	12	195.8

Source: Hayden SO_2 Supplement, Table 1–2.
* Modeled values have been rounded to the nearest tenth.

The State asserts that the emission limit for the main stack and limits for each of the fugitive emission limit scenarios will adequately regulate emissions from the Hayden Smelter facility.[49] We propose to find the selection and use of these emissions inputs to AERMOD to be appropriate and in accordance with Appendix W and the 2014 SO_2 Guidance. The EPA also proposes to find that the State adequately characterized source parameters for the emissions described above, as well as the Hayden Smelter's building layout and location in its modeling. Where appropriate, the AERMOD component Building Profile Input Program for Plume Rise Model Enhancements was used to assist in addressing building downwash. We propose to find the selection and use of these emissions inputs to AERMOD to be appropriate and in accordance with Appendix W and the 2014 SO_2 Guidance.

D. Emission Limits

Section 172(c)(6) of the CAA requires that a state's attainment plan include enforceable emission limitations, and such other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emission rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to provide for attainment of the standard in the area by the applicable attainment date.[50] Part of the review of a state's attainment plan must address the use of these limits, both with respect to the general suitability of using such limits for the purpose of meeting the requirements of CAA section 172(c)(6) and with respect to whether the particular limits included in the plan have been suitably demonstrated to provide for attainment. As specified in sections 172(c)(6) and 110(a)(2)(A) of the CAA and in the preamble to the EPA's final rule establishing the 2010 1-hour SO_2 NAAQS,[51] emission limitations, control measures, and other elements in the SIP must be enforceable by the state and the EPA.

The first subsection that follows addresses the enforceability of the limits in the Plan and the second subsection that follows addresses in particular the

[47] ADEQ's Modeling TSD, Table 5–1 and Table 8–4.

[48] Hayden SO_2 Supplement, section 2.2.1.

[49] Id. at 6.

[50] See General Preamble, 13567–13568 (April 16, 1992).

[51] 75 FR 35520 (June 22, 2010).

longer-term 14-operating day average limit.

1. Enforceability

The emission limits for the main stack and fugitive emissions sources (*i.e.,* the flash furnace, converter aisle, and anode furnace) of the Asarco Hayden Smelter are codified in revisions to section (C) of Rule B1302. ADEQ submitted the revised rule to the EPA for incorporation into the Arizona SIP via parallel processing on December 8, 2025. We are proposing to approve Rule B1302 as part of this action and we intend to finalize action on the rule prior to or contemporaneously with our final action on the Hayden SO_2 Plan.

Rule B1302's 14-operating day average emission limit of 1,069.1 lb/hr applies to emissions vented to the Smelter's main stack from several control devices, including the acid plant, secondary and tertiary converter ventilation gas baghouses, vent gas baghouse, and anode furnace baghouses.[52] To ensure compliance with the main stack limit, the rule requires that continuous emissions monitoring systems be operated at the exit of each of the aforementioned control devices.[53] In addition, Rule B1302 requires the owner or operator to develop, keep current, and submit for ADEQ review and approval an operations and maintenance plan covering each of the emissions capture and control systems to ensure that these systems are functioning properly and are adequately maintained.[54]

To ensure compliance with the fugitive emissions limits, Rule B1302 requires that the owner or operator operate continuous emissions monitoring systems for continuous monitoring along the roofline of the flash furnace building and above the converter aisle and anode furnaces.[55] Rule B1302 also requires the owner or operator to develop and submit to ADEQ and the EPA for review and approval, within 90 days of smelter restart, a roofline monitoring system operations and maintenance plan to ensure the systems function properly and are maintained.[56] In addition, Rule B1302 subsection (C)(3)(e) makes clear that any alternative fugitive limits would apply only following approval into a permit revision.

Rule B1302 includes provisions for determining compliance with the emission limits, and the necessary monitoring, recordkeeping, and reporting requirements to ensure that the regulation as a whole is enforceable.[57] Further discussion on the enforceability of Rule B1302 is included in a separate TSD for this proposed action titled ''Technical Support Document for Rule Revisions in the Hayden SO_2 Supplement to the 2023 Hayden SO_2 Plan.'' [58]

In accordance with the EPA's guidance on the use of federally enforceable limits, we find that the limits in Rule B1302 will be enforceable upon our approval of the rule, are supportive of attainment, and are suitable for inclusion into the Arizona SIP. We also find that the 14-day average emission limit is set at a lower level than the shorter-term CEV used in the attainment demonstration; the relationship between these two values is discussed in more detail in the following section.

2. Longer-Term Average Limits

The State modeled emissions from the Hayden Smelter as described in section IV.C of this document to determine a 1-hour average CEV for the main stack of 1518 lb/hr. To derive a longer-term average emission limit, the State used hourly SO_2 data collected using continuous emission monitors from 2005–2007 and 2010 through early 2014, adjusted to account for facility upgrades, as a representative emission profile for the Smelter's forecasted configuration.[59] ADEQ used the forecasted hourly emissions data to calculate a corresponding distribution of longer-term emission averages, including 30-day, 14-day, and 24-hour averages. The 99th percentile of the 14-day and 1-hour SO_2 emission rates are 943.24 lb/hr and 1,339.27 lb/hr, respectively. The ratio of these two values (*i.e.,* the computed adjustment factor) is 0.70.[60] The adjustment factor was multiplied by the main stack CEV (*i.e.,* 1,518 lb/hr) to derive a longer-term 14-day average emission limit of 1,069.1 lb/hr. ADEQ included an updated analysis to examine whether the forecasted hourly emissions reflect actual operating conditions post-upgrades. Based on this analysis, the State concludes that the forecasted emissions were a conservative estimate and that the existing 1069.1 lb/hr 14-day average limit remains appropriate and protective.

Based on a review of the State's submittal, the EPA proposes to find that the 14-day average limit for the main stack of the Hayden Smelter provides a suitable alternative to establishing a 1-hour average emission limit for the main stack. The State has used a suitable database in an appropriate manner and has thereby applied an appropriate adjustment factor, yielding an emission limit that has comparable stringency to the 1-hour average limit that the State determined would otherwise have been necessary to provide for attainment. While the 14-day average limit for the main stack allows occasions in which emissions may be higher than the level that would be allowed with the 1-hour limit, the State's limit compensates by requiring average emissions to be lower than the level that would otherwise have been required by a 1-hour average limit. For reasons described herein and explained in more detail in the EPA's 2014 SO_2 Guidance, the EPA has found that appropriately set longer-term average limits provide a reasonable basis by which nonattainment plans may provide for attainment. Based on our review of this general information as well as the particular information in ADEQ's plan, the EPA proposes to find that the 14-day average limit for the main stack of the Hayden Smelter, in combination with other emissions limitations in the State's plan, will provide for attainment of the NAAQS. The EPA is proposing to conclude that the modeling and comparably stringent longer-term emission limit in Arizona's plan adequately demonstrate that it, along with the 1-hour fugitive limits, provides for attainment of the 1971 and 2010 SO_2 NAAQS in the Hayden SO_2 nonattainment area.

E. Background Concentrations

The 2014 SO_2 Guidance recommends developing a uniform monitored background concentration based on monitored design values for the latest

[52] 2023 Hayden SO_2 Plan, p. 58.

[53] Rule B1302, section (E).

[54] Id. at section (D).

[55] Id. at section (F).

[56] Id. at subsections (F)(4) and (F)(5).

[57] Id. at sections (H), (I), (J), (K), and (L).

[58] EPA Region IX, ''Technical Support Document for Rule Revisions in the Hayden SO_2 Supplement to the 2023 Hayden SO_2 Plan,'' December 2025.

[59] ASARCO_EMISSION_LIMIT_TSD_10222018.xlsx. Data available from prior to 2005 and from 2008–2009 were excluded because they were determined to not be fully representative of Smelter operations.

[60] Using the same technique, the State also computed the 99th percentile of the 30-day and 24-hour SO_2 emission rates, which are 929.91 lb/hr and 991.83 lb/hr, resulting in computed adjustment factors of 0.69 and 0.74, respectively. These values are within the range of the national average 30-day average adjustment factors (*i.e.,* 0.63–0.79) and lower than the range of 24-hour average adjustment factors (*i.e.,* 0.81–0.93) estimated for electrical generating units (EGUs) and listed in Table 1 of Appendix D of the 2014 SO_2 Guidance. Although the 24-hour average adjustment factor is outside of the range derived for EGUs, this is expected, as smelters exhibit a greater range of variability due to feed and operational variability. In general, we expect operations with large variability to require bigger adjustments (lower adjustment factors) and result in lower long-term average emissions limits relative to the 1-hour CEV.

three-year period, regardless of the years of meteorological data used in the modeling. The guidance further states that in cases of nonattainment areas designated based on a monitor's data showing a NAAQS violation, it may be necessary to use a different representative monitor outside of the nonattainment area, particularly where the monitor has a high number of observations affected by modeled sources. The EPA's ''Guidance on Developing Background Concentration for Use in Modeling Demonstrations'' [61] provides guidance on the selection of nearby sources to explicitly model in the demonstration and the representativeness of the background concentration of sources not modeled explicitly.

ADEQ selected background SO_2 concentrations using ambient air measurements recorded for the years 2020 and 2021 at the Hayden Old Jail monitor (Air Quality System (AQS) [62] ID: 04–007–1001) following the start of the temporary shutdown at the Hayden Smelter facility. The Hayden Old Jail monitor is uniquely positioned to capture ambient SO_2 levels reflective of background conditions during the closure period, as it is the only AQS monitor in the nonattainment area and is located just to the west of the facility's ambient air boundary. This location ensures that the monitor is influenced by the same topographically driven diurnal flows governing ambient SO_2 concentrations throughout the nonattainment area. The shutdown period provides a dataset free from facility influence, as the Asarco Hayden Smelter is the sole major SO_2 source in the area. No hourly exceedances of the SO_2 NAAQS occurred during the temporary closure period, underscoring the reliability of these background concentrations for accurately representing ambient conditions in the absence of smelter emissions. The State calculated the 2-year averages of the 99th percentile of SO_2 concentrations for each hour of the day and season at the Hayden Old Jail site. The State chose to use these concentrations to establish temporally varying background concentrations of SO_2 to add to modeled design values.

The EPA is proposing to find that the State's specification of temporally varying SO_2 background concentrations provide for representative background SO_2 levels in the Hayden SO_2 nonattainment area and is appropriate and consistent with the modeling guidance.

F. Summary of Results

The State's modeling indicates that with CEVs of 1,518 lb/hr for the main stack, 38.5 lb/hr for the flash furnace fugitives, 10 lb/hr for the converter aisle fugitives, and 9 lb/hr for the anode furnace fugitives, the highest predicted 99th percentile daily maximum 1-hour concentration within the Hayden SO_2 nonattainment area would be 195.97 µg/m^3, which is below the 196.4 µg/m^3 (75 ppb) level of the 2010 1-hour SO_2 NAAQS.[63] Likewise the State's modeling indicates that with these CEVs, the controlling concentrations for the 1971 NAAQS would be 170.8 µg/m^3 (3-hour average), compared to the 3-hour secondary standard of 1300 µg/m^3 (0.5 ppm); 51.7 µg/m^3 (24-hour average), compared to the 24-hour primary standard of 512 µg/m^3 (0.14 ppm); and 11.9 µg/m^3 (annual average) compared to the annual primary standard of 80 µg/m^3 (0.03 ppm).[64] The modeled concentrations include the background concentration, slag pouring emissions, non-trivial equipment emissions, and fugitive emissions of SO_2. The modeling indicates that the Smelter facility upgrades, resulting 14-day emission limit of 1,069.1 lb/hr for the main stack, and fugitive emissions limits of 38.5 lb/hr for the flash furnace, 10 lb/hr for the converter aisle, and 9 lb/hr for the anode furnace, are sufficient for the Hayden SO_2 nonattainment area to attain the 1971 and 2010 SO_2 NAAQS. Additionally, the State's attainment modeling for the alternative fugitive emissions limit scenarios detailed in Table 3 of this document indicates that each of the alternative scenarios, coupled with the 14-day limit for the main stack, would also provide for attainment of the 1971 and 2010 SO_2 NAAQS in the Hayden SO_2 nonattainment area.

The EPA is proposing to determine that the attainment modeling demonstration meets the technical requirements of Appendix W and the 2014 SO_2 Guidance.

V. Review of Emissions and Emission Controls

A. Emissions Inventory and the Quantification of Emissions

Section 172(c)(3) of the CAA requires that a state's attainment plan include a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in the area, including such periodic revisions as the Administrator may determine necessary to assure that the requirements of the CAA are met. Section 172(c)(4) of the CAA requires that a state's attainment plan expressly identify and quantify the emissions, if any, of any pollutant or pollutants that will be allowed, in accordance with section 173(a)(1)(B) of the CAA, from the construction and operation of major new or modified stationary sources in the area. Section 172(c)(4) of the CAA also requires the plan demonstrate that the quantified emissions are consistent with the achievement of RFP and will not interfere with attainment of the NAAQS by the attainment date.

The emissions inventory and source emission rate data for an area serve as the foundation for air quality modeling and other analyses that enable states to estimate the degree to which different sources within a nonattainment area contribute to violations within the affected area and assess the expected improvement in air quality within the nonattainment area due to the adoption and implementation of control measures. As noted above, the state must develop and submit to the EPA a comprehensive, accurate, and current inventory of actual emissions from all sources of SO_2 emissions in each nonattainment area, as well as any sources located outside the nonattainment area that may affect attainment in the area.[65]

The ADEQ used 2017 as the base year for emissions inventory preparation. At the time of preparation of the Plan, 2017 reflected the most recent triennial National Emission Inventory (NEI) available for a year in which the Hayden Smelter was operational [66] and therefore is representative of a year with violations of the primary SO_2 NAAQS. Emissions in the year 2017 also reflect a time prior to implementation of the

[61] EPA, ''Guidance on Developing Background Concentrations for Use in Modeling Demonstrations'' (November 2024). Publication No. EPA–454/R–24–003. Available at *https://www.epa.gov/system/files/documents/2024-11/background-concentrations.pdf.*

[62] The EPA maintains the AQS, a database that contains ambient air pollution data collected by the EPA, state, local, and tribal air pollution control agencies. The AQS also contains meteorological data, descriptive information about each monitoring station (including its geographic location and its operator) and data quality assurance/quality control information. The AQS data are used to (1) assess air quality, (2) assist in attainment/non-attainment designations, (3) evaluate SIPs for non-attainment areas, (4) perform modeling for permit review analysis, and (5) prepare reports for Congress as mandated by the CAA. Access is through the website at *https://www.epa.gov/aqs.*

[63] 2023 Hayden SO_2 Plan, p. 82.

[64] Id.

[65] See CAA section 172(c)(3) and the EPA's 2014 SO_2 Guidance.

[66] As discussed in the 2023 Hayden SO_2 Plan, on October 13, 2019, the Hayden Smelter ''shut down due to the declaration of a work stoppage by the ASARCO bargaining unit.'' As of the writing of this document, the Hayden Smelter has not resumed operations.

control strategy in the 2023 Hayden SO_2 Plan.

To develop the 2017 base year emissions inventory, ADEQ reviewed and compiled actual emissions information from all sources of SO_2 in the nonattainment area. The ADEQ used information from state and local permits and surveys to estimate emissions from point sources and derived nonpoint source emissions from the 2017 NEI. In addition to developing an emissions inventory of SO_2 emission sources within the nonattainment area, ADEQ provided an SO_2 emissions inventory for those emission sources within a 50 km buffer zone of the nonattainment area. Table 4 of this document summarizes 2017 base year SO_2 emissions inventory data for the nonattainment area, categorized by emission source type (rounded to the nearest whole number).

TABLE 4—BASE YEAR SO_2 EMISSIONS INVENTORY FOR THE HAYDEN SO_2 NONATTAINMENT AREA

[Tons per year]

Year	Point	Nonpoint	On-road mobile	Non-road mobile	Total
2017	20,499	5	<1	<1	20,504

Source: 2023 Hayden SO_2 Plan, Table 3–13.

As shown in Table 4, the majority of SO_2 emissions in the 2017 base year inventory can be attributed to the point source category. Emissions for this category are from the Hayden Smelter.

A projected attainment year emissions inventory should also be included in the SIP submission according to the 2014 SO_2 Guidance. This emissions inventory should include, in a manner consistent with the attainment demonstration, estimated emissions for all SO_2 emission sources that were determined to have an impact on the affected nonattainment area for the projected attainment year. Table 5 of this document summarizes Arizona's projected 2026 SO_2 emissions inventory data for the nonattainment area, categorized by source type. The 2017 base year emissions, as well as the projected change between base year and projected year emissions (rounded to the nearest whole number), are also summarized in Table 5.

TABLE 5—PROJECTED 2026 EMISSIONS INVENTORY FOR THE HAYDEN SO_2 NONATTAINMENT AREA

[Tons per year]

Year	Point	Nonpoint	On-road mobile	Non-road mobile	Total
2017	20,499	5	<1	<1	20,504
2026	3,007	5	<1	<1	3,012
Change	−17,492	0	0	0	−17,492

Source: 2023 Hayden SO_2 Plan, Appendix B, Tables 5–6 and 7–6.

As shown in Table 5, the majority of SO_2 emissions in the projected 2026 emission inventory are attributed to the point source emissions category. Emissions for this category were estimated based on a potential to emit at maximum throughput or federally enforceable limits for the Hayden Smelter. These emission projections include emission reduction estimates from the capture efficiencies of control measures that have already been implemented, or are required to be implemented under the Hayden SO_2 Permit Revision and revised Rule B1302.

The EPA has evaluated ADEQ's 2017 base year inventory and projected 2026 emissions inventory for the Hayden SO_2 nonattainment area and finds these inventories and the methodologies used for their development to be consistent with EPA guidance. As a result, the EPA is proposing to determine that the emissions inventories in the 2023 Hayden SO_2 Plan satisfy the requirements of CAA section 172(c)(3) and (4) for the Hayden SO_2 nonattainment area for the 1971 and 2010 SO_2 NAAQS.

B. Reasonably Available Control Measures/Reasonably Available Control Technology

CAA section 172(c)(1) states that nonattainment plans should ''provide for the implementation of all reasonably available control measures as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology) and shall provide for attainment of the [NAAQS].'' In this case, pursuant to CAA section 179(d)(3), following the EPA's determination that the Hayden SO_2 nonattainment area failed to attain by the October 4, 2018 attainment date, Arizona's revised plan must provide for attainment by January 31, 2027.[67]

ADEQ's control strategy for attaining the 1971 and 2010 SO_2 NAAQS in the Hayden SO_2 nonattainment area is based on implementation of the controls in the 2017 Hayden SO_2 Plan and the 2023 Hayden SO_2 Plan at the Hayden Smelter. The controls implemented as part of the 2017 Hayden SO_2 Plan include the replacement of five converter units with three larger units; the installation of more extensive, efficient, and effective fugitive gas control ducting around the converters; and the installation of additional process gas controls before venting to the main stack. Installation of these controls, collectively referred to as the ''Converter Retrofit Project,'' was completed in May 2018.

In the 2017 Hayden SO_2 Plan, ADEQ compared controls at the Hayden Smelter with those at eight other facilities and determined that the Smelter's use of an acid plant, the Converter Retrofit Project, and dry lime scrubbing were comparable to SO_2 control measures employed by similar

[67] 87 FR 4805 (January 31, 2022).

sources.[68] Thus, ADEQ concluded that the controls for the Hayden Smelter, including the Converter Retrofit Project, were representative of RACM/RACT level control.

The State's updated RACM/RACT analysis can be found in section 4.5.2.2 of the 2023 Hayden SO_2 Plan. ADEQ conducted the RACM/RACT analysis by comparing the requirements at the Hayden Smelter with controls for SO_2 and particulate matter at twelve facilities across the U.S. that (1) have similar control technologies as the Hayden Smelter; and (2) have been determined to meet the requirements for best available control measures for prevention of significant deterioration permitting purposes. The State chose to examine a diversity of sources because of the small number of primary copper smelting facilities operating in the United States. ADEQ compared the projected control efficiencies for the proposed control measures for the Hayden Smelter with the control efficiencies for the measures identified at the other large sources and, based on the efficiency of these sources as provided in the EPA's RACT/BACT/LAER Clearinghouse,[69] ADEQ reaffirmed its prior finding that the control technology implemented by Asarco as part of the Converter Retrofit Project is achieving similar or higher control efficiencies as those used by other industries. Thus, ADEQ concluded that these control technologies are representative of RACM/RACT level of control.

Because the requirements in the 2017 Hayden SO_2 Plan did not ultimately provide for attainment of the 2010 1-hour primary SO_2 NAAQS by the original October 4, 2018 attainment date, ADEQ included additional controls for the Hayden Smelter in the 2023 Hayden SO_2 Plan to provide for attainment by the January 31, 2027 applicable attainment date. These controls include three projects aimed at reducing fugitive emissions during peak processing periods:

- The ''Uptake Improvement Project'' involves the addition of a partial enclosure around the flash furnace to improve emissions capture during matte tapping and slag skimming activities;
- The ''Fuming Ladle Capture Project'' involves the addition of a hood and retaining walls to capture emissions from ''fuming'' ladles; and
- The ''Anode Furnace Secondary Hood System'' involves the addition of secondary hooding around the anode furnaces to improve capture during operations.

Arizona's Hayden SO_2 Permit Revision and revised Rule B1302 require compliance with the Uptake Improvement Project (also known as the ''Flash Furnace Area Capture Improvements''), Fuming Ladle Capture Project (also known as the ''Converter and Material Transfer Area Capture Improvements''), and Anode Furnace Secondary Hood System within 180 days of smelter restart. Arizona has determined that these measures, in combination with the Converter Retrofit Project and a redesigned acid plant preheater,[70] will suffice to provide for timely attainment. The EPA concurs and proposes to conclude that the State has satisfied the requirement in CAA section 172(c)(1) to adopt and submit all RACM as needed to attain the standards as expeditiously as practicable.

C. Nonattainment New Source Review

Section 172(c)(5) of the CAA requires that a state's attainment plan provisions shall require permits for the construction and operation of new or modified major stationary sources anywhere in the nonattainment area, in accordance with CAA section 173.

On November 2, 2015, the EPA published a final limited approval and limited disapproval of revisions to ADEQ's new source review (NSR) rules.[71] On May 4, 2018, the EPA approved rule revisions to address many of the deficiencies identified in the 2015 action,[72] and on June 16, 2021, the EPA approved additional rule revisions and determined that all outstanding deficiencies identified in the 2015 action had been corrected.[73] On April 3, 2024, the EPA approved further rule revisions submitted by ADEQ governing the issuance of permits for stationary sources in accordance with changes that the EPA had made to its NSR program regulations under the CAA.[74] Collectively, these rule revisions ensure that ADEQ's rules provide for appropriate NSR for SO_2 sources undergoing construction or major modification in the Hayden SO_2 nonattainment area without need for further modification. The EPA has already concluded that the NSR requirement has been met for this area,[75] and we are not reopening that determination in this proposed action. We note that Rule B1302, section (M) (''Preconstruction review'') indicates that the smelter emission limits contained in the rule are determined to be SO_2 RACT for purposes of minor NSR requirements. This provision does not interfere with or adversely affect existing nonattainment NSR rules.

D. Reasonable Further Progress

Section 172 of the CAA requires that attainment plans include provisions to address RFP. As discussed in the EPA's 2014 SO_2 Guidance, this requirement is more practically relevant and important for NAAQS pollutants affected by emissions from numerous and diverse sources, where the relationship between any individual source and overall air quality is not easily discernable, and where NAAQS attainment may require inventory-wide emissions reductions. The relationship between ambient SO_2 concentrations and SO_2 emission sources is more directly quantifiable as compared to other NAAQS pollutants, and there is frequently only one (or few) primary source of SO_2 emissions responsible for poor air quality in a nonattainment area. Consequently, full progress to attainment is achieved as soon as the one (or few) emission source is subject to an enforceable emission limitation. Therefore, for SO_2 SIP submittals that address a small number of affected sources, requiring expeditious compliance with attainment emission limits is sufficient to address the RFP requirement. CAA section 192(a) requires that SO_2 attainment plans provide for future attainment of the NAAQS as expeditiously as practicable, but no later than five years from the effective date of the area's designation as nonattainment. As discussed earlier in this document, following the EPA's determination that the Hayden SO_2 nonattainment area failed to attain by the October 4, 2018 attainment date, Arizona's plan must provide for attainment by January 31, 2027.[76]

ADEQ discusses the State's RFP demonstration, including the compliance schedule for the Hayden Smelter's operational controls and emission limits, in section 5.5 of the 2023 Hayden SO_2 Plan.

As discussed in section V.B of this document, ADEQ's control strategy for attaining the SO_2 NAAQS includes the implementation of the Converter

[68] 85 FR 31118, 31122 (May 22, 2020).

[69] Available at *https://cfpub.epa.gov/rblc/index.cfm?action=Home.Home.*

[70] In April 2018, Asarco commissioned a new acid plant preheater to reduce acid plant SO_2 emissions. Asarco subsequently discovered a malfunction at the preheater that resulted in loss of some process gas to the preheater exhaust stream and some exceedances of the 1-hour SO_2 NAAQS. Asarco redesigned and replaced the preheater to correct the issue. 2023 Hayden SO_2 Plan, pp. 49, 100.

[71] 80 FR 67319 (November 2, 2015).

[72] 83 FR 19631 (May 4, 2018).

[73] 86 FR 31927 (June 16, 2021).

[74] 89 FR 22963 (April 3, 2024).

[75] 85 FR 71547, 71552 (November 10, 2020).

[76] 87 FR 4805 (January 31, 2022).

Retrofit Project, the Uptake Improvement Project, the Fuming Ladle Capture Project, and the Anode Furnace Secondary Hood System, as well as compliance with the emissions limits for the main stack and fugitive emissions sources. The Converter Retrofit Project was completed in 2018.[77] The operational controls and limitations associated with the Uptake Improvement Project, Fuming Ladle Capture Project, and Anode Furnace Secondary Hood System are generally required to be implemented upon smelter restart, with some specific operational controls to be implemented by later deadlines specified in Rule B1302, section (D) (''Operational Standards'').[78] The SO_2 emission limits for the main stack and fugitive emissions sources are to be effective 60 days after the Hayden Smelter achieves maximum production after restart or 180 days after smelter restart, whichever occurs first.[79]

ADEQ finds that the 2023 Hayden SO_2 Plan requires affected sources to implement appropriate control measures as expeditiously as practicable to ensure attainment of the standards by the applicable attainment date.[80] ADEQ concludes that the Plan provides for RFP in accordance with the approach to RFP described in the EPA's 2014 SO_2 Guidance.[81] The EPA proposes to conclude that Arizona has satisfied the requirement in CAA section 172(c)(2) to provide for RFP toward attainment of the 1971 and 2010 SO_2 NAAQS in the Hayden SO_2 nonattainment area.

E. Contingency Measures

Section 172(c)(9) of the CAA requires that a state's attainment plan include additional measures, called contingency measures, that will take effect if the area fails to meet RFP or fails to attain the NAAQS by the attainment date. The EPA's 2014 SO_2 Guidance describes special features of SO_2 attainment planning that influence the suitability of alternative means of addressing the requirement in CAA section 172(c)(9) for contingency measures for SO_2.[82] That is, SO_2 control measures are based on what is directly and quantifiably necessary to attain the SO_2 NAAQS, and consequently, an area that implements such control measures would be unlikely to fail to attain the NAAQS.[83] Therefore, the EPA's longstanding approach is that an appropriate means of satisfying the contingency measures requirement for the SO_2 NAAQS is for the state to have a comprehensive enforcement program that identifies sources of violations of the SO_2 NAAQS and for the state to undertake aggressive follow-up for compliance and enforcement.

ADEQ explains its rationale for concluding that the Plan meets the requirement for contingency measures in section 6 of the 2023 Hayden SO_2 Plan. Specifically, ADEQ relies on the approach outlined in the 2014 SO_2 Guidance of having a comprehensive program to identify sources of violations of the SO_2 NAAQS and, as needed, of undertaking an aggressive follow-up for compliance and enforcement of applicable emission limitations. ADEQ states in the 2023 Hayden SO_2 Plan that it has such an enforcement program pursuant to State law in Arizona Revised Statutes (ARS) sections 49–461, 49–402, 49–404, and 49–406.[84] ADEQ also describes the process under State law to apply contingency measures for failure to make RFP and/or for failure to attain the SO_2 NAAQS by the attainment date and concludes that ADEQ's Plan satisfies contingency measure requirements.[85]

We note that the EPA has approved ARS 49–402, 49–404, 49–406, and 49–461 into the Arizona SIP.[86] In addition, we have approved ARS 49–422(A) (''Powers and Duties''), which authorizes ADEQ to require sources of air contaminants to ''monitor, sample or perform other studies to quantify emissions of air contaminants or levels of air pollution that may reasonably be attributable to that source'' for purposes of determining whether the source is in violation of a control requirement. We have also approved ARS 49–460 through 49–463, which authorize ADEQ to request compliance-related information from sources, to issue orders of abatement upon reasonable cause to believe a source has violated or is violating an air pollution control requirement, to establish injunctive relief, to establish civil penalties of up to $10,000 per day per violation, and to conduct criminal enforcement, as appropriate, through the Attorney General.[87]

As noted above, the EPA's 2014 SO_2 Guidance describes special features of SO_2 planning that influence the suitability of alternative means of addressing the requirement in CAA section 172(c)(9) for contingency measures for SO_2, such that in particular an appropriate means of satisfying this requirement is for the state to have a comprehensive enforcement program that identifies sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement. Arizona's plan provides for satisfying the contingency measure requirement in this manner for the nonattainment area. Consequently, the EPA is proposing to find that Arizona's comprehensive enforcement program is an appropriate contingency measure for this area and meets the requirement of CAA section 172(c)(9) for the 1971 and 2010 SO_2 NAAQS.

VI. Additional Elements of Arizona's Submittal

ADEQ addressed conformity requirements for the SO_2 NAAQS, including both general conformity and transportation conformity, in section 7 of the 2023 Hayden SO_2 Plan.

Generally, as set forth in section 176(c) of the CAA, conformity requires that actions by Federal agencies do not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS. General conformity applies to Federal actions, other than certain highway and transportation projects, if the action takes place in a nonattainment or maintenance area (*i.e.,* an area that submitted a maintenance plan that meets the requirements of section 175A of the CAA and has been redesignated to attainment) for ozone, particulate matter, nitrogen dioxide, carbon monoxide, lead, or SO_2. The EPA's General Conformity Rule establishes the criteria and procedures for determining if a Federal action conforms to the SIP.[88] With respect to the 2010 SO_2 NAAQS, Federal agencies are expected to continue to estimate emissions for conformity analyses in the same manner as they estimated emissions for conformity analyses under the previous NAAQS for SO_2. The EPA's General Conformity Rule includes the basic requirement that a Federal agency's general conformity analysis be based on the latest and most accurate emission estimation techniques available.[89] When updated and improved emission estimation techniques become available, the EPA expects the Federal agency to use these techniques.

Transportation conformity determinations are not required in SO_2 nonattainment and maintenance areas. The EPA concluded in its 1993

[77] 2023 Hayden SO_2 Plan, p. 83.

[78] Id.

[79] Id.

[80] Id. at 70.

[81] Id. at 83.

[82] 2014 SO_2 Guidance, pp. 41–42.

[83] See 75 FR 35520, 35576 (June 22, 2010) and the 2014 SO_2 Guidance.

[84] 2023 Hayden SO_2 Plan, p. 85.

[85] Id. at sections 6.1 and 6.2.

[86] 40 CFR 52.120(e), Table 3.

[87] 77 FR 66398 (November 5, 2012).

[88] 40 CFR 93.150 through 93.165.

[89] 40 CFR 93.159(b).

transportation conformity rule that highway and transit vehicles are not significant sources of SO_2. Therefore, transportation plans, transportation improvement programs, and projects are presumed to conform to applicable implementation plans for SO_2.[90]

VII. Proposed Action

The EPA is proposing to approve the 2023 Hayden SO_2 Plan, which ADEQ submitted to the EPA on October 3, 2023, and the Hayden SO_2 Supplement, including amendments to Rule B1302 and Appendix 14, submitted for parallel processing on December 8, 2025. We find that these submittals provide for attainment of the 1971 and 2010 SO_2 NAAQS for the Hayden SO_2 nonattainment area and for meeting other nonattainment planning requirements. This SO_2 attainment plan includes Arizona's attainment demonstration for the Hayden SO_2 nonattainment area. In addition to an attainment demonstration, the State's plan addresses the requirements for meeting RFP toward attainment of the NAAQS, RACM/RACT, base year and projection year emission inventories, nonattainment NSR, emission limitations necessary to provide for attainment, and contingency measures. In addition, the EPA is also proposing to approve amendments to Rules 715 and 715.01, which ADEQ submitted to the EPA on April 6, 2017. We find that these amendments, which would sunset the requirements in these rules, will not result in any relaxation of SIP requirements based on the revisions to Rule B1302.

The EPA is proposing to determine that Arizona's Hayden SO_2 Plan meets the applicable requirements of section 172 of the CAA for the 1971 and 2010 SO_2 NAAQS. The EPA proposes to determine that the Hayden SO_2 Plan meets the emissions inventory requirements under CAA section 172(c)(3) and (4) and to affirm that the State has met the NSR requirements for the Hayden SO_2 nonattainment area under CAA section 172(c)(5). We also propose to determine that the Hayden SO_2 Plan meets the attainment demonstration, RACM/RACT, enforceable emission limitations, RFP, and contingency measure requirements of the CAA for the 1971 and 2010 SO_2 NAAQS. The EPA's analysis is discussed in this proposed rulemaking. In addition, the TSDs for this proposal are available at *www.regulations.gov,* Docket No. EPA–R09–OAR–2025–3821. The EPA's TSDs for this action provide additional explanation of the EPA's analysis supporting this proposal.

If approval of the Hayden SO_2 Plan, including amendments to Rule B1302 and Appendix 14, is finalized as proposed, all sanctions triggered by our November 5, 2020 limited disapproval and November 10, 2020 partial disapproval actions would be permanently terminated.[91] Final approval would also satisfy the FIP obligation triggered by the March 18, 2016 finding of failure to submit and would terminate the associated FIP obligation for the Hayden SO_2 nonattainment area under the consent decree in *Center for Biological Diversity et al.* v. *Regan,* No. 4:24–cv–01900 (N.D. Cal.), doc. 28, paragraphs 1.b and 2. In addition, if the EPA takes final action to fully approve the Hayden SO_2 Plan, the 1971 SO_2 NAAQS would no longer apply to the Hayden SO_2 nonattainment area.[92]

The EPA is soliciting public comments for 30 days following the publication of this proposed action in the **Federal Register** and will take all relevant timely comments into consideration in our final action.

VIII. Incorporation by Reference

In this document, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the ADEQ rules listed in Table 1 of this document. The EPA has made, and will continue to make, these materials available at *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IX. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it proposes to approve a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: February 23, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

[FR Doc. 2026–04339 Filed 3–3–26; 8:45 am]

BILLING CODE 6560–50–P

[90] 58 FR 3768, 3776 (January 11, 1993).

[91] 85 FR 70483 (November 5, 2020) and 85 FR 71547 (November 10, 2020).

[92] See 40 CFR 50.4(e) (''for areas designated nonattainment for the [1971 SO_2 NAAQS] as of [August 23, 2010] . . . the [1971 SO_2 NAAQS] will apply until that area submits . . . and EPA approves, an implementation plan providing for attainment of the [2010 SO_2 NAAQS].''

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R10–OAR–2025–0052; FRL–12592–01–R10]

Air Plan Approval; OR; Klamath Falls $PM_{2.5}$ Redesignation to Attainment and Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve an August 20, 2024 request by the Oregon Department of Environmental Quality (Oregon) to revise the attainment plan for the Klamath Falls, Oregon, nonattainment area; redesignate the Klamath Falls nonattainment area to attainment for the 2006 24-hour fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS); and approve into the Oregon state implementation plan (SIP) a maintenance plan for the area that demonstrates continued attainment through 2037. This proposed rulemaking includes approving the motor vehicle emission budget for the area and approving updated state rules and the Klamath County Clean Air Ordinance, to be incorporated by reference. EPA proposes these actions pursuant to the Clean Air Act (CAA or the Act).

DATES: Comments must be received on or before April 3, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2025–0052, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Claudia Vaupel, EPA Region 10, 1200 Sixth Avenue, Suite 155, M/S 15–H13, Seattle WA, 98101; by telephone at (206) 553–6121, or by email at *vaupel.claudia@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' or ''our'' is used, it refers to EPA.

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I. Background

EPA sets the NAAQS for certain ambient air pollutants at levels required to protect human health and the environment. Particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers, or $PM_{2.5}$, is one of the air pollutants for which EPA has established health-based standards. On October 17, 2006 (71 FR 61144), EPA set the level of the primary 24-hour $PM_{2.5}$ NAAQS to 35 $\mu g/m^3$. On November 13, 2009 (74 FR 58688), EPA designated a portion of Klamath County, Oregon, as nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS, triggering Clean Air Act attainment planning requirements for the area. On June 2, 2014 (79 FR 31566), EPA classified the Klamath Falls area as a Moderate nonattainment area.

On December 12, 2012, Oregon submitted an attainment plan (Klamath Falls Attainment Plan) to EPA that focused primarily on reducing emissions from residential wood combustion during the winter heating season, which is when violations of the 2006 24-hour $PM_{2.5}$ typically NAAQS occurred. The Klamath Falls Attainment Plan demonstrated how the Klamath Falls 2006 24-hour $PM_{2.5}$ nonattainment area (Klamath Falls area) would attain the 2006 24-hour $PM_{2.5}$ NAAQS by the December 2014 attainment date. EPA approved the Klamath Falls Attainment Plan in two actions, on August 25, 2015, and June 6, 2016.[1] The June 6, 2016, action included EPA's finding that the Klamath Falls area had attained the 2006 24-hour $PM_{2.5}$ NAAQS by December 31, 2014, and finalized a Clean Data Determination (CDD) pursuant to 40 CFR 51.1015. The CDD suspended the requirements for the state to submit an attainment demonstration, associated Reasonably Available Control Measures, Reasonable Further Progress, contingency measures, and any other SIP planning requirements related to the attainment of the 2006 $PM_{2.5}$ NAAQS, so long as the area continues to meet the standard.[2]

On August 20, 2024, Oregon submitted revisions to the Klamath Falls Attainment Plan as well as a request to EPA to redesignate the Klamath Falls area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS and to approve into the Oregon SIP a maintenance plan for the area that demonstrates continued attainment through 2037. Oregon clarified its submissions in two letters dated April 4, 2025, and December 9, 2025.

II. Revisions to the Klamath Falls Attainment Plan

Oregon's submission includes revisions to the Klamath Falls Attainment Plan to incorporate updates to the Klamath County Clean Air Ordinance (Ordinance No. 63–06).

EPA approved Ordinance No. 63–06 (adopted on December 31, 2012) into Oregon's SIP August 25, 2015.[3] The ordinance includes several control measures that EPA determined meet CAA moderate area control strategy requirements, particularly for the solid fuel burning area source category. On June 25, 2024, Klamath County adopted updates to the SIP-approved Klamath County Clean Air ordinance in the form of Ordinance No. 63–07. Oregon submitted Klamath County Ordinance No. 63–07 to EPA for approval into Oregon's SIP. The following is EPA's discussion and analysis of revisions to

[1] *See* 80 FR 51470 (August 25, 2015) and 81 FR 36176 (June 6, 2016).

[2] *Id.*

[3] *See* 80 FR 51470 (August 25, 2015).

the Klamath County Clean Air Ordinance.

406.001 Policy and Purpose and 406.450 Severability

Summary of SIP Revision

Klamath County made minor changes to the policy and purpose provision, 406.001, and the severability provision, 406.450. These include wording changes such as replacing ''problems'' with ''issues,'' ''address'' with ''assess,'' ''clean'' with ''cleaner,'' ''jurisdiction'' with ''jurisdictions.''

EPA's Evaluation

EPA is proposing to approve these minor revisions.

406.005 Definitions

Summary of SIP Submission

Klamath County made several non-substantive changes to the definitions in the Clean Air Ordinance. For example, the County capitalized certain words that were originally lower case. In other instances, the County made minor word choice changes (*e.g.,* replacing ''die down'' with ''completely extinguish,'' and ''violator'' with ''individual or entity in violation''). Klamath County removed unused definitions, *e.g.,* ''urban growth boundary.'' The County consolidated the definition of ''pellet stove'' into the definition of ''wood burning device.''

Likewise, Klamath County consolidated certain definitions associated with outdoor burning into a central definition of ''open/outdoor burning.'' This central definition includes agricultural waste, commercial waste, construction waste, demolition waste, domestic waste, forest slash waste, and industrial waste, and waste from agricultural operations. This new term applies to all open or outdoor fires intended for the combustion of yard debris and cites the definition of ''open burning'' in OAR 340–264–0030(25)(c), a SIP-approved rule. In line with the removal of waste categories, Klamath County revised the definition of yard debris by removing criteria that distinguish between domestic and commercial waste and changing ''waste'' in the definition of ''open/outdoor burning'' to ''yard debris.'' The County also revised the definition of ''open/outdoor burning'' to remove ''open or outdoor fires intended for heating.''

The County removed the definition of ''person'' and changed the definition of ''responsible person'' to ''responsible party,'' which is consistent with the updated outdoor burning requirements in section 406.100(3)(K). The County also replaced the term ''Air Quality Inspector'' with ''Air Quality Specialist'' and added language clarifying the Air Quality Specialist's role to develop forecasts and respond to violations, and to educate the public about the ordinance and violations.

The County also revised the definition of the Klamath County Advisory Committee from being appointed by the Klamath County Board of Commissioners to being selected by the Klamath County Public Health department. The revised ordinance clarifies that a role of the committee is to provide community input on program implementation and removes the duty of the committee to identify significant emissions sources. Klamath County also removed the legal description of air quality zone (AQZ); however, the ordinance already contains a map of the AQZ.

The County added new definitions for ''Air quality outlook'' and ''Air Quality Index (AQI)'' which are used to provide air quality information to the public based on the Oregon AQI. The purpose of the air quality outlooks is to inform the public of air quality when conditions are at or above levels that are unhealthy for sensitive groups (AQI of 101).

In addition, Klamath County replaced outdated specifications in the definition of ''woodstove/woodheater'' and ''American Society for Testing and Materials (ASTM) Standards'' with references to ''current EPA emissions standards,'' which are incorporated into the definition of ''certified woodburning device.''

The County replaced the definitions of ''solid fuel fired appliance'' and ''woodstove/woodheater'' with ''wood burning device.'' Accordingly, the County replaced the definition of ''exempt solid-fuel fired appliance'' with ''exempt wood burning device'' and removed the definition of ''woodstove/woodheater.'' In the definition of ''certificate of exemption,'' the County removed language that provided for exempting open or outdoor burning from burning curtailments. The County also removed the definition of ''particulate matter ten microns and less (PM_{10})'' and removed PM_{10} wood burning curtailment advisories.

Klamath County also made several changes to certain definitions associated with the issuance of burn bans. The County issues burn notifications under section 406.150 of the Ordinance. Klamath formerly used a color-code to issue burn notifications (red, yellow, green). In section 406.005, the County defined each color based on the projected $PM_{2.5}$ level. Klamath County replaced the former definition of each color with burn notifications phrases (''burning allowed,'' ''exempt wood burning devices only,'' and ''no burning allowed'').

The County defined the ''burning allowed'' notice as when the air quality forecast projects that $PM_{2.5}$ levels will be below 22 micrograms per cubic meter ($\mu g/m^3$) for a 24-hour average. Under this notice there is no burn ban. ''Exempt wood burning devices only'' is defined as when the forecast projects that $PM_{2.5}$ levels have the potential to exceed 22 $\mu g/m^3$ for a 24-hour average. Under this notice, the County will allow burning in only devices for which the County has issued a certificate of exemption under section 406.200. ''No burning allowed'' is defined as when the forecast indicates that $PM_{2.5}$ levels have the potential to exceed 35 $\mu g/m^3$ for a 24-hour average. Under this notice, no burning is allowed in any devices.

Klamath County revised the definition of ''low income'' from the Housing and Urban Development definition of ''very low income'' to using 250 percent of the Federal poverty level. Under 406.200, the County issues certificates of exemption to only ''low income'' individuals for the purposes of the ''exempt wood burning devices only'' notification.

Section 406.005 includes a definition of ''certificate of variance,'' which is a term used throughout the ordinance. However, Oregon did not include 406.250 Certificate of Variance in its submittal. Therefore, the variance authority referenced in the definitions and other portions of the ordinance is not proposed for approval into the Klamath Falls Attainment Plan.

EPA's Evaluation

EPA has evaluated the changes to section 406.005 and proposes to approve them for the following reasons. Many of the revisions are minor editorial corrections that do not change the substance of the associated definitions or regulatory provisions. The revisions including the replacement of person with responsible party, revision to the definition of air quality zone, and the change to ''open/outdoor burning'', clarify the rules and make the rules easier to implement.

The revisions to air advisory committee and air quality outlook do not change the substance or stringency of the control measures in the Ordinance. The replacement of outdated woodstove/woodheater specifications improves the stringency of the Ordinance. Similarly, the consolidation of multiple definitions into ''wood burning device'' simplifies the

Ordinance and will improve implementation. The County's removal of the exemption for open and outdoor burning from burning curtailments in the definition of ''certificate of exemption'' improves the stringency of the Ordinance.

In addition, the County's removal of definitions of PM_{10} is appropriate for the Klamath Falls area because EPA previously approved removing the PM_{10} monitor from the area and approved an approach using the Klamath Falls $PM_{2.5}$ monitoring data as a surrogate for measuring PM_{10}. Moreover, the revised $PM_{2.5}$ curtailment trigger (when the 24-hour average $PM_{2.5}$ concentrations have the potential to exceed or are exceeding an estimate of 35 μg/m^3) is more protective than the former PM_{10} curtailment trigger (when PM_{10} concentrations have the potential to exceed or are exceeding an estimate of 150 ug/m^3).

With respect to the revisions to the burn curtailment advisory definitions, the replacement of the color code with natural language advisories will provide for equivalent emissions reductions. Notably, the new natural language advisories do not exactly parallel the former color code but will simplify implementation. We note that the new ''Exempt Wood Burning Device'' category significantly limits the categories of exempt devices than the former red and yellow advisories. This will lead to significant emissions reductions well before the area is forecasted to experience $PM_{2.5}$ levels at the NAAQS. Likewise, the ''No Burn Period'' advisory limits burning to only individuals with a wood stove as a sole source of heat. Although the ''No Burn Period'' is called when levels are projected to exceed 35 μg/m^3 as opposed to 30 μg/m^3 in the former regulation, the broader applicability will compensate in terms of greater emission reductions.

Likewise, the revision to the definition of ''low income'' is appropriate. We acknowledge that this revision may allow more people to qualify for exemptions during a burning curtailment. As of 2025, the very low-income limit for a four-person household in Klamath County was $40,700.[4] According to the U.S. Department of Health and Human Services, 250 percent of the Federal poverty level for a four-person household is $80,375.[5] Thus, this revision broadens the scope of individuals eligible to obtain a certificate of exemption. However, other changes to the definitions strengthen the Ordinance. Notably, pellet stoves, fireplaces, cook stoves, masonry heaters, and open burning are no longer exempt from burn bans. We also acknowledge that adjusting the income limits is necessary to ensure the measure is feasible to implement.[6] Individuals making 250 percent of the Federal poverty level likely cannot afford alternative sources of heat. Between 40 and 49 percent of Klamath County residents earning 200 percent or below the Federal poverty level experience high or severe energy burden.[7] The U.S. Department of Energy classifies a household spending 6 percent or more of its income on home energy costs as experiencing high energy burden.[8] The per capita energy expenditures in Oregon in 2022 was $4,594, which is a 61percent increase since 2020.[9] At this expenditure level, households making 250 percent of the Federal poverty level would experience high energy burden.

406.100 County Wide Air Quality Pollution Control Requirements

Summary of SIP Submission

Klamath County revised section 406.100 to incorporate the updated definitions discussed previously. The County clarified the open burning hours in two primary ways. First, the county replaced ''sunrise'' and ''sunset'' with times of day, ''8 a.m.'' and ''5 p.m.,'' respectively. Second, under the current rule, burning conducted for ''forest slash fires'' or ''ecosystem management'' are not required to be extinguished by sunset. The County revised the rule to exempt Federal, State, and local agency managed open burning (*e.g.,* forest fuel reduction, fire training, and ecosystem management) from the requirement to extinguish the fire by sunset. In addition, the revised Ordinance expands and clarifies the burn notification period from ''during the winter heating season'' to ''from October 15 through March 15.'' The County added a requirement that newly retrofitted fireplaces must comply with fireplace ASTM standards. The County also added a provision allowing certain types of fires: ''outdoor fires used for cooking, personal warmth, lighting, ceremonial, or aesthetic purposes, and are not associated with waste disposal'' but provided that such fires must be contained within a fireproof container designed for outdoor burning, be capable of containing the fire and coals above the ground surface, and may not exceed two feet in diameter and two feet in height.

EPA Evaluation

EPA reviewed the revisions to section 406.100 and proposes to approve them for the following reasons. Several revisions improve the clarity and enforceability of the section. Notably, the changes to the burn ban season and time periods make the section easier to follow and enforce. The addition of the requirement that newly installed fireplaces meet ASTM standards strengthens the Ordinance. Also, the former open burn hours exemption for slash fires and ecosystem management was ambiguous. Klamath County's revisions clarify and narrow the exemption's scope. Finally, we acknowledge that the addition of the exemption for certain small fires makes the rule less stringent. However, we do not anticipate that this narrow exemption will interfere with attainment of the NAAQS because the exemption is limited to very small fires for certain limited purposes.

406.150 Air Quality Pollution Requirements Applying Within the AQZ

Summary of SIP Submission

Klamath County revised section 406.150 to incorporate the updated definitions discussed previously and to remove the 3-minute per hour exemption from the 20 percent opacity limit and the exemption for pellet stoves, antique stoves, masonry fireplaces, and cookstoves, during wood burning curtailments. Other revisions to the Ordinance include removing the requirement that three weekends be included in the open/outdoor burning window and removing the option to extend the open burn window by the number of days that burning was prohibited. The requirement to consult with the City of Klamath Falls Code

[4] See FY 2025 Income Limits Documentation System, Klamath County, available at *https://www.huduser.gov/portal/datasets/il/il2025/2025summary.odn?STATES=41.0&INPUTNAME=NCNTY41035N41035*4103599999%2BKlamath+County&statelist=&stname=Oregon&wherefrom=&statefp=41&year=2025&ne_flag=&selection_type=county&incpath=&data=2025&SubmitButton=View+County+Calculations/.*

[5] 2025 Poverty Guidelines: 48 Contiguous States (all states except Alaska and Hawaii), available at *https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf/.*

[6] 40 CFR 51.1009(a)(3).

[7] 2024 Biennial Energy Report, Oregon Department of Energy, November 2024, p. 45, available at *https://www.oregon.gov/energy/Data-and-Reports/Documents/2024-Biennial-Energy-Report.pdf/.*

[8] U.S. Department of Energy, Low-Income Energy Affordability Data (LEAD) Tool, available at *https://www.energy.gov/scep/low-income-energy-affordability-data-lead-tool/.*

[9] 2024 Biennial Energy Report, Oregon Department of Energy, November 2024, p. 61, available at *https://www.oregon.gov/energy/Data-and-Reports/Documents/2024-Biennial-Energy-Report.pdf/.*

Compliance Officer before an open burn window is declared was also removed. The County added a provision to prohibit structures that can impede the view of material being burned outdoors.[10]

EPA's Evaluation

We discussed the reasons for proposing to approve the updated burn ban requirements under section 406.005. In addition, we are proposing to approve revisions to section 406.150 because these revisions strengthen the Ordinance. The County removed exemptions on certain devices and removed the opacity limit exemption for 3 minutes each hour. These changes increase the stringency of the Ordinance.

406.200 Certificate of Exemption

Summary of SIP Submission

Klamath County revised section 406.200 to incorporate the updated definitions discussed previously. Klamath County also revised the section to clarify that the certificate of exemption is for low-income households or those with wood heating as a sole source of heat.

EPA Evaluation

For the reasons discussed under section 406.005, EPA is proposing to approve these revisions.

406.500 Air Quality Advisory Committee

Summary of SIP Submission

Klamath County's revisions to section 406.500 changed the board composition from persons ''representing industry'' and the ''general public'' to ''community members.'' Outdated contingency measures that might have been triggered in 2014 and 2015 and are no longer relevant.

EPA Evaluation

EPA is proposing to approve these revisions.

III. Clean Air Act Requirements for Redesignation to Attainment

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, CAA section 107(d)(3)(E), allows for redesignation provided that: (1) EPA determines that the area has attained the applicable NAAQS; (2) EPA has fully approved the applicable implementation plan for the area under CAA section 110(k); (3) EPA determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (4) EPA has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and (5) the State has met all requirements applicable to the area under CAA section 110 and part D. In this proposed rulemaking, EPA will review CAA section 107(d)(3)(E) requirements (2) and (5) together as part of our evaluation of Oregon's redesignation request.

EPA has provided guidance on redesignations in the ''General Preamble,'' [11] and has provided further guidance on processing redesignation requests in the following documents: (1) ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (Calcagni Memo); (2) ''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992; and (3) ''Part D New Source Review (part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994. These documents are included in the docket for this proposed rulemaking.

IV. EPA's Analysis of Oregon's Redesignation Submittal

EPA is proposing to redesignate the Klamath Falls area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS and to approve a maintenance plan for the area (the Klamath Falls Maintenance Plan) that demonstrates the area will remain in attainment of the 2006 24-hour $PM_{2.5}$ NAAQS for 10 years after redesignation. EPA's proposed approval of the redesignation request and maintenance plan is based upon EPA's determination that the area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS and that all other redesignation criteria have been met for the area. The following is a description of how Oregon's August 20, 2024, submission and the April 4, 2025, and December 9, 2025, clarification letters, available in the docket for this rulemaking, satisfy the requirements of CAA section 107(d)(3)(E) for the 2006 24-hour $PM_{2.5}$ standard.

A. Determination That the Area Has Attained the 2006 24-Hour $PM_{2.5}$ NAAQS

To redesignate an area from nonattainment to attainment, the CAA requires EPA to determine that the area has attained the applicable NAAQS (CAA section 107(d)(3)(E)(i)). An area is attaining the 2006 24-hour $PM_{2.5}$ NAAQS, when the 3-year average 98th percentile mass concentrations produce a valid design value that is less than or equal to 35 $\mu g/m^3$, based on 3 complete, consecutive calendar years of quality-assured air quality monitoring data, as determined in accordance with 40 CFR 50.13 and 40 CFR part 50, appendix N.[12]

As previously noted, on June 6, 2016 (81 FR 36176), EPA determined that the Klamath Falls area had attained the 2006 24-hour $PM_{2.5}$ NAAQS of 34 $\mu g/m^3$ based on the 2012–2014 design value period. For this proposed rulemaking, EPA reviewed the recent $PM_{2.5}$ ambient air monitoring data in the Klamath Falls area for the 2022 through 2024 design value period. The Klamath Falls area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS with a 2022 through 2024 design value of 34 $\mu g/m^3$.

EPA's review of the monitoring data supports the previous determination and therefore EPA finds it is appropriate to conclude the area has continued to attain the 2006 24-hour $PM_{2.5}$ NAAQS, based on attaining design values at the Peterson School regulatory monitor (AQS ID 41–035–0004).

B. Applicable Requirements Under CAA Section 110 and Part D

CAA section 107(d)(3)(E)(ii) and (v) states that for an area to be redesignated to attainment, it must be determined that the Administrator has fully approved the applicable implementation plan for the area under CAA section 110(k) and all the requirements applicable to the area under CAA section 110 (general SIP requirements) and part D of title I (SIP requirements for nonattainment areas) must be met. We interpret this to mean that, for a redesignation request to be approved, the state must have met all requirements that applied to the subject area prior to, or at the time of, submitting a complete redesignation

[10] We note that Oregon did not submit section 406.150.1.D.e, ''other emergencies as determined by Klamath County Public Health,'' for EPA's approval into the Oregon SIP.

[11] *See* ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992).

[12] The design value is the metric calculated in accordance with 40 CFR part 50, appendix N, for determining compliance with the NAAQS. Section 4.5 of appendix N provides the procedures and equations for calculating the 24-hour $PM_{2.5}$ NAAQS design values and section 4.3 provides the rounding conventions.

request. EPA may rely on prior SIP approvals in approving a redesignation request as well as any additional measure it may approve in conjunction with a redesignation action.[13]

1. CAA Section 110 General SIP Requirements

CAA section 110(a)(2) of title I delineates the general requirements for a SIP, which include enforceable emissions limitations and other control measures, means or techniques, provisions for the establishment and operation of appropriate devices necessary to collect data on ambient air quality, and programs to enforce the limitations. The general SIP elements and requirements set forth in CAA section 110(a)(2) include, but are not limited to the following:

- Submittal of a SIP that has been adopted by the state after reasonable public notice and hearing;
- Provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality;
- Implementation of a minor source permit program;
- Provisions for the implementation of part C requirements (referred to as prevention of significant deterioration or PSD);
- Provisions for the implementation of CAA part D requirements for nonattainment new source review (referred to as part D NNSR, NNSR, nonattainment NSR, or NSR) permit programs;
- Provisions for air pollution modeling; and
- Provisions for public and local agency participation in planning and emission control rule development.[14]

We note that SIPs must be fully approved only with respect to applicable requirements for purposes of redesignation in accordance with CAA section 107(d)(3)(E)(ii). Similarly, EPA believes that the other CAA section 110(a)(2) (and part D) requirements that are not connected with nonattainment plan submittals and not linked with an area's attainment status are not applicable requirements for purposes of redesignation. EPA considers the CAA section 110(a)(2) (and part D) requirements that relate to a particular nonattainment area's designation and classification as the relevant measures to evaluate in reviewing a redesignation request. This approach is consistent with EPA's existing policy on applicability of the conformity SIP requirement for redesignations.[15]

EPA has reviewed the relevant measures in the Oregon SIP and concludes that they meet the general SIP requirements under CAA section 110(a)(2). EPA has previously approved provisions of Oregon's SIP as demonstrating compliance with the CAA section 110(a)(2) requirements for the 2006 $PM_{2.5}$ NAAQS.[16] These requirements are, however, statewide requirements that are not linked to the $PM_{2.5}$ nonattainment status of the Klamath Falls area. In addition, there are no outstanding or disapproved applicable SIP submittals with respect to the Klamath Falls area that would prevent redesignation of the Klamath Falls area for the 2006 $PM_{2.5}$ NAAQS. Therefore, EPA concludes that Oregon has met all general SIP requirements for the Klamath Falls area for purposes of redesignating the area to attainment for the 2006 $PM_{2.5}$ NAAQS.

2. CAA Title I, Part D Requirements

As set forth in CAA part D of title I, the basic nonattainment plan requirements applicable to all nonattainment areas at subpart 1 (CAA sections 172 through 176) and requirements specific to PM_{10} and $PM_{2.5}$ areas at subpart 4 (CAA section 189). On August 24, 2016 (81 FR 58010), EPA promulgated the *Fine Particulate Matter National Ambient Air Quality Standards; State Implementation Plan Requirements* rule which implements the CAA part D requirements for areas designated nonattainment for any $PM_{2.5}$ NAAQS.[17]

States containing Moderate $PM_{2.5}$ nonattainment areas were required to submit SIPs, by December 31, 2014, that demonstrated how the areas would attain the $PM_{2.5}$ NAAQS by December 31, 2015.[18] As discussed in section I of this document, EPA approved the Klamath Falls Attainment Plan, determined that the Klamath Falls area had attained the 2006 24-hour $PM_{2.5}$ NAAQS by the attainment date, and finalized a CDD pursuant to 40 CFR 51.1015.[19] In accordance with 40 CFR 51.1015, upon a CDD, the requirements for the state to meet certain nonattainment plan requirements under CAA section 172(c) shall be suspended until such time as: (1) the area is redesignated to attainment, after which such requirements are permanently discharged; or, (2) EPA determines that the area has re-violated the $PM_{2.5}$ NAAQS. This includes the requirements to submit an attainment demonstration, provisions demonstrating that reasonably available control measures (RACM), including reasonably available control technologies (RACT) for stationary sources, shall be implemented no later than 4 years following the date of designation of the area, reasonable further progress (RFP) plan, quantitative milestones (QM) and reports, and contingency measures for the area. However, determinations of attainment do not relieve states from submitting and EPA from approving certain other CAA part D planning requirements for the 2006 $PM_{2.5}$ NAAQS. CAA section 172(c)(3) requires submittal and approval of a comprehensive, accurate and current inventory of actual emissions. For purposes of the $PM_{2.5}$ NAAQS, this emissions inventory should address not only direct emissions of $PM_{2.5}$, but also emissions of all precursors to $PM_{2.5}$ formation, *i.e.,* SO_2, NO_X, VOC, and ammonia. EPA determined that Oregon met the CAA section 172(c)(3) comprehensive emissions inventory requirement for the Klamath Falls area on June 6, 2016.[20]

CAA section 172(c)(4) requires the identification and quantification of allowable emissions for major new or modified stationary sources in an area, and CAA section 172(c)(5) requires source permits for the construction and operation of new or modified major stationary sources anywhere in the nonattainment area. EPA most recently approved Oregon's NSR permit program as meeting these requirements on July 23, 2024 (89 FR 59610).

Once the Klamath Falls area is redesignated to attainment, sources located in the Klamath Falls area will be subject to Oregon's NSR regulations applicable to maintenance areas. Oregon's NSR and PSD regulations are codified in the Oregon Administrative Rules (OAR), chapter 340, divisions 200, 202, 209, 212, 216, 222, 224 (except 0510(3) inter-pollutant offset ratios), 225, and 268. EPA finds that Oregon's NSR and PSD provisions meet all

[13] Calcagni Memo, 3; *Wall* v. *EPA,* 265 F.3d 426, 438 (6th Cir. 2001); and *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984, 989–990 (6th Cir. 1998).

[14] *See* the General Preamble for further explanation of these requirements. 57 FR 13498 (April 16, 1992).

[15] *See* 75 FR 36023 through 36026 (June 24, 2010) and citations within.

[16] *See e.g.,* 78 FR 46514 (August 1, 2013), and 80 FR 2313 (January 16, 2015).

[17] *See* 81 FR 58010 (August 24, 2016). Codified at 40 CFR part 51, subpart Z.

[18] *See* CAA section 188(c)(1), 42 U.S.C. 7513(c)(1), and 40 CFR 51.1004(a)(1). *See also* Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and 2006 $PM_{2.5}$ NAAQS (June 2, 2014), 79 FR 31566, 31567–68.

[19] *See* 80 FR 51470 (August 25, 2015) and 81 FR 36176 (June 6, 2016).

[20] *See* 80 FR 51470 (August 25, 2015).

applicable Federal requirements for any area designated unclassifiable or attainment, and these provisions will become fully effective in the Klamath Falls area upon redesignation to attainment. EPA most recently approved revisions to division 224, Oregon's NSR program, on July 23, 2024 (89 FR 59610).

CAA section 172(c)(7) requires the SIP to meet the applicable provisions of CAA section 110(a)(2). As explained previously in section IV.B.1 of this document, we have proposed to find that the Oregon SIP meets the CAA section 110(a)(2) applicable requirements. For purposes of redesignation to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS, EPA also proposes to find that Oregon has met all the applicable SIP requirements under CAA part D of title I in accordance with CAA section 107(d)(3)(E)(v).

3. Fully Approved SIP Under CAA Section 110(k)

CAA section 110(k) sets out provisions governing EPA's review of SIP submittals. For an area to qualify for redesignation, the SIP for the area must be fully approved under CAA section 110(k). As discussed in sections IV.B.1 and IV.B.2 of this document, for purposes of redesignation to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS, EPA has fully approved all applicable requirements in the Klamath Falls Attainment Plan into the Oregon SIP in accordance with CAA section 110(k). Therefore, the criterion for redesignation, set forth at CAA section 107(d)(3)(E)(ii), is satisfied.

C. Improvement in Air Quality Due to Permanent and Enforceable Measures

CAA section 107(d)(3)(E)(iii) provides that for an area to be redesignated to attainment, the Administrator must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan, implementation of applicable Federal air pollutant control regulations, and other permanent and enforceable reductions. In making this demonstration for the Klamath Falls area, Oregon explained that residential wood heating was the major source of emissions contributing to violations of the 24-hour $PM_{2.5}$ NAAQS, which occur primarily during the winter season. The permanent and enforceable control measures included in the Klamath Falls Attainment Plan focused on reducing emissions from residential wood combustion, as well as other contributing sources including open burning, permitted industrial facilities, and mobile sources. The following paragraphs describe the permanent and enforceable local and state control measures that were adopted in the Klamath Falls Attainment Plan.

Oregon identified emissions from residential wood heating in the winter months as the major contributor to nonattainment in the Klamath Falls area. The Klamath Falls Attainment Plan implemented enforceable state and local strategies to reduce emissions from residential wood heating and EPA approved them into the Oregon SIP on June 6, 2016 (81 FR 36176), making them federally enforceable. In this rulemaking, EPA is proposing to approve revisions to the Klamath Falls Attainment Plan, as discussed in section II of this document. The strategies in the Klamath Falls Attainment Plan include curtailing wood heating on days when exceedances of the 2006 24-hour $PM_{2.5}$ NAAQS are most likely to occur, a woodstove change out program, prohibitions on resale and installation of non-certified [21] solid fuel heating devices, requirements to remove non-certified solid fuel heating devices at the time of home sale, and certain operational requirements for solid-fuel heating.

The mandatory curtailment program, under the Klamath Clean Air Ordinance, restricts combustion in residential wood burning devices when elevated $PM_{2.5}$ concentrations are forecast in the air quality zone.[22] Key elements of the curtailment program include daily burn notifications during the heating season, from October 15 through March 15. A ''no burning allowed'' notification is issued when 24-hour average $PM_{2.5}$ concentrations have the potential to exceed or are exceeding 35μg/m^3. During this time, operating any wood burning device is prohibited. An ''exempt wood burning devices only'' notification is issued when $PM_{2.5}$ 24-hour average concentrations have the potential to exceed 22μg/m^3 but are not projected to exceed 35μg/m^3. During this time, only devices with an approved certificate of exemption may burn. A certificate of exemption may be issued by the Klamath County Public Health Administrator or designee to applicants who qualify as low income or whose sole source of heat is a wood burning device. A ''burning allowed'' notification is issued when 24-hour average $PM_{2.5}$ concentrations are forecast to not exceed 22μg/m^3. All wood burning devices may be used during this time.

To reduce the number of high-emitting wood burning devices that operate in the Klamath Falls area, Oregon implemented a woodstove changeout program, prohibited the sale and installation of non-certified devices, required the removal and destruction of all non-certified wood burning devices at the time of home sale (including residences, shops, garages, and outbuildings), and established new fireplace standards. The woodstove changeout program provided financial incentives for homeowners to replace non-certified woodstoves with newer, cleaner heating devices. Oregon stated that 180 woodstoves had been replaced in the changeout program, and 7 uncertified woodstoves had been removed upon home sale as of the date of its redesignation request and maintenance plan submission. Oregon projects that by 2028, 411 woodstoves will have been replaced. The removal of non-certified woodstoves and the prohibition on their sale and installation ensures the emissions reductions from changeouts and removal at time of home sale are permanent and enforceable.

The Klamath Falls Attainment Plan includes operational requirements for residential wood heating, specifically limits on opacity and restrictions on materials that can be burned. The Klamath Clean Air Ordinance prohibits operating a wood burning device in a manner that produces smoke with opacity greater than 20 percent, except during the first 10 minutes of operation.[23] The Ordinance also lists the types of fuel that can be used in a wood burning device as: only dry, seasoned cordwood, pressed sawdust logs, organic charcoal or pellets specifically manufactured for the appliance. Both the Klamath Clean Air Ordinance and the Oregon Heat Smart Program (OAR Division 262) list materials that are prohibited from being burned in a solid-fuel heating device. The combined list of prohibited materials include: garbage, treated wood, plastic or plastic products, rubber or rubber products, animal carcasses, products that contain asphalt, petroleum products, paint, chemicals, products containing lead, mercury or other heavy or toxic metals, materials containing asbestos, wire insulation, automobile parts,

[21] Information on EPA certified woodstoves is available at: *https://www.epa.gov/burnwise/epa-certified-wood-stoves/*.

[22] The air quality zone is slightly smaller than the Klamath Falls nonattainment area. (*See* Klamath Clean Air Ordinance, Exhibit A).

[23] We note that other control measures apply during the opacity start-up exemption, which target emissions reductions from the same sources, including a requirement that only dry, seasoned cordwood, pressed sawdust logs, organic charcoal or pellets specifically manufactured for the appliance can be burned.

particleboard, and animal or vegetable matter resulting from the handling, preparation, cooking or service of food that normally results in dense or noxious smoke when burned.

While emissions from residential wood heating in the winter months was identified as the major contributor to nonattainment in the Klamath Falls area, and therefore the Attainment Plan largely relies on implemented enforceable state and local strategies to reduce emissions from residential wood heating, other permanent and enforceable measures contained in the Klamath Falls Attainment plan include those for open burning, permitted industrial facilities, and industrial sources. The Klamath Clean Air Ordinance allows for open and outdoor burning during specific time periods, and within the Klamath Falls air quality zone during open burn periods declared by Klamath County Public Health. To address emissions from industrial facilities, the Klamath Falls Attainment Plan implemented rules requiring all permitted facilities emitting 10 or more tons per year of $PM_{2.5}$ to implement RACT. Specifically, the rules (OAR 340–240–0510 through OAR 340–240–0530) include opacity limits, fugitive emissions plans, and operations and maintenance best practices. Emissions reductions are expected to increase in future years as the motor vehicle fleet in Klamath Falls turns over. Further, the Klamath Falls Attainment Plan stated that efforts to reduce road dust emissions generated by motor vehicle traffic had been achieved through road paving, minimizing the use of sanding material, and controlling mud and dirt track out from industrial, construction and agricultural operations. The *Interagency Agreement to Reduce Particulate Emissions from Winter Road Sanding* between the Oregon Department of Transportation, the Klamath County Public Works Department, and the City of Klamath Falls Public Works Department was approved into the Oregon SIP.

Based on EPA's evaluation of the control measures, we propose to determine that the improvement in air quality is reasonably attributable to permanent and enforceable reductions in emissions resulting from implementation of the applicable state, local, and Federal air pollutant control regulations, and other permanent and enforceable emissions reductions.

D. Fully Approved Maintenance Plan

In conjunction with Oregon's request to redesignate the Klamath Falls area to attainment, Oregon submitted a plan to provide for maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS through 2037 (Klamath Falls Maintenance Plan). EPA is proposing to approve the Klamath Falls Maintenance Plan, and if this proposed rulemaking is finalized, the Klamath Falls area will have an approved $PM_{2.5}$ maintenance plan.

CAA section 107(d)(3)(E)(iv) requires that, for a nonattainment area to be redesignated to attainment, EPA must fully approve a maintenance plan for the area as meeting the requirements of CAA section 175A. The maintenance plan must demonstrate continued attainment of the relevant NAAQS in the area for at least 10 years after redesignation. Eight years after redesignation, the state must submit a revised maintenance plan demonstrating attainment for an additional 10-year period. The maintenance plan must also contain a contingency plan to ensure prompt correction of any violation of the NAAQS that occurs after redesignation of the area. *See* CAA sections 175A(a), (b) and (d). The Calcagni Memo provides additional guidance on the content of a maintenance plan, stating that a maintenance plan should include the following elements: (1) an attainment emissions inventory; (2) a maintenance demonstration showing attainment for 10 years following redesignation; (3) a commitment to maintain and operate an appropriate air quality monitoring network; (4) verification of continued attainment; and (5) a contingency plan to prevent or correct future violations of the NAAQS. The following describes how each of the maintenance plan elements are addressed in the maintenance plan.

1. Attainment Inventory

As discussed in the CAA General Preamble (*See* 57 FR 13498, April 16, 1992) and the Calcagni Memo, $PM_{2.5}$ maintenance plans should include an attainment emission inventory to identify the level of emissions in the area which are sufficient to maintain the NAAQS. The attainment inventory should be consistent with EPA's emissions inventory requirements and most recent guidance on emission inventories for nonattainment areas available at the time and should represent emissions during the time period associated with the monitoring data showing attainment.[24] The inventory must be comprehensive, including emissions from stationary point sources, area sources, and mobile sources, and must be based on actual emissions during the appropriate season, if applicable.

The Klamath Falls Maintenance Plan includes an attainment inventory for the year 2017, which is associated with monitoring data showing attainment of the 2006 24-hour $PM_{2.5}$ NAAQS with a 2015–2017 design value of 32 $\mu g/m^3$.[25] Therefore, the 2017 emissions inventory identifies the level of emissions in the Klamath Falls area that is sufficient to attain the 2006 24-hour $PM_{2.5}$ NAAQS. The 2017 emissions inventory includes annual emissions and typical season day emissions. Typical season day emissions represent emissions from November 1 through the end of February, which is when the 2006 24-hour $PM_{2.5}$ NAAQS has historically been exceeded in the Klamath Falls area. The attainment inventories shown in table 1 of this document, include emissions of $PM_{2.5}$, nitrogen oxides (NO_X), sulfur dioxide (SO_2), ammonia (NH_3) and volatile organic compounds (VOC) for the four major source categories: events and natural sources, mobile sources,[26] nonpoint sources, and point sources.

TABLE 1—2017 ANNUAL (IN TONS PER YEAR) AND TYPICAL SEASON DAY (IN POUNDS PER DAY) ATTAINMENT INVENTORIES FOR THE KLAMATH FALLS AREA

Pollutant emissions by emission category	Annual emissions (tons per year)	Typical season day (pounds per day)
Direct $PM_{2.5}$:		
Events and Natural Sources	163.5	2,347
Mobile Sources	56.5	328

[24] *See* Calcagni Memo at 8.

[25] Air Quality Design Values are available at *https://www.epa.gov/air-trends/air-quality-design-values/*. The 2015–2017 design value excludes data from wildfire exceptional events. EPA's concurrence letter, technical support document, and monitoring data report are included in the docket for this rulemaking.

[26] For more information on how the mobile source emissions were developed, *see* section IV.E of this document.

TABLE 1—2017 ANNUAL (IN TONS PER YEAR) AND TYPICAL SEASON DAY (IN POUNDS PER DAY) ATTAINMENT INVENTORIES FOR THE KLAMATH FALLS AREA—Continued

Pollutant emissions by emission category	Annual emissions (tons per year)	Typical season day (pounds per day)
Nonpoint Sources	232.5	1,191
Point Sources	158.5	1,002
Direct $PM_{2.5}$ Total	611	4,868
NH_3:		
Events and Natural Sources	32.2	462
Mobile Sources	13	69
Nonpoint Sources	97.6	337
Point Sources	111.7	537
NH_3 Total	254.5	1,406
NO_X:		
Events and Natural Sources	72.8	559
Mobile Sources	650.4	3,490
Nonpoint Sources	77.I	656
Point Sources	257.6	1,551
NO_X Total	1,057.9	6,256
SO_2:		
Events and Natural Sources	12.1	174
Mobile Sources	13.9	70
Nonpoint Sources	6.7	40
Point Sources	14.8	84
SO_2 Total	47.6	368
VOC:		
Events and Natural Sources	5,613.1	47,209
Mobile Sources	406.6	2,256
Nonpoint Sources	724.2	4,308
Point Sources	555.5	3,124
VOC Total	7,299.4	56,897

EPA has reviewed the results, procedures, and methodologies for the Klamath Falls 2017 attainment inventories and proposes to find that they are based on the most current and accurate information available to Oregon at the time they were developed. Based on our review of the emissions inventories that Oregon provided in its submission, we propose to find that Oregon prepared an adequate attainment inventory for the Klamath Falls area.[27]

2. Maintenance Demonstration

CAA section 175A requires a state seeking redesignation to attainment to submit a SIP revision to provide for maintenance of the NAAQS in the area ''for at least 10 years after the redesignation.'' A state can make this demonstration by either showing that future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory or by modeling to show that the future mix of sources and emissions rates will not cause a violation of the NAAQS.[28]

In the Klamath Falls Maintenance Plan, Oregon elected the attainment inventory method to show that the Klamath Falls area will remain in attainment. Oregon developed projected emissions inventories for the year 2037, shown in table 2 of this document, which satisfies the 10-year interval required in CAA section 175A. Like the attainment inventories, the 2037 inventories include the four major source categories: events and natural sources, mobile sources, nonpoint sources, and point sources. Oregon projected future year emission inventories using the latest socioeconomic growth indictors and applying emissions reduction benefits from adopted control strategies when appropriate.[29] Oregon estimated ''no growth'' in emissions from 2017 to 2037 for point sources, events (wildfires/prescribed and structural fires) and some agriculture sources.

TABLE 2—2037 ANNUAL (IN TONS PER YEAR) AND TYPICAL SEASON DAY (IN POUNDS PER DAY) INVENTORIES FOR THE KLAMATH FALLS AREA

Pollutant emissions by emission category	Annual emissions (tons per year)	Typical season day (pounds per day)
Direct $PM_{2.5}$:		
Events and Natural Sources	163.5	2,347
Mobile Sources	59.6	348

[27] ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,'' May 2017.

[28] *See* Calcagni Memo, pages 9–10.

[29] For more detailed information on the inventories, *see* appendix 2 of the Klamath Falls Redesignation Request and Maintenance Plan for $PM_{2.5}$, in the docket for this rulemaking.

TABLE 2—2037 ANNUAL (IN TONS PER YEAR) AND TYPICAL SEASON DAY (IN POUNDS PER DAY) INVENTORIES FOR THE KLAMATH FALLS AREA—Continued

Pollutant emissions by emission category	Annual emissions (tons per year)	Typical season day (pounds per day)
Nonpoint Sources	223.7	994
Point Sources	158.5	1,002
Direct $PM_{2.5}$ Total	605.3	4,691
NH_3:		
Events and Natural Sources	32.2	462
Mobile Sources	10.11	56
Nonpoint Sources	103.6	347
Point Sources	111.7	537
NH_3 Total	257.61	1,403
NO_X:		
Events and Natural Sources	72.8	559
Mobile Sources	451	2,469
Nonpoint Sources	79.8	670
Point Sources	208.5	1,281
NO_X Total	812.1	4,980
SO_2:		
Events and Natural Sources	12.11	174
Mobile Sources	14.1	71
Nonpoint Sources	6.9	38
Point Sources	14.8	84
SO_2 Total	47.91	367
VOC:		
Events and Natural Sources	5,613.1	47,209
Mobile Sources	224.1	1,231
Nonpoint Sources	756.5	4,334
Point Sources	555.5	3,124
VOC Total	7,149.2	55,897

Table 3 of this document shows the change in projected annual and typical season day emissions between the 2017 attainment year and 2037 future year inventories. Future emissions of direct $PM_{2.5}$, NO_X, and VOC are expected to be lower than in the 2017 attainment year, while future NH_3 and SO_2 emissions are expected to increase slightly, by approximately one percent by 2037. Oregon attributes the reductions in directly emitted $PM_{2.5}$ primarily to the removal of residential wood heating devices and their replacement with heat pumps or gas furnaces and to wood burning curtailment during stagnant conditions.[30]

TABLE 3—CHANGE IN ANNUAL (IN TONS PER YEAR) AND TYPICAL SEASON DAY (IN POUND PER DAY) INVENTORIES FOR THE KLAMATH FALLS AREA FROM 2017 TO 2037

Pollutant emissions by emission category	Change in annual emissions (tons per year)	Change in typical season day emissions (pounds per day)
Direct $PM_{2.5}$:		
Events and Natural Sources	0	0
Mobile Sources	3.1	20
Nonpoint Sources	−8.8	−197
Point Sources	0	0
Direct $PM_{2.5}$ Total	−5.7	−177
NH_3:		
Events and Natural Sources	0	0
Mobile Sources	−2.89	−13
Nonpoint Sources	6	10
Point Sources	0	0
NH_3 Total	3.11	−3
NO_X:		
Events and Natural Sources	0	0
Mobile Sources	−199.4	−1,021

[30] The control strategies are discussed in section IV.C of this document.

TABLE 3—CHANGE IN ANNUAL (IN TONS PER YEAR) AND TYPICAL SEASON DAY (IN POUND PER DAY) INVENTORIES FOR THE KLAMATH FALLS AREA FROM 2017 TO 2037—Continued

Pollutant emissions by emission category	Change in annual emissions (tons per year)	Change in typical season day emissions (pounds per day)
Nonpoint Sources	2.7	14
Point Sources	−49.1	−270
NO_X Total	−245.8	−1,276
SO_2:		
Events and Natural Sources	0.01	0
Mobile Sources	0.2	1
Nonpoint Sources	0.2	−2
Point Sources	0	0
SO_2 Total	0.31	−1
VOC:		
Events and Natural Sources	0	0
Mobile Sources	−182.5	−1,025
Nonpoint Sources	32.3	26
Point Sources	0	0
VOC Total	−150.2	−1,000

EPA has reviewed the documentation provided by Oregon for developing the projected 2037 emissions inventories for the Klamath Falls area. Based on our review, EPA finds that the projected inventories were developed using appropriate assumptions and procedures, comprehensively address all source categories in the Klamath Falls area, and sufficiently account for $PM_{2.5}$ and NH_3, NO_X, and VOC precursor emissions. These inventories indicate a decrease in directly emitted $PM_{2.5}$. The inventories indicate that NO_X and VOC emissions will decrease throughout the maintenance period and that NH_3 and SO_2 will remain relatively stable or increase slightly throughout the maintenance period. Therefore, EPA proposes to determine that the projected emissions inventories in the Klamath Falls Maintenance Plan sufficiently demonstrate that the Klamath Falls area will continue to attain the 2006 24-hour $PM_{2.5}$ standard for the 10-year maintenance period.

3. Monitoring Network and Verification of Continued Attainment

Once a nonattainment area has been redesignated to attainment, the state must continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR part 58, to verify the attainment status of the area. The maintenance plan should contain provisions for continued operation of air quality monitors that will provide such verification.

Oregon committed to continue to operate the air monitoring network in accordance with 40 CFR part 58. Oregon will use air monitoring results to verify continued attainment of the 2006 24-hour $PM_{2.5}$ NAAQS and to track progress of the Klamath Falls Maintenance Plan. Oregon stated that it will work with EPA through the air monitoring network review process to determine the adequacy of the monitoring network and consult with EPA on any modifications to the network.[31] EPA proposes to determine that the Klamath Falls Maintenance Plan contains adequate provisions for continued operation of an air quality monitoring network to verify maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS. Additionally, Oregon is required to periodically update the emissions inventory for Klamath County in accordance with the Annual Air Emissions Reporting Requirements Rule.[32] This includes developing annual inventories for major point sources and a comprehensive periodic inventory covering all source categories every 3 years.

4. Contingency Plan

CAA section 175A(d) requires that a maintenance plan also include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area to attainment. For the purposes of CAA section 175A, a state is not required to have fully adopted contingency provisions that will take effect without further action by the state in order for the maintenance plan to be approved. However, the contingency plan is an enforceable part of the SIP and should ensure that contingency provisions are adopted expeditiously once they are triggered. The contingency plan should discuss the measures to be adopted and a schedule and procedure for adoption and implementation. The contingency plan must require that the state will implement all measures contained in the CAA part D nonattainment plan for the area (*i.e.,* Klamath Falls Attainment Plan) prior to redesignation. The state should also identify the specific indicators, or triggers, that will be used to determine when the contingency plan will be implemented.[33]

The Klamath Falls Maintenance Plan outlines the procedures for the adoption and implementation of contingency provisions to further reduce emissions should a violation of the 2006 24-hour $PM_{2.5}$ NAAQS occur. If monitored $PM_{2.5}$ levels exceed 35 $\mu g/m^3$ (24-hr average), Oregon will work to determine the cause of the exceedance within 6 months of annual data certification.[34] Oregon will assess probable emissions sources and meteorological events contributing to elevated $PM_{2.5}$ levels, including information on wildfires or winter power outages.

Oregon has identified additional potential contingency measures for the Klamath Falls Maintenance Plan that

[31] See EPA's May 16, 2025, approval of Oregon's 2024 Annual Monitoring Network Plan, included in the docket for this rulemaking.

[32] Information about the Air Emissions Reporting Rule is available at *https://www.epa.gov/air-emissions-inventories/air-emissions-reporting-requirements-aerr/*.

[33] *See* Calcagni Memo at 12.

[34] 40 CFR 58.15(a) requires air agencies to certify air quality data by May 1 of each year.

may be implemented as appropriate. These include:

- Developing Red Day Plans for industrial sources of $PM_{2.5}$ with title V permits to be implemented on non-wildfire related predicted red days;
- Developing updated RACT measures for industrial sources with the capacity to emit more than 50 pounds per day of $PM_{2.5}$;
- Using the application process for debris burning or agricultural burning to spread out incidents of burning and limit exceedances;
- Developing a street sweeping plan with local highway districts and the Oregon Department of Transportation to prioritize the reduction of fugitive road dust; and
- Additional street paving projects.

Oregon commits to adopting and implementing the necessary contingency measures as expeditiously as possible, but not later than one year after a violation, based on confirmed quality-assured data. Any contingency measures adopted and implemented will become part of the control measures in the next revised maintenance plan submitted to EPA for approval.

Based on EPA's review of Oregon's submittal, we propose to find that the contingency measure provisions provided in the Klamath Falls Maintenance Plan are sufficient and meet the requirements of CAA section 175A(d).

E. Transportation Conformity and Motor Vehicle Emissions Budgets

Transportation conformity is required by CAA section 176(c). EPA's transportation conformity rule at 40 CFR part 93, subpart A, requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether they conform to the SIP. Conforming to a SIP means that onroad transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. Thus, EPA's transportation conformity rule requires a demonstration that emissions from a metropolitan planning organization's regional transportation plan and transportation improvement program, involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval, are consistent with the motor vehicle emissions budgets contained in a control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). Generally, the budgets are the level of mobile source emissions of a pollutant relied upon in the attainment or maintenance demonstration to attain or maintain compliance with the NAAQS in the nonattainment or maintenance area. A $PM_{2.5}$ maintenance plan should identify budgets for direct $PM_{2.5}$, NO_X and all other $PM_{2.5}$ precursors from onroad mobile source emissions that are determined to significantly contribute to $PM_{2.5}$ levels in the area.[35]

Oregon indicated that the Klamath Falls nonattainment area meets the definition of an ''isolated rural nonattainment area'' at 40 CFR 93.109(g) because the area does not contain, and is not part of, a metropolitan planning organization. Neither a transportation improvement plan nor a regional transportation plan was developed for the Klamath Falls area. Instead, transportation projects for Klamath Falls are included in a statewide transportation improvement plan. The Oregon Department of Transportation is responsible for transportation conformity determinations in this isolated rural nonattainment area.

The Klamath Falls Maintenance Plan identifies budgets for $PM_{2.5}$ and NO_X, which are displayed in table 4 of this document. Oregon used EPA's Motor Vehicle Emission Simulator model (MOVES3.1) in emissions inventory mode to estimate 2037 future year emissions from onroad mobile sources for a typical season day. The budgets for the 2037 future year will be 77 and 1,448 lbs/day for $PM_{2.5}$ and NO_X respectively. The Klamath Falls Maintenance Plan also established a safety margin for the 2037 future year budgets along with additional margin allocated from emissions reductions from woodstoves. The safety margin was applied to the 2037 future year motor vehicle emissions budgets to account for emissions from future transportation projects. Oregon projects that 411 woodstoves will be removed from the Klamath Falls nonattainment area by 2028, which Oregon projects will lead to decreases in $PM_{2.5}$ and NO_X emissions. To provide an extra safety margin for mobile vehicle emissions, a portion of the projected emissions reductions from the 411 woodstove removals was allocated to the 2037 future year motor vehicle emissions budgets. Oregon did not include emissions from paved road dust because those emissions were found to be insignificant. Oregon also found that motor vehicle emissions of VOC, SO_2 and NH_3 contributed minimally to $PM_{2.5}$ in the area and did not include budgets for these precursors in accordance with 40 CFR 93.102(b)(2)(v).

[35] See 40 CFR 93.102(b)(2)(iv) and (v), and (b)(3).

TABLE 4—KLAMATH FALLS MOTOR VEHICLE EMISSIONS BUDGETS

[lbs/day]

Year	$PM_{2.5}$ emissions	NO_X emissions
2017 Attainment Year	64	2,149
2037 Future Year	77	1,448

EPA is proposing to find that Oregon has evaluated the appropriate pollutants and precursors and established appropriate budgets for $PM_{2.5}$ and NO_X. Oregon used the most up-to-date model (MOVES3.1) available at the time of submission to appropriately calculate these budgets.[36] The budgets are based on the control measures in the Klamath Falls Maintenance Plan and consistent with maintaining the 2006 24-hour $PM_{2.5}$ NAAQS.

EPA completed the adequacy review for the motor vehicle emissions budgets in a separate, tangential process which is detailed in 40 CFR 93.118(f). The adequacy review process consists of three basic steps: (1) public notification of a SIP submission; (2) a public comment period; and (3) EPA's adequacy determination. EPA completed steps (1) and (2) by posting a notice on the Office of Transportation and Air Quality website inviting the public to comment on the adequacy of the NO_X and $PM_{2.5}$ motor vehicle emissions budgets in the Klamath Falls Maintenance Plan.[37] The comment period was open from September 5, 2024, through October 7, 2024. EPA did not receive adverse comments and found the budgets adequate on April 23, 2025. EPA published a notice of adequacy on August 21, 2025 (90 FR 40737). Because EPA found the motor vehicle emissions budgets adequate, we are not soliciting comments on budget adequacy as part of this notice of proposed rulemaking. The motor vehicle emissions budgets adequacy review process is separate from any action on the submitted SIP and allows for motor vehicle emissions budgets to be used for transportation conformity purposes, provided they meet the criteria in 40 CFR 93.118(e).

Based on the information presented in the Klamath Falls Maintenance Plan for

[36] We have previously explained that state agencies may continue to use MOVES3 in SIP development where the State has already completed significant work on a SIP at the time EPA releases a new model, as is the case here. 89 FR 99862 through 99864 (December 11, 2024).

[37] Motor vehicle emissions budgets that have been found adequate and that are under EPA's review are available at *https://www.epa.gov/state-and-local-transportation/adequacy-review-state-implementation-plan-sip-submissions-conformity/*.

the 2006 24-hour $PM_{2.5}$ NAAQS, and the adequacy review of the motor vehicle emissions budgets that we have completed, we propose to approve the motor vehicle emissions budgets in the Klamath Falls Maintenance Plan as meeting the requirements of the CAA and EPA regulations.

F. State Rule Changes To Reflect the Redesignation

Oregon also submitted rule revisions to reflect the anticipated redesignation of the Klamath Falls $PM_{2.5}$ nonattainment area to attainment (OAR 340–204–0010, –0030, –0040, and OAR 340–240–0010, –0500, –0550, –0560). Additionally, Oregon submitted rule revisions that reflect the attainment status of the Oakridge $PM_{2.5}$ and PM_{10} former nonattainment areas which EPA redesignated to attainment in 2022 (OAR 340–204–0030, –0040).[38] These revisions remove Klamath Falls and Oakridge from Oregon's list of $PM_{2.5}$ nonattainment areas, and they remove Oakridge from Oregon's list of PM_{10} nonattainment areas. Accordingly, the revisions also add these areas to Oregon's list of $PM_{2.5}$ and PM_{10} maintenance areas.

V. Proposed Action

EPA proposes to redesignate the Klamath Falls, Oregon $PM_{2.5}$ nonattainment area to attainment and approve the Klamath Falls Maintenance Plan. If this proposal is finalized, the designation status of the Klamath Falls, Oregon $PM_{2.5}$ nonattainment area under 40 CFR part 81 will be revised to attainment upon the effective date of that final action.

EPA proposes to approve and incorporate by reference into the Oregon SIP, the submitted revisions to OAR 340–204–0010, –0030, –0040, and OAR 340–240–0010, –0500, –0550, –0560, state effective May 25, 2024; and Klamath County Code Chapter 406, Ordinance No. 63.07, state effective June 25, 2024, except the following provisions that were not submitted for approval into the Oregon SIP: 406.150(1)(D)(e) regarding emergency conditions, section 406.250 regarding certificate of variance, section 406.300 regarding enforcement, and section 406.400 regarding penalties.

Finally, we propose that the motor vehicle emissions budgets in the Klamath Falls Maintenance Plan meet applicable CAA requirements for maintenance plans and transportation conformity requirements.

[38] *See* 87 FR 51265 (August 22, 2022).

VI. Incorporation by Reference

In this document, EPA proposes to include, in a final rule, regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA proposes to incorporate by reference the provisions described in section IV of this document.

EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VII. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

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

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

Dated: February 20, 2026.

Emma Pokon,

Regional Administrator, Region 10.

[FR Doc. 2026–04333 Filed 3–3–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R06–OAR–2023–0478; FRL–12671–01–R6]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Texas; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve the CAA section 111(d) state plan submitted by the State of Texas for sources subject to the

Municipal Solid Waste (MSW) Landfills Emission Guidelines (EG). The Texas MSW landfills plan was submitted to fulfill the state's obligations under CAA section 111(d) to implement and enforce the requirements under the MSW Landfills EG. The EPA is proposing to approve the state plan and amend the agency regulations in accordance with the requirements of the CAA.

DATES: Written comments must be received on or before April 3, 2026.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2023–0478, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact Matthew Gesualdo, (214) 665–6530, *gesualdo.matthew@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov.* While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Matthew Gesualdo, EPA Region 6 Office, Regional Haze and SO_2 Section, 214–665–6530, *gesualdo.matthew@epa.gov.* We encourage the public to submit comments via *https://www.regulations.gov.* Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

Section 111 of the CAA, ''Standards of Performance for New Stationary Sources,'' directs the EPA to establish emission standards for stationary sources of air pollution that could potentially endanger public health or welfare. These standards are referred to as New Source Performance Standards (NSPS). Section 111(d) addresses the process by which the EPA and states regulate standards of performance for existing sources. When NSPS are promulgated for new sources, section 111(d) and EPA regulations require that the EPA publish an Emission Guideline (EG) to regulate the same pollutants from existing facilities. While NSPS are directly applicable to new sources, EG for existing sources (designated facilities) are intended for states to use to develop a state plan to submit to the EPA.

State plan submittal and revisions under CAA section 111(d) must be consistent with the applicable EG and the requirements of 40 CFR part 60, subpart B, and part 62, subpart A. The regulations at 40 CFR part 60, subpart B, contain general provisions applicable to the adoption and submittal of state plans under CAA section 111(d). Additionally, 40 CFR part 62, subpart A, provides the procedural framework by which the EPA will approve or disapprove such plans submitted by a state. Once approved by the EPA, the state plan becomes federally enforceable. If a state does not submit an approvable state plan to the EPA, the EPA is responsible for developing, implementing, and enforcing a federal plan.

The MSW landfills NSPS for new landfills and EG for existing landfills were first promulgated by EPA on March 12, 1996, in 40 CFR part 60, subparts WWW and Cc, respectively (61 FR 9905). On August 29, 2016, the EPA finalized revisions to the MSW landfills NSPS and EG in 40 CFR part 60, subparts XXX and Cf, respectively (81 FR 59332; 81 FR 59313). The 2016 EG revision updates the control requirements and monitoring, reporting, and recordkeeping provisions for existing MSW landfill sources.

The current MSW landfills EG, found at 40 CFR part 60, subpart Cf, concerns the regulation of landfill gas and its components, including methane, from MSW landfills for which construction, reconstruction, or modification was commenced on or before July 17, 2014. The deadline to submit a state plan to the EPA was May 30, 2017. On May 21, 2021, EPA finalized the MSW landfills federal plan in 40 CFR part 62, subpart OOO (86 FR 27756). The MSW landfills federal plan at 40 CFR part 62, subpart OOO, applies to states that do not have an EPA-approved state plan. The MSW landfills federal plan is currently in effect in Texas.

In order to fulfill obligations under CAA section 111(d), the Texas Commission on Environmental Quality (TCEQ) submitted a revised state plan for the control of emissions from existing MSW landfills for the State of Texas on September 15, 2023. The Texas MSW landfills plan implements and enforces the applicable provisions under the MSW landfills EG at 40 CFR part 60, subpart Cf, and additionally meets the relevant requirements of the CAA section 111(d) implementing regulations at 40 CFR part 60, subpart B. The Texas submittal and the supplements are included in the public docket for this rulemaking (Docket No. EPA–R06–OAR–2023–0478).

II. The EPA's Evaluation

The EPA has evaluated the Texas MSW landfills plan to determine whether the plan meets applicable requirements from the MSW landfills EG at 40 CFR part 60, subpart Cf, and the CAA section 111(d) implementing regulations at 40 CFR part 60, subpart B. The EPA's detailed rationale and discussion on the Texas MSW landfills plan can be found in the EPA Technical Support Document (TSD), located in the docket for this rulemaking.

The state plan submittal package includes all materials necessary to be deemed administratively and technically complete according to the criteria of 40 CFR part 60, subpart B. The state plan document (the ''Texas State Plan for the Control of Designated Facilities and Pollutants'') includes all the necessary authority for the implementation and enforcement of the MSW landfill Emission Guidelines in the State. Specifically, the State met applicable Federal requirements while incorporating the EG at 40 CFR part 60, subpart Cf, into the Texas Administrative Code (TAC) Title 30, Part 1, Chapter 113, Subchapter D, Division 6, 2016 Emission Guidelines for Existing Municipal Solid Waste Landfills (30 TAC § 113.2400–30 TAC § 113.2412). Both the adopted state plan document and the relevant TAC regulations, as well as all other relevant plan submittal materials may be found in the docket for this action. Necessary State legal and enforcement authorities required for plan approval are located elsewhere in Texas's statute, rules and regulations and have been reviewed and approved of by the EPA in the course of prior state implementation plan as well

as section 111(d) and/or 129 state plan approvals. See 40 CFR part 52, subpart SS, and 40 CFR part 62, subpart SS.

The Texas MSW landfills plan has been evaluated in detail in the TSD. Our evaluation demonstrates that the Texas MSW landfills plan meets the requirements in 40 CFR part 60, subpart Cf and subpart B, and is consistent with the requirements for an approvable section 111(d) state plans for MSW landfills.

Under 40 CFR part 60, subpart B, section 60.24(f) allows for less stringent regulations in a state's CAA section 111(d) plan if a technical or economic justification supports it. The Texas MSW landfills plan includes two provisions which differ from the EG. First, Texas used an alternative date range for determining applicability of EG requirements in its previous 1998 MSW landfills plan and its current 2023 MSW landfills plan. The MSW landfills EG contains gas collection and control system requirements for designated facilities (as defined in the EG) that have accepted waste after November 8, 1987, that meet specific design capacity and NMOC (nonmethane organic compound) emission rate thresholds (50 megagrams per year (Mg/yr) for closed landfills). In the previous Texas MSW landfills plan submitted in 1998 and approved by EPA in 1999,[1] TCEQ[2] provided a detailed technical analysis indicating that no designated landfills that closed between November 8, 1987, and October 9, 1993, would have estimated NMOC emission rates above the 50 Mg/yr control threshold by 2004. In the 1999 approval,[3] the EPA concurred with TCEQ that controlling these closed landfills would not result in a significant reduction in NMOC emissions compared to the cost of installing gas collection systems at these sites. In the previous state plan, TCEQ adjusted its definition to reflect actual conditions in Texas based on section 60.24(f). As part of this state plan, 30 TAC § 113.2406(a) explicitly exempts MSW landfills that have not accepted waste since October 9, 1993, and do not have additional design capacity available for future waste deposition. In its current submittal, Texas states that none of the landfills which stopped accepting waste during the relevant 1987–1993 time period would have current NMOC emissions above the 50 Mg/year threshold. Therefore, these closed landfills in Texas (which stopped accepting waste during the applicable 1987–1993 time period) would not be subject to gas collection and control system requirements nor likely result in a reduction in NMOC or landfill emissions even if Texas did not exempt these landfills as part of its current MSW landfills plan. EPA proposes to find that the state's use of section 60.24(f), to exempt certain MSW landfills from the requirements of 40 CFR part 60, subpart Cf, is reasonable and proposes to approve the Texas MSW landfill plan's alternative date range for determining applicability of requirements.

Under the adopted 30 TAC 113.2404(b), landfill gas collection and control systems that have been approved by the TCEQ and installed in accordance with 30 TAC § 115.152 are considered to meet certain technical requirements of the emission guidelines, specifically 40 CFR 60.33f(b) and (c). TCEQ has identified that the purpose of this state regulation is to minimize redundant and duplicative requirements for landfill gas collection and control systems that fall under both 30 TAC Chapter 115 and 40 CFR part 60, subpart Cf. Table C.5.1 in the Texas submission compares 30 TAC § 115.152 with 40 CFR part 60, subpart Cf, and outlines which state rules correspond to each federal requirement for the regulatory changes TCEQ intends to implement. The EPA is proposing to approve this aspect of Texas's state plan, proposing to find that MSW landfills in compliance with 30 TAC § 115.152 satisfy the requirements of the EG. The EPA's detailed rationale and discussion on the Texas MSW landfills plan can be found in the EPA Technical Support Document (TSD), located in the docket for this rulemaking.

III. Proposed Action

The EPA is proposing to approve the Texas MSW landfill plan submitted by TCEQ in accordance with the requirements of section 111(d) of the CAA and to amend 40 CFR part 62, subpart SS, to codify EPA's approval. The EPA is proposing to find that the Texas MSW landfill plan meets the Federal requirements provided under CAA section 111(d), the MSW landfills EG codified at 40 CFR part 60, subpart Cf, and the CAA section 111(d) implementing regulations at 40 CFR part 60, subpart B. Once approved by the EPA, the Texas MSW landfills plan will become federally enforceable.

IV. Incorporation by Reference

In accordance with the requirements of 1 CFR 51.5, we are finalizing regulatory text that includes the incorporation by reference of Texas Administrative Code (TAC) Title 30, Part 1, Chapter 113, Subchapter D, Division 6, adopted July 14, 2023, and effective July 19, 2023, which is part of the CAA section 111(d) Plan applicable to existing MSW landfills subject to the MSW Landfills Emission Guidelines, at 40 CFR part 60, subpart Cf, within TCEQ's jurisdiction in the State of Texas. The regulatory provisions of TAC Title 30, Part 1, Chapter 113, Subchapter D, Division 6, incorporate the MSW Landfills Emissions Guidelines promulgated by the EPA at 40 CFR part 60, subpart Cf, and establish emission standards and compliance times for the control of municipal solid waste landfills, as defined in subpart Cf, that commenced construction, modification, or reconstruction on or before July 17, 2014. The EPA has made and will continue to make TAC Title 30, Part 1, Chapter 113, Subchapter D, Division 6, generally available at the EPA Region 6 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). They are also available at: *https://www.regulations.gov.* This incorporation by reference has been approved by the Office of the Federal Register and the state plan is federally enforceable under the CAA as of the effective date of this final rulemaking.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a CAA section 111(d)/129 submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 42 U.S.C. 7429; 40 CFR part 60, subparts B and Cf; and 40 CFR part 62, subpart A. Thus, in reviewing CAA section 111(d)/129 state plan submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Act and implementing regulations. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason:

A. Executive Order 12866: Regulatory Planning and Review

This action is not a significant regulatory action as defined in Executive Order 12866 (58 FR 51735, October 4, 1993) and was therefore not

[1] Texas's 1998 MSW landfill plan implemented the 1996 MSW landfill EG requirements under 40 CFR part 60, subpart WWW, was approved by EPA on June 17, 1999 (64 FR 32427).

[2] At the time the Texas 1998 MSW landfill plan was submitted, TCEQ was called the Texas Natural Resource Conservation Commission (TNRCC).

[3] *See* 64 FR 32427 (June 17, 1999).

subject to a requirement for Executive Order 12866 review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is certified to not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This action will approve a state plan pursuant to CAA section 111(d) and will therefore have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action will not apply to areas of Indian country within Texas and therefore does not have tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). This action will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. This action will not impose substantial direct compliance costs on federally recognized tribal governments because no actions will be required of tribal governments. This action will also not preempt tribal law as no Texas tribe implements a regulatory program under the CAA and thus does not have applicable or related tribal laws.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definitions of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it approves a state program.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards. This action is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

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

Dated: February 23, 2026.

Walter Mason,

Regional Administrator, Region 6.

[FR Doc. 2026–04338 Filed 3–3–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2025–0207; FRL–11626–01–OAR]

RIN 2060–AW22

National Emission Standards for Marine Tank Vessel Loading Operations: Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the marine tank vessel loading operations (MTVLO) source category under Clean Air Act (CAA) section 112. The EPA is proposing certain decisions resulting from the Agency's technology review of the MTVLO NESHAP pursuant to CAA section 112(d)(6). Specifically, the EPA is proposing enhanced flare monitoring requirements, requirements to perform periodic performance testing, electronic reporting provisions, and removal of startup, shutdown, and malfunction (SSM) exemptions.

DATES: Comments must be received on or before April 20, 2026. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before April 3, 2026.

Public hearing: If anyone contacts us requesting a public hearing on or before March 8, 2026, we will hold a virtual public hearing. See **SUPPLEMENTARY INFORMATION** for information on requesting and registering for a public hearing.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OAR–2025–0207, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2025–0207 in the subject line of the message.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2025–0207, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.–4:30 p.m. Eastern Time (ET), Monday–Friday (except Federal holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending written comments and additional information

on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this preamble.

FOR FURTHER INFORMATION CONTACT: For information about this proposed rule, contact U.S. EPA, Attn: Mr. Michael Cantoni III, Mail Drop: Industrial Processing and Power Division (E143–01), 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5593; and email address: *Cantoni.Michael@epa.gov.*

SUPPLEMENTARY INFORMATION:

Participation in virtual public hearing. To request a virtual public hearing, contact the public hearing team at (888) 372–8699 or by email at *IPPDpublichearing@epa.gov.* If the EPA receives a request for a public hearing, the Agency will hold a hearing via virtual platform on March 18, 2026. The EPA may close a session 15 minutes after the last pre-registered speaker has testified if there are no additional speakers. The EPA will announce further details at *https://www.epa.gov/stationary-sources-air-pollution/marine-vessel-loading-operations-national-emission-standards.*

If the EPA receives a request for a public hearing, the Agency will begin pre-registering speakers for the hearing no later than one business day after receiving the request. To register to speak at the virtual hearing, please use the online registration form available at *https://www.epa.gov/stationary-sources-air-pollution/marine-vessel-loading-operations-national-emission-standards* or contact the public hearing team at (888) 372–8699 or by email at *IPPDpublichearing@epa.gov.* The last day to pre-register to speak at the hearing will be March 15, 2026. Prior to the hearing, the EPA will post a general agenda that will list pre-registered speakers at: *https://www.epa.gov/stationary-sources-air-pollution/marine-vessel-loading-operations-national-emission-standards.*

The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearings to run either ahead of schedule or behind schedule.

Each commenter will have four minutes to provide oral testimony. The EPA encourages commenters to submit the text of your oral testimony as written comments to the rulemaking docket.

The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. The EPA will consider written statements and supporting information submitted during the comment period with the same weight as oral testimony and supporting information presented at the public hearing.

Please note that the EPA will post updates to any aspect of the hearing online at *https://www.epa.gov/stationary-sources-air-pollution/marine-vessel-loading-operations-national-emission-standards.* While the EPA expects the hearing to go forward as set forth above, please monitor our website or contact the public hearing team at (888) 372–8699 or by email at *IPPDpublichearing@epa.gov* to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require special accommodations such as audio description, please pre-register for the hearing with the public hearing team and describe your needs by March 10, 2026. The EPA may not be able to arrange accommodations without advance notice.

Docket. The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2025–0207. 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. The EPA does not place certain other material, such as copyrighted material, on the internet; this material is publicly available only as portable document format (PDF) versions accessible only on EPA computers in the docket office reading room. The public cannot download certain databases and physical items from the docket but may request these items by contacting the docket office at (202) 566–1744. The docket office has 10 business days to respond to such requests. With the exception of such material, publicly available docket materials are available electronically at *https://www.regulations.gov* or on EPA computers in the docket office reading room at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. ET, Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

Written Comments. Direct your comments to Docket ID No. EPA–HQ–OAR–2025–0207. The EPA's policy is that the public docket will contain all comments received without change and made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information for which a statute restricts disclosure. Do not submit electronically to *https://www.regulations.gov* any information that you consider to be CBI or other information for which a statute restricts disclosure. You should submit this type of information as described in the *Submitting CBI* section of this preamble.

The EPA may publish any comment received to its public docket. A written comment must accompany multimedia submissions (audio, video, *etc.*). The EPA considers the written comment to be the official comment, and it should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

The *https://www.regulations.gov* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

The EPA is soliciting comment on numerous aspects of this proposed rule. The EPA has indexed each comment solicitation with an identifier (*e.g.,* ''C–1, C–2, . . .'') to provide a consistent framework for effective and efficient provision of comments. Accordingly, we ask that commenters include the

corresponding identifier when providing comments relevant to that comment solicitation. We ask that commenters include the identifier in either a heading or in the text of each comment (*e.g.,* ''In response to C–1, . . .'') to make clear which comment solicitation you are addressing. We emphasize that we are not limiting comment to these identified areas and encourage you to provide any other comments relevant to this proposal.

Submitting CBI. Do not submit information containing CBI to the EPA through *https://www.regulations.gov.* Clearly mark the part or all the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, note the docket ID, mark the outside of the digital storage media as CBI, and identify electronically within the digital storage media the specific information that you claim as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in the *Written Comments* section of this preamble. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI and note the docket ID. The public docket and the EPA's electronic public docket will include information not marked as CBI without prior notice. The EPA will not disclose information marked as CBI except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2.

Our preferred method to receive CBI is by electronic transmittal, via email attachments, File Transfer Protocol (FTP), or other online file sharing services (*e.g.,* Dropbox, OneDrive, Google Drive). You must send electronic submissions directly to the Office of Clean Air Programs (OCAP) CBI Office at the email address *oaqps_cbi@epa.gov,* and as described earlier in this preamble, you should include clear CBI markings and note the docket ID. If you need assistance with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email *oaqps_cbi@epa.gov* to request a file transfer link. If sending CBI information through the postal service, please send it to the following address: OCAP Document Control Officer (C404–02), OCAP, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2025–0207. You should double-wrap and clearly mark the mailed CBI material. Any CBI markings should not show through the outer envelope.

Preamble acronyms and abbreviations. Throughout this preamble 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:

AVO audible, visual, or olfactory
BACT best available control technology
BPT benefit per ton
CAA Clean Air Act
CBI Confidential Business Information
CDX Central Data Exchange
CEDRI Compliance and Emissions Data Reporting Interface
CEMS continuous emissions monitoring systems
CFR Code of Federal Regulations
EAV equivalent annualized value
EPA Environmental Protection Agency
ERT Electronic Reporting Tool
ET Eastern Time
FR Federal Register
GACT generally available control technology
HAP hazardous air pollutant(s)
LAER lowest achievable emission rate
LDAR leak detection and repair
LEAN Louisiana Environmental Action Network
LNG liquified natural gas
MACT maximum achievable control technology
MMbbl million barrels
MTVLO marine tank vessel loading operation(s)
NAAQS national ambient air quality standards
NAICS North American Industry Classification System
NESHAP national emission standards for hazardous air pollutants
NHV net heating value
NHV_{cz} combustion zone net heating value
NHV_{dil} net heating value dilution
NRDC Natural Resources Defense Council
NSPS new source performance standard
NTTAA National Technology Transfer and Advancement Act
OCAP Office of Clean Air Programs
OMB Office of Management and Budget
PDF portable document format
PM particulate matter
$PM_{2.5}$ fine particulate matter
PRA Paperwork Reduction Act
ppmv parts per million by volume
psia pounds per square inch absolute
PV present value
RACT reasonably available control technology
RATA relative accuracy test audit
RFA Regulatory Flexibility Act
RTR risk and technology review
SSM startup, shutdown, and malfunction
TAC total annualized cost
tpy tons per year
UMRA Unfunded Mandates Reform Act
USCG United States Coast Guard
VCS voluntary consensus standards
VMT Valdez Marine Terminal
VOC volatile organic compound(s)

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I. General Information

A. Does this action apply to me?

The source category that is the subject of this proposal is composed of facilities that conduct MTVLO regulated under 40 CFR part 63 subpart Y (also referred to as the MTVLO NESHAP). The

MTVLO source category covers any facility engaged in the direct loading of bulk liquids onto marine vessels at marine terminals. The 2022 North American Industry Classification System (NAICS) code for MTVLO is 4883. The EPA has identified this NAICS code to indicate types of entities that this proposed action likely would affect but notes that this proposed action also may affect facilities classified under other NAICS codes. The proposed standards, if finalized, would directly apply to the affected sources. This proposed action would not have a substantial impact on Federal, State, local, and Tribal entities that own and/or operate MTVLO. The EPA did not include the MTVLO source category in the *Initial List of Categories of Sources Under Section 112(c)(1) of the Clean Air Act Amendments of 1990* and *Documentation for Developing the Initial Source Category List, Final Report,*[1] because the Agency originally intended to regulate the emissions of hazardous air pollutants (HAP) as well as volatile organic compounds (VOC) under CAA section 183(f).[2] After publication of the initial list of source categories, the Agency decided to regulate HAP emissions from major sources of MTVLO facilities under CAA section 112.[3]

B. What is the statutory authority for this action?

CAA sections 112 and 301(a), as amended (42 U.S.C. 7401 *et seq.*) provide the statutory authority for this action. CAA section 112 establishes a two-stage regulatory process to develop standards for emissions of HAP from stationary sources. Generally, the first stage involves establishing technology-based standards that reflect the maximum achievable control technology (MACT) or an appropriate alternative.[4] The second stage involves evaluating those standards within eight years to determine whether additional standards are needed to address any remaining risk associated with HAP emissions.[5] The EPA commonly refers to this second stage as the ''residual risk review.'' In addition to the residual risk review, CAA section 112 also requires the EPA to review the standards every eight years and ''revise as necessary'' taking into account ''developments in practices, processes, or control technologies.''[6] This review, commonly referred to as the ''technology review,'' is the subject of this proposal. The discussion that follows identifies the most relevant statutory sections and briefly explains the contours of the methodology used to implement these statutory requirements.

In the first stage of the CAA section 112 standard setting process, the EPA promulgates technology-based standards under CAA section 112(d) for categories of sources identified as emitting one or more of the HAP listed in CAA section 112(b). Sources of HAP emissions are either major sources or area sources, and CAA section 112 establishes different requirements for major source standards and area source standards. ''Major sources'' are sources that emit or have the potential to emit 10 tons per year (tpy) or more of a single HAP or 25 tpy or more of any combination of HAP. All other sources are ''area sources.'' For major sources, CAA section 112(d)(2) provides that the technology-based NESHAP must reflect the maximum degree of emission reductions of HAP that the Administrator determines to be achievable, taking into consideration cost, energy requirements, and non-air quality health and environmental impacts. The EPA commonly refers to these standards as MACT standards. CAA section 112(d)(3) also establishes a minimum control level for MACT standards, known as the MACT ''floor,'' based on emission limitations achieved in practice by the best performing sources.

In certain instances, as provided in CAA section 112(h), the EPA may set work practice standards in lieu of numerical emission standards. Under CAA section 112(h), the EPA may adopt a work practice standard in lieu of a numerical emission standard if it is ''not feasible in the judgment of the Administrator to prescribe or enforce an emission standard for control of a hazardous air pollutant or pollutants.''[7] CAA section 112(h)(2) defines the phrase ''not feasible to prescribe or enforce an emission standard'' to mean any situation where the Administrator either determines that a HAP or HAPs ''cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of such a conveyance would be inconsistent with any Federal, State or local law''[8] or determines that ''the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.''[9] The EPA considers a measurement to be not ''technologically practicable'' within the meaning of CAA section 112(h)(2)(B) if the majority of the measurements are below the detection limit. Such measurements raise issues of questionable reliability, feasibility, and enforceability. Additionally, the application of measurement methodology in such situations could be ''not practicable due to . . . economic limitation'' within the meaning of CAA section 112(h)(2)(B), because it would result in expenditures that produce analytically suspect measurements.

The EPA must also consider control options that are more stringent than the floor, commonly referred to as beyond-the-floor standards.[10] For area sources, CAA section 112(d)(5) allows the EPA to set standards based on generally available control technologies or management practices (GACT standards) in lieu of MACT standards.

For categories of major sources and any area source categories subject to MACT standards, the second stage focuses on identifying and addressing any remaining (*i.e.,* ''residual'') risk within eight years pursuant to CAA section 112(f). The EPA conducts this review concurrently with the initial technology review pursuant to CAA section 112(d)(6); the EPA commonly refers to the combined review as the ''risk and technology review'' (RTR). For categories of area sources subject to GACT standards, there is no requirement to address residual risk, but, similar to the major source categories, the technology review is required every eight years.[11]

CAA section 112(d)(6) requires the EPA to review standards promulgated under CAA section 112 and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less often than every eight years. For this review (the ''technology review''), the CAA does not require the EPA to recalculate the MACT floors established in earlier rulemakings. The EPA may consider cost in deciding whether to revise the standards pursuant to CAA section 112(d)(6).

The EPA also must specify relevant test methods, best practices, procedures,

[1] *See* EPA–450/3–91–030, July 1992.

[2] 57 FR 31576 (July 16, 1992).

[3] 58 FR 60021 (Nov. 12, 1993).

[4] 42 U.S.C. 7412(d)(1)–(4).

[5] *Id.* 7412(f)(2).

[6] *Id.* 7412(d)(6).

[7] *Id.* 7412(h)(1); *see also Sierra Club* v. *EPA,* 479 F.3d 875, 883–84 (D.C. Cir. 2007). The EPA may ''adopt[ ] a method to account for measurement imprecision that has a rational basis in the correlation between increased emission values and increased testing precision.'' *Nat'l Ass'n of Clean Water Agencies* v. *EPA,* 734 F.3d 1115, 1154–55 (D.C. Cir. 2013).

[8] 42 U.S.C. 7412(h)(2)(A).

[9] *Id.* 7412(h)(2)(B).

[10] *Id.* 7412(d)(2).

[11] *Id.* 7412(d)(5)–(6).

or protocols and recordkeeping requirements for standards promulgated under CAA section 112.[12] Further, CAA section 301(a) provides that ''[t]he Administrator is authorized to prescribe such regulations as are necessary to carry out his functions.''

The EPA first promulgated MACT standards for the MTVLO source category in 1995.[13] The EPA completed the RTR of the MTVLO NESHAP in 2011.[14] In October 2020, several environmental advocacy organizations filed a citizen suit under CAA section 304, alleging, *inter alia,* that the EPA failed to conduct mandatory CAA section 112(d)(6) technology reviews for multiple source categories and seeking the court to compel the EPA to complete those reviews.[15] To resolve the litigation, the EPA and the plaintiffs entered into a consent decree.[16] This action satisfies the Agency's obligation to issue a proposed rule pursuant to CAA section 112(d)(6) as a step towards finalizing the results of the technology review.

CAA section 183(f) requires the Administrator, within two years of November 15, 1990, and in consultation with the Secretary of the Department in which the United States Coast Guard (USCG) is operating, to ''promulgate standards applicable to the emission of VOCs and any other air pollutant from loading and unloading of tank vessels'' as defined in 46 U.S.C. 2101 ''which the Administrator finds causes, or contributes to, air pollution that may be reasonably anticipated to endanger public health or welfare.'' [17] CAA section 183(f) further requires that these standards apply ''reasonably available control technology [(RACT)], considering costs, any non-air quality benefits, environmental impacts, energy requirements, and safety factors associated with alternative control techniques'' and that ''[t]o the extent practicable such standards shall apply to loading and unloading facilities and not to tank vessels.'' As part of the 1995 rulemaking, the EPA promulgated RACT standards under CAA section 183(f) to limit emissions of VOC from new and existing MTVLO sources.[18] The MTVLO NESHAP includes monitoring, inspection, recordkeeping, and reporting requirements that are applicable both to sources subject to MACT emission standards for organic HAP and sources subject to RACT emission standards for VOC.

While the EPA's primary rulemaking objective is to complete the technology review required by CAA section 112(d)(6) the Agency recognizes the efficiencies in codifying the MACT and RACT standards from the 1995 final rule in a single regulation (*i.e.,* 40 CFR part 63 subpart Y). Thus, some of the revisions proposed in this action would also apply to RACT sources regulated by CAA section 183(f). For example, as part of the CAA section 112(d)(6) technology review, the EPA is proposing revisions to MTVLO monitoring, inspection, recordkeeping, and reporting requirements in the MTVLO NESHAP to ensure sources are meeting the required standards at all times. Considering the overlap of regulatory language between the RACT and MACT standards for control device monitoring in the MTVLO NESHAP, and considering that all existing sources subject to RACT standards are major sources of HAP subject to the MACT standards in the MTVLO NESHAP, the EPA is proposing that these revisions apply to sources subject to RACT standards under CAA section 183(f). In developing this proposed rule, the EPA consulted with the USCG, as CAA section 183(f) requires. Meetings between the EPA and the USCG involved discussions on pertinent issues for the MTVLO NESHAP technology review. The EPA met with the USCG on June 4 and September 2, 2025. A memorandum from each consultation meeting is in the docket for this action.[19]

C. Where can I get a copy of this document and other related information?

In addition to the docket, an electronic copy of this action is available on the internet. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov,* Docket ID No. EPA–HQ–OAR–2025–0207. Following signature by the Administrator, the EPA will post a copy of this proposed action at *https://www.epa.gov/stationary-sources-air-pollution/marine-vessel-loading-operations-national-emission-standards.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the proposal and key technical documents at this same website.

A memorandum showing the rule edits that would be necessary to incorporate the changes to 40 CFR part 63 subpart Y proposed in this action is in the docket.[20] Following signature by the EPA Administrator, the EPA also will post a copy of this document to *https://www.epa.gov/stationary-sources-air-pollution/marine-vessel-loading-operations-national-emission-standards.*

II. Background

A. What is this source category, and how does the current NESHAP regulate its HAP emissions?

The subject of this proposal is the MTVLO source category, regulated under 40 CFR part 63 subpart Y. As promulgated in 1995 and further amended, the MTVLO NESHAP regulates HAP emissions from the direct loading of bulk liquids from marine vessels at marine terminals.[21]

The source category includes sources that directly emit HAP generated or displaced from the marine vessel's cargo tank when loading bulk liquids containing HAP onto marine tank vessels, including vapor collection and control systems, but does not include storage tanks and leaking equipment associated with liquid terminal unloading or ballasting operations.[22] Nor does this source category regulate emissions from offshore vessel-to-vessel bulk liquid transfer operations (*i.e.,* lightering operations).[23] In the 1995 MTVLO NESHAP final rule, the EPA removed unloading operations and ballasting from the source category in response to public comments.[24] The 1995 MTVLO NESHAP rulemaking established specific MACT and RACT standards designed to reduce VOC and HAP emissions (see section III.A.2). Under the MTVLO NESHAP, facilities were required to monitor performance of the control technology installed to achieve the required emission reductions for the appropriate standard. The 1995 final rule also included reporting and recordkeeping requirements to assure compliance with the promulgated standards.[25]

As part of the April 2011 RTR, the EPA re-adopted the existing MACT standards for MTVLO based on its determination that the 1995 MACT standards reduced risk to an acceptable level, provided an ample margin of safety to protect public health, and

[12] 42 U.S.C. 7414.

[13] 60 FR 48399 (Sept. 19, 1995) (codified at 40 CFR part 63 subpart Y).

[14] 76 FR 22595 (Apr. 21, 2011).

[15] *Envt'l Integrity Project et al.* v. *Regan,* No. 1:20–cv–03119–TNM (D.D.C. Oct. 29, 2020; as amended Jan. 8, 2021).

[16] *Id.,* Order Approving Consent Decree (entered Aug. 24, 2022).

[17] 42 U.S.C. 7511b(f).

[18] 60 FR 48399 (Sept. 19, 1995).

[19] Docket ID No. EPA–HQ–OAR–2025–0207.

[20] Docket ID No. EPA–HQ–OAR–2025–0207.

[21] 60 FR 48388 (Sept. 19, 1995); 68 FR 37334 (June 23, 2003); 71 FR 20446 (Apr. 20, 2006); 76 FR 22566 (Apr. 21, 2011); 79 FR 11228 (Feb. 27, 2014); 80 FR 75178 (Dec. 1, 2015); 85 FR 73854 (Nov. 19, 2020).

[22] 60 FR 48391 (Sept. 19, 1995).

[23] 58 FR 60021 (Nov. 12, 1993).

[24] 60 FR 48391 (Sep. 19, 1995).

[25] 60 FR 38389 (Sept. 19, 1995).

prevented adverse environmental effects.[26] The EPA also added submerged loading standards for two subcategories of MTVLO as detailed in Table 1: (1) existing MTVLO facilities that are major sources of HAP emissions and that have emissions less than 10 tpy of any individual HAP or 25 tpy of aggregate HAP considering only MTVLO emissions; and (2) existing offshore loading terminals.[27] As part of the 2011 RTR, the EPA identified 152 MTVLO facilities in operation and subject to the MVTLO NESHAP, based on the 2005 National Emissions Inventory (NEI).[28]

As part of the current technology review, the EPA identified approximately 190 facilities in operation and subject to the MTVLO NESHAP. The list of facilities is in the document titled *List of Facilities Subject to the MTVLO NESHAP,* which is in the docket for this action.[29]

B. What data collection activities did the EPA conduct to support this action?

The EPA used several data sources to identify facilities that are subject to the MTVLO NESHAP. The EPA reviewed the facility list underlying the 2011 RTR and evaluated whether the listed facilities were still operational. Additionally, the EPA evaluated sources from the 2020 Organic Liquids Distribution (Non-Gasoline) RTR rulemaking to identify sources co-located with MTVLO facilities.[30] The EPA also reviewed air emissions permits issued by State regulatory agencies and electronic reports submitted through the Compliance and Emissions Data Reporting Interface (CEDRI) to develop the final facility list. The EPA excluded facilities subject to the marine vessel loading requirements under the *National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries,* as these sources are part of the petroleum refinery source category.[31] In developing this action, the EPA reviewed the RACT/Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Clearinghouse and regulatory documents addressing similar sources published since the 1995 MVTLO NESHAP. Additionally, the EPA reviewed the Army Corps of Engineers' Waterborne Commerce of the United States Statistics Report and used data from that report in developing this proposal action.[32]

C. What other relevant background information and data are available?

This action includes proposed amendments to the current flare requirements in the MTVLO NESHAP. In proposing these amendments, the EPA relied on certain technical reports and memoranda developed for flares used as air pollution control devices in the *Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards* rulemaking (''2015 Refineries Rule'').[33] For the sake of completeness and for the public's convenience, the EPA has included the most relevant, flare-related technical support documents from the 2015 Refineries Rule in the docket for this rulemaking.[34] Notably, the document titled *Technology Review for National Emission Standards for Marine Tank Vessel Loading Operations* lists all documents the EPA used to inform the flare provisions in the 2015 Refineries Rule, and is in the current action's docket. Additional information related to the promulgation and subsequent amendments of the NESHAP is available in the docket for this rulemaking.

D. How does the EPA perform the technology review?

When conducting a technology review, the EPA primarily focuses on identifying and evaluating developments in practices, processes, and control technologies that have occurred since the Agency last promulgated MACT standards or amendments. Where the EPA identifies such developments, the Agency analyzes technical feasibility, estimated costs, energy implications, and non-air environmental impacts. The EPA also considers the emission reductions associated with the potential application of each development. This analysis informs the Agency's decision whether it is ''necessary'' to revise the emissions standards. In addition, the EPA considers the appropriateness of applying controls to new sources versus retrofitting existing sources. For this exercise, the EPA considers any of the following to be a ''development'':[35]

- Any add-on control technology or other equipment that was not identified and considered during development of the original MACT standards;
- Any improvements in add-on control technology or other equipment (that were identified and considered during development of the original MACT standards) that could result in additional emissions reduction;
- Any work practice or operational procedure that was not identified or considered during development of the original MACT standards;
- Any process change or pollution prevention alternative that could be broadly applied to the industry and that was not identified or considered during development of the original MACT standards; and
- Any significant changes in the cost (including cost effectiveness) of applying controls (including controls the EPA considered during the development of the original MACT standards).

In addition to reviewing the practices, processes, and control technologies that the EPA considered during the original promulgation or in previous updates to the NESHAP, the Agency reviews a variety of data sources in our investigation of potential practices, processes, or controls. Pursuant to the decision of the U.S. Court of Appeals for the D.C. Circuit in *LEAN,* the EPA also reviews the available data to determine if there are any unregulated emissions of HAP within the source category and evaluates this data for use in developing new emission standards. The *LEAN* decision requires the EPA to address regulatory gaps, such as missing MACT standards for listed air toxics with known emissions from the source category.[36] See sections II.B and II.C of this preamble for information on the specific data sources that the EPA reviewed as part of the technology review.

III. Analytical Results and Proposed Decisions

A. What are the results and proposed decisions based on our technology review, and what is the rationale for those decisions?

The EPA evaluated developments in practices, processes, and control

[26] 76 FR 22566, 22571 (Apr. 21, 2011); see also *id.* at 22575 (finding lifetime cancer risk to the individual most exposed to emissions from MTVLO was less than 100-in-1 million and that the cancer incidence and number of people with cancer risk over 1-in-1 million were low).

[27] 76 FR 22571 (Apr. 21, 2011).

[28] 76 FR 22566 (Apr. 21, 2011).

[29] Docket ID No. EPA–HQ–OAR–2025–0207.

[30] 85 FR 40740 (July 7, 2020).

[31] 40 CFR part 63 subpart CC.

[32] United States Department of the Army Corps of Engineers, Institute for Water Resources. (2023). Waterborne Commerce of the United States Parts 1–4 (Report No. IWR–WCUS–23–1 through –4): *https://ndclibrary.sec.usace.army.mil/searchResults?series=Waterborne%20Commerce%20of%20the%20United%20States.*

[33] 80 FR 75178 (Dec. 1, 2015); Docket ID No. EPA–HQ–OAR–2010–0682.

[34] Docket ID No. EPA–HQ–OAR–2025–0207.

[35] *See Nat'l Ass'n for Surface Finishing* v. *EPA,* 795 F.3d 1, 11 (D.C. Cir. 2015) (upholding EPA's interpretation of what is considered ''developments'' under CAA section 112(d)(6) and deferring to the EPA's methodology and balancing decisions).

[36] *LEAN,* 955 F.3d 1088.

technologies since promulgation of the original MACT standards and the subsequent RTR consistent with CAA section 112(d)(6) and as noted in section II.D of this preamble. As noted in section I.B of this preamble, the MTVLO NESHAP also contains RACT standards for the control of VOC from gasoline and crude oil MTVLO. Based on available information, all facilities subject to the RACT standards are also subject to the MACT standards. The memorandum titled *Technology Review for National Emission Standards for Marine Tank Vessel Loading Operations* summarizes the Agency's technology review and is available in the docket for this rulemaking.[37]

1. Evaluation of Applicability Thresholds and Submerged Loading Standards

The MACT standards apply to major sources of HAP emissions. For ''onshore'' existing sources, the MTVLO NESHAP requires loading emission controls for facilities that are major sources of HAP emissions and that have emissions above 10 tpy of any individual HAP or 25 tpy of aggregate HAP considering only the MTVLO emissions (*i.e.,* the ''10 or 25 ton'' emissions threshold).[38] As part of the 2011 RTR, the EPA established a submerged fill loading standard for sources below the ''10 or 25 ton'' emissions threshold, in accordance with the MACT floor level of control,[39] and consistent with standards set in place by the USCG.[40]

First, the EPA conducted an analysis of MTVLO sources that would have emissions below the ''10 or 25 ton'' emissions threshold to determine if applying controls to smaller MTVLO would be cost-effective. Based on our analysis, given the low emissions reductions that could be achieved from these sources and the costs associated with additional controls, we are proposing that it is not necessary to amend the requirements under the technology review. We note that the cost effectiveness of implementing additional controls for smaller facilities exceeds $15,000 per ton of organic HAP reduced, which is above the range the EPA generally considers cost effective for organic HAP.[41] Based on this analysis, the EPA determined that the current ''10 or 25 ton'' HAP emissions applicability threshold is reasonable, and the Agency proposes that no revision to this applicability provision is necessary under the technology review. The EPA solicits comment on its technical evaluation of the MACT applicability thresholds and proposal to maintain the current ''10 or 25 ton'' standards for onshore existing sources (C–1).

Second, the current MACT standards do not apply to commodities with a vapor pressure less than 1.5 pounds per square inch absolute (psia) at standard conditions.[42] As the USCG already requires marine cargo tanks to meet submerged loading control requirements at 46 CFR 153.282, the EPA assessed whether it would be reasonable to lower this vapor pressure threshold for all materials loaded and whether the Agency should require additional controls beyond submerged loading. Although the EPA found that sources generally would not need more control device capacity, sources would incur additional operational costs (*e.g.,* increased fuel for thermal oxidizers) to control these low vapor pressure streams and the result would be limited emission reductions. The incremental cost effectiveness for eliminating the 1.5 psia vapor pressure exemption generally exceeded $100,000 per ton of additional HAP removed. The EPA concluded that these costs were not reasonable and thus is proposing no revisions to the vapor pressure exemption. The EPA solicits comment on its proposal to maintain the 40 CFR 63.560(d)(1) exemption provision for commodities with vapor pressure less than 1.5 psia (C–2).

While the EPA is not proposing to revise the applicability thresholds, the Agency is proposing to clarify the emission estimation procedures in 40 CFR 63.565(l) to ensure that all controls for reducing HAP emissions from MTVLO facilities have federally enforceable operating limits. The MACT provisions in the MTVLO NESHAP only apply to major sources of HAP emissions. MTVLO facilities that use controls to get below the major source emission limits can apply for a synthetic minor permit, provided the control provisions are federally enforceable. The current provisions in 40 CFR 63.565(*l*) are unclear, and a source could interpret the provisions to allow controls to achieve emissions under 10 and 25 tons without any federally enforceable limits on the continuous operation of the controls. The EPA finds that facilities with pre-controlled emissions of 10- or 25-tons HAP should comply with the control provisions in the MTVLO NESHAP or have enforceable, permitted control requirements to ensure emissions remain below 10- and 25-tons HAP at all times. Specifically, the EPA is proposing to add the word ''permitted'' to the last sentence in 40 CFR 63.565(*l*) so that the sentence applies to test data or techniques ''. . . for *permitted* operating conditions at the source'' (emphasis added). The EPA is proposing this revision to ensure that permitted, enforceable control requirements are the sole method for reducing potential emissions when ''considering controls.''

The EPA is also proposing to remove the word ''actual'' in the first sentence of the definitions of ''Source(s) with emissions less than 10 and 25 tons'' and ''Source(s) with emissions of 10 or 25 tons.''[43] These definitions reference the calculation methodology in 40 CFR 63.565(l), which the EPA is proposing to limit to permitted operating conditions. Because the word ''actual'' could be construed to include emission reductions from controls that are not federally enforceable, the Agency is proposing to remove the word ''actual'' from these definitions, consistent with the proposed revision to 40 CFR 63.565(*l*).

Finally, the EPA is proposing to revise paragraph 40 CFR 63.567(j)(3), regarding the submission of annual HAP control efficiency reports, to require identification of the monitoring parameter(s) used and ensure the source continuously maintains HAP control efficiency while loading a regulated commodity. This revision provides a means to ensure the source is continuously operating the control device in a manner consistent with the performance test or other emission estimation methods used under 40 CFR 63.565(*l*). The EPA solicits comments on the number of sources that use controls to achieve emissions less than 10- and 25-tons HAP and whether the rule should require these control requirements to be permitted or otherwise federally enforceable (C–3).

The EPA also requests comment on the proposals to clarify the emission estimation procedures in 40 CFR 63.565(l), the reporting requirement in 40 CFR 63.567(j)(3) to consider only

[37] Docket ID No. EPA–HQ–OAR–2025–0207.

[38] In this preamble, the term ''onshore'' refers to terminals that do not meet the definition of ''offshore terminal'' as defined in 40 CFR 63.561. Thus, the term ''onshore'' refers to a terminal with all loading berths less than 0.81 km (0.5 miles) from the shore.

[39] 77 FR 22571 (Apr. 21, 2011); 40 CFR 63.560(a)(4).

[40] 46 CFR 153.282.

[41] For example, in the 2020 Ethylene Production NESHAP RTR, the EPA stated, ''[g]enerally, for organic HAP, we consider a cost effectiveness of $10,000/ton or more to be near the upper end of what the EPA has traditionally considered to be cost effective for control for these particular type of HAP.'' 85 FR 40396 (July 6, 2020).

[42] 40 CFR 63.560(d)(1).

[43] 40 CFR 63.561.

''permitted'' controls, and the definitions of ''source(s) with emissions less than 10 and 25 tons'' and ''source(s) with emissions of 10 or 25 tons,'' (C–4).

2. Assessment of Control Requirements

The MTVLO NESHAP includes three subcategories: ''onshore'' terminals, offshore terminals, and the Alyeska Pipeline Service Corporation's Valdez Marine Terminal (VMT). The MTVLO NESHAP includes ''new'' and ''existing'' MACT standards for both onshore and offshore terminals, depending on the quantity of loading emissions. The MACT control requirements in the MTVLO NESHAP for displaced vapors include submerged fill operations and control efficiencies that range from 95 percent for new offshore facilities to 98 percent for new onshore facilities. Table 1 details the MTVLO standards for both MACT and RACT applicable facilities. The table presents RACT applicability thresholds in units of million barrels (MMbbl) and vapor concentrations in units of parts per million by volume (ppmv).

TABLE 1—SUMMARY OF CURRENT MTVLO NESHAP STANDARDS

Standard	Source type	Location	Applicability threshold	Applicable commodities	HAP and/or VOC control standard
MACT	New	Onshore	Major source [1].	≥1.5 psia	Vapor Collection and (98 percent or Vapor Balancing).
MACT	New	Offshore	Major source [1].	≥1.5 psia	Vapor Collection and (95 percent or Vapor Balancing).
MACT	Existing	Onshore	≥10 or 25 tons [2].	≥1.5 psia	Vapor Collection and (97 percent or Vapor Balancing).
MACT	Existing	Onshore	<10 or 25 tons [2].	≥1.5 psia	Submerged Loading.
MACT	Existing	Offshore	≥10 or 25 tons [2].	≥1.5 psia	Submerged Loading.
MACT	Existing	Offshore	<10 or 25 tons [2].	≥1.5 psia	Submerged Loading.
RACT		Onshore	≥10 MMbbl or 200 MMbbl [3].	≥1.5 psia	Vapor Collection and (98 percent using a combustion device or 95 percent vapor recovery or 1,000 ppmv VOC during gasoline loading or Vapor Balancing).
MACT and RACT	VMT [4]	Onshore	N/A	≥1.5 psia	Vapor Collection and 98 percent.

[1] Major source of HAP emissions as defined in 40 CFR 63.2.
[2] Major sources of HAP; however, the ''10 or 25 tons'' refers to the individual or aggregate HAP emissions threshold considering only the MTVLO emissions at a facility.
[3] Source(s) having aggregate MTVLO at all loading berths of 10 MMbbl or more of gasoline annually or 200 MMbbl or more of crude oil annually.
[4] Standards specific to the VMT source, as defined in 40 CFR 63.561.

As part of conducting the technology review in accordance with CAA section 112(d)(6), the EPA reviewed Federal and State rules, conducted a review of the RACT/BACT/LAER Clearinghouse, and assessed international best practices applicable to MTVLO and MTVLO sources.

The EPA identified no new technologies for emissions control relevant to the MTVLO source category. However, we evaluated whether improved control device performance and/or cost effectiveness would support the conclusion that amendments are ''necessary'' pursuant to the technology review. Based on the cost estimates for improving control device performance, the EPA has determined that a marginal control efficiency improvement would likely result in the replacement of existing controls is unreasonable for these sources. As such, the EPA proposes it is not necessary to revise the control standards for vapors displaced during MTVLO. The EPA also evaluated more frequent performance testing related to non-flare controls, as discussed in section III.B.5 of this preamble, and improvements to flare monitoring requirements, as discussed in section III.B.6 of this preamble. The EPA solicits comment on whether there are control technology developments that the EPA should consider in the EPA's technology review of the MTVLO NESHAP (C–5).

3. Evaluation of Equipment Leak Monitoring Requirements

The MTVLO NESHAP has standards for monitoring vapor collection systems and control devices to detect leaks and ensure effective routing of vapors to the control device. Owners or operators must conduct annual monitoring using EPA Method 21 and must repair leaks with emissions above a concentration of 10,000 ppmv. Additionally, if at other times an owner or operator identifies a potential leak by audible, visual, or olfactory (AVO) or other detection method, the owners or operator must monitor the potential leak using EPA Method 21 and repair the leak if the monitored concentration exceeds 10,000 ppmv. The rule has no direct equipment leak ''standard'' (*i.e.,* no provisions in 40 CFR 63.562) and does not require monitoring for leaks from liquid components (*e.g.,* pumps, valves, or connections associated with liquid loading lines). The USCG regulations require leak observations at the connection to the ship's cargo fill line, essentially a form of AVO requirements for a portion of the liquid components.

The EPA evaluated a variety of leak detection and repair (LDAR) program requirements, which included adding liquid components to the LDAR program, lowering the leak definition from 10,000 ppmv to 500 ppmv, and conducting more frequent monitoring surveys (semiannual or quarterly monitoring). The EPA used a Monte Carlo model to randomly initiate modeled leaks from individual equipment components present at MTVLO facilities and to estimate the emissions that occur under the various monitoring alternatives that the Agency evaluated. The EPA found that the most cost-effective option assessed was the addition of monitoring requirements for liquid components; however, the incremental cost effectiveness of this option compared to the current provisions exceeds $18,000 per ton of HAP reduced. Additionally, for the approximately 190 facilities subject to the rule, the EPA expects that revisions to the standards would result in

minimal reductions in HAP emissions nationwide (between 4 and 7.4 tpy). Therefore, the EPA concludes that including liquid components or revising the leak definition or frequency of EPA Method 21 monitoring is not necessary pursuant to the technology review. For more information on the Monte Carlo model, modeling assumptions, and cost analysis used to assess alternative equipment LDAR programs, see the memorandum titled *Technology Review for National Emission Standards for Marine Tank Vessel Loading Operations* available in the docket for this rulemaking.[44] The EPA solicits comment on whether the Agency should revise equipment leak provisions to include liquid components, revise the leak definition, or revise the monitoring frequency (C–6).

While the EPA is not proposing standards for equipment leaks within 40 CFR 63.562, the Agency identified several gaps in the compliance provisions at 40 CFR 63.563(c) that warrant clarification.

First, the annual EPA Method 21 monitoring requirement of the vapor collection systems and control devices does not specify that owners or operators at an MVTLO facility must conduct monitoring when actively loading regulated materials (commodities with vapor pressure above 1.5 psia) into marine vessel cargo tanks. However, for EPA Method 21 to effectively detect leaks from the vapor collection system or from a control device, monitoring must occur when the systems and devices are actively loading. Therefore, the EPA is proposing to clarify that owners or operators must conduct the annual EPA Method 21 monitoring during active loading of materials subject to control requirements in 40 CFR 63.562(b), (c), or (d).

Second, the repair requirements in the MTVLO NESHAP only indicate the timing for a ''first effort of repair'' and do not specify a timeline for completing the repair if the ''first effort of repair'' is unsuccessful. Therefore, the EPA is proposing to revise this wording to require leak repair within 15 days of identification or prior to the next loading operation, whichever is later. The EPA is also proposing that the owner or operator must verify the repair by re-monitoring the component using the method by which the leak was identified, consistent with LDAR programs in other NESHAP.[45] The EPA solicits comment on the proposed clarifications that EPA Method 21 owners or operators must conduct monitoring when actively loading regulated material and must conduct repair and verify the repair by re-monitoring rather than solely attempt repair (C–7).

Finally, at some new offshore loading terminals, ships are moored by anchoring buoys in open water rather than mooring at the facility's dock. Vapor lines at these offshore loading terminals may be underwater or may float on the water surface. Offshore loading terminals that load ships moored by anchoring buoys have indicated that EPA Method 21 is infeasible on these underwater or floating vapor lines. EPA Method 21 is commonly applied to valves, connectors, flanges, or open-ended lines and not to flexible tubing commonly used for offshore loading. Also, some of the tubing may be underwater. Thus, the use of EPA Method 21 to find leaks in the piping and connectors that are underwater or in the water (with portions of the tubing and connectors in the water) is not technically feasible. Owners or operators can use AVO methods to identify leaks for fully or partially submerged piping or connectors. However, the current rule requires EPA Method 21 monitoring of leaks, identified via AVO methods, to confirm the leak exceeds a 10,000 ppmv concentration. This requirement is technically infeasible for vapor lines in the water. It also adds burden to MTVLO owners and operators since most AVO-detected leaks will need to be fixed and the additional EPA Method 21 monitoring is not needed to find the leak.

Based on our review of the monitoring requirements for vapor collection systems and control devices, the EPA is proposing to exempt certain piping and connections from the annual EPA Method 21 monitoring requirement. Specifically, the EPA is proposing to exempt piping and equipment components that are underwater or floating in the water from EPA Method 21 monitoring and to allow the use of AVO methods for this equipment. Additionally, consistent with other equipment leak provisions, such as those in 40 CFR part 60 subpart VVb, the EPA is proposing to exempt piping and equipment components that require elevating inspecting personnel more than two meters above a support surface (*i.e.,* difficult-to-monitor components) from EPA Method 21 monitoring requirements. Instead, the EPA is proposing that owners or operators must monitor these equipment components, to the extent practicable, using AVO methods. To implement this revision, the EPA is also proposing to revise the definition of ''leak'' to include liquid or gaseous releases from vapor collection systems and control devices identified by AVO, or any other method, as a leak. Additionally, the EPA is proposing that owners and operators must repair any leaks identified using AVO, thereby eliminating the EPA Method 21 monitoring requirement for AVO-detected leaks. The EPA solicits comment on the proposed revisions to allow AVO monitoring for vapor lines that may be underwater or may float on the water surface, to allow AVO monitoring for difficult-to-monitor equipment components, and to eliminate the EPA Method 21 monitoring requirement for AVO-detected leaks (C–8).

B. What other actions are we proposing, and what is the rationale for those actions?

In addition to the proposed amendments described earlier in this preamble, the EPA is proposing additional revisions to the NESHAP. As part of the 2011 RTR, the EPA revised the SSM provisions of the MTVLO NESHAP to ensure they were consistent with the D.C. Circuit's interpretation of emission standards provisions in *Sierra Club* v. *EPA,*[46] and to include an affirmative defense provision related to the availability of penalties.[47] The EPA intended the 2011 final rule to remove all exemptions for periods of SSM in the MTVLO NESHAP but has since identified additional provisions addressing SSM periods that provide exemptions from CAA section 112 standards. Consistent with the 2008 *Sierra Club* decision, the EPA is proposing to remove both the maintenance allowance provisions and the penalty-related affirmative defense provisions in the MTVLO NESHAP. The EPA is also proposing to require electronic reporting, improve performance testing and monitoring requirements, improve flare monitoring requirements, update cross-references, and clarify certain applicability provisions. We discuss our proposed changes and related analyses later in this preamble.

1. SSM and Maintenance Provisions

First, the EPA is proposing to clarify the general duty clause at 40 CFR 63.562(e) by revising this paragraph title from ''Operation and maintenance requirements for air pollution control equipment and monitoring equipment

[44] Docket ID No. EPA–HQ–OAR–2025–0207.

[45] *See, e.g.,* 40 CFR part 63, subparts H and UU (definition of ''repaired'').

[46] 551 F.3d 1019 (D.C. Cir. 2008).

[47] 76 FR 22566 (Apr. 21, 2011).

for affected sources'' to ''General duty requirements'' to confirm that the general duty requirements apply more broadly to the source (MTVLO terminal) and not only to the control device and monitoring equipment. Second, the EPA is proposing that the general duty requirement applies at all times, including when a marine tank vessel is at the terminal and when no active loading operations are occurring. Some facilities vent or purge MTVLO cargo tanks prior to connecting to control for loading. The EPA considers these displaced vapors, which could otherwise be routed to controls, to be inconsistent with the general duty requirement to minimize emissions. The EPA is also proposing revisions to 40 CFR 63.562(e)(1), (2), (3)(ii) and (iii), and (4) to clarify when owners and operators follow the procedures in the operation and maintenance plan, ''variances'' to the operating limits are deviations rather than variances from the emission limitations. The operation and maintenance plan should minimize these deviations and include the implementation of corrective actions to prevent reoccurrence. The current operation and maintenance plan requirements include provisions similar to the SSM exemption language that the D.C. Circuit found inconsistent with the statute in *Sierra Club.* The EPA solicits comment on the proposed revisions to clarify the general duty requirements for MTVLO terminals (C–9).

As part of the 2011 MTVLO NESHAP RTR, the EPA included provisions allowing sources to assert an affirmative defense to civil penalties for violations caused by malfunctions.[48] Under these provisions, if a source could demonstrate in a judicial or administrative proceeding that the source met the regulatory criteria for raising an affirmative defense, the court or the EPA would not assess civil penalties. However, in 2014, the D.C. Circuit in *NRDC* v. *EPA* vacated such a penalty-focused affirmative defense provision in another CAA section 112 regulation.[49] The Court found that the EPA lacked authority to establish such an affirmative defense provision for private civil suits because CAA section 304(a) vests authority over private suits in the Federal courts, not the EPA. Specifically, the Court found that ''[a]s the language of the statute makes clear, the courts determine, on a case-by-case basis, whether civil penalties are 'appropriate,' '' and that this determination ''is a job for the courts, not EPA.'' [50]

Since *NRDC,* the EPA has been removing such penalty-related affirmative defense provisions from CAA section 112 rules.[51] Here, the EPA is proposing to remove the affirmative defense at 40 CFR 63.562(e)(7), the definition of ''affirmative defense'' in 40 CFR 63.561 and any references to these provisions from the MTVLO NESHAP as of the effective date of the final amendments. If a source is unable to comply with emissions standards because of a malfunction, the EPA may use its case-by-case enforcement discretion to provide flexibility, as appropriate. Further, as the D.C. Circuit recognized, courts have the discretion to consider any defense raised in an EPA or citizen enforcement action and to determine whether penalties are appropriate.[52] The same is true for the presiding officer in the EPA's administrative enforcement actions.[53]

The EPA has long interpreted CAA section 112 as not requiring the Agency to factor emissions that occur during periods of malfunction into the development of CAA section 112 standards. In 2016, the D.C. Circuit upheld this reading in *U.S. Sugar Corp.* v. *EPA.*[54] The EPA's reasoning related to the difficulties in determining an appropriate numerical standard that would reflect the MACT standard required by CAA section 112 and the immense variation that would result if the EPA included conditions during a malfunction in the standard-setting process. The court agreed, finding that any such standard would be too broad and meaningless with respect to the intent of CAA section 112 MACT standards. Thus, during periods of malfunction, the EPA generally requires compliance with the otherwise applicable standard for normal operation.

Although no statutory language compels the EPA to set different standards for malfunctions, we have the discretion to do so where certain criteria are met. Under CAA section 112(h), the Administrator may promulgate a ''design, equipment, work practice, or operational standard, or combination thereof'' to apply in lieu of an emission standard if the Administrator determines (1) that ''it is not feasible . . . to prescribe or enforce an emission standard'' for the relevant pollutant and (2) that the design, equipment, work practice, or operational standard (or combination thereof) is consistent with the provisions of CAA section 112(d) or (f).[55] If the Administrator promulgates a design or equipment standard under CAA section 112(h)(1), the standard must include ''such requirements as will assure the proper operation and maintenance of any such element of design or equipment.'' [56] Thus, the EPA may consider whether circumstances warrant setting work practice standards for a particular type of malfunction to minimize emissions. The EPA solicits comment on whether circumstances warrant setting work practice standards for periods of malfunction at MTVLO consistent with the requirements of CAA section 112(h) (C–10).

Additionally, on September 5, 2025, the D.C. Circuit held in *SSM Litigation Group* v. *EPA* that although the EPA has no authority under the CAA to ''create a regulatory 'defense' that limits the remedial authority granted by Congress to the Federal courts,'' a ''complete affirmative defense, like the one at issue [in that case], is permissible because it relates to the antecedent question of liability and therefore does not impinge on the judiciary's authority to award 'appropriate civil penalties.' '' [57] Although the affirmative defense provision that the EPA is now proposing to remove is not a ''complete'' affirmative defense (*i.e.,* the affirmative defense provision only pertains to civil penalties), the EPA requests comment on whether and how we should address affirmative defense provisions within this and other new source performance standard (NSPS) or NESHAP in response to the *SSM Litigation Group*

[48] 76 FR 22574 (Apr. 21, 2011); 40 CFR 63.561, 63.562(e)(7).

[49] 749 F.3d 1055 (D.C. Cir. 2014) (vacating affirmative defense provisions in the CAA section 112 rule establishing emission standards for Portland cement kilns).

[50] *Id.* at 1063.

[51] *See, e.g., National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters,* 80 FR 72789 (Sept. 20, 2015); *National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers,* 81 FR 63112 (Sept. 14, 2016).

[52] *Cf. NRDC,* 749 F.3d at 1064 (arguments that violation was caused by unavoidable technology failure can be made to the courts in future civil cases when the issue arises).

[53] Although *NRDC* does not address the EPA's authority to establish an affirmative defense to penalties in administrative enforcement actions, we are not including such an affirmative defense in the proposed rule. As explained above, such an affirmative defense is not necessary. Moreover, assessment of penalties for violations caused by malfunctions in administrative proceedings and judicial proceedings should be consistent. *See* CAA section 113(e), 42 U.S.C. 7413(e) (requiring both the Administrator and the court to take specified criteria into account when assessing penalties).

[54] 830 F.3d 579, 606–10 (D.C. Cir. 2016) (stating that CAA section 112 ''permits the EPA to ignore malfunctions in its standard-setting and account for them instead through its regulatory discretion'').

[55] 42 U.S.C. 7412(h)(1), 7412(h)(2) (defining the phrase ''not feasible to prescribe or enforce an emission standard'').

[56] *Id.* 7412(h)(1).

[57] 150 F.4th 593, 599 (D.C. Cir. 2025) (quoting CAA section 304(a), 42 U.S.C. 7604(a)).

decision (C–11). Due to the timing of the D.C. Circuit's decision in *SSM Litigation Group* and the Agency's consent decree deadline to issue this proposed action, the EPA may address the impacts of the *SSM Litigation Group* decision on this NESHAP in an appropriate future action but will consider all comments received on this issue in reaching a final decision.

The EPA previously proposed to remove the affirmative defense provisions from the MTVLO NESHAP as part of a proposed rule titled *Removal of Affirmative Defense Provisions from Specified New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants*.[58] The EPA now proposes to remove these provisions as part of this action. The EPA will only consider comments submitted to the docket for this action and will not consider comments previously submitted on the prior proposal.[59] The EPA solicits comment on this proposal to remove the affirmative defense provisions from the MTVLO NESHAP (C–12).

Finally, the EPA is proposing to remove the maintenance allowance provisions provided in 40 CFR 63.562(b)(6), (c)(6), and (d)(2)(ii)(B). As explained in the original 1995 rulemaking, the EPA included maintenance allowances as a variance to the emission standard during repairs, and to allow facilities to have additional time beyond the compliance deadline to meet the applicable standards.[60] These provisions are inconsistent with the CAA as interpreted by the D.C. Circuit in *Sierra Club*. The EPA is proposing to remove these provisions to ensure the consistent use of controls and application of a CAA section 112 standard at all times. Consistent with the removal of the maintenance allowance provisions, the EPA is proposing to remove the definition of ''maintenance allowance'' in 40 CFR 63.561. The EPA considered the possibility of prescribing specific work practice standards as a potential replacement for the maintenance allowance provisions under 40 CFR 63.562(b)(6), (c)(6), and (d)(2)(ii)(B). CAA section 112(h)(1) states that the Administrator may prescribe a work practice standard or other requirements, consistent with the provisions of CAA section 112(d) or (f), in those cases where, in the judgment of the Administrator, it is not feasible to enforce an emission standard. However, the EPA was unable to identify specific work practice standards that would allow operation to continue consistently with *Sierra Club.* The EPA is soliciting comment on the removal of maintenance allowance provisions for MTVLO (C–13). The EPA also is soliciting comment on potential work practice standards that could be implemented in lieu of the applicable emission standards during periods of maintenance (C–14).

2. Electronic Reporting

The EPA is proposing that owners and operators of facilities subject to the MTVLO NESHAP submit electronic copies of required notifications and reports through the EPA's Central Data Exchange (CDX) using CEDRI. The memorandum *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,* describes the electronic data submission process and is available in the docket for this rulemaking.

The 2011 MTVLO NESHAP RTR included requirements that affected sources electronically submit performance test results collected using test methods that are compatible with the EPA's Electronic Reporting Tool (ERT) to the EPA's CDX by using the ERT or other compatible electronic spreadsheet.[61] In this proposal, the EPA is making minor updates to the electronic reporting language for performance tests to reflect the current electronic reporting process (*e.g.,* all methods are now compatible with the ERT). Similar to performance test results, the EPA proposes to add language that would require submitting continuous emissions monitoring systems (CEMS) performance evaluation results in the format generated through the use of the ERT or an electronic file consistent with the xml schema on the ERT website.[62] Electronic files consistent with the xml schema on the ERT website must accompany all the information required by 40 CFR 63.7(g)(2) in PDF format.

For periodic reports, the proposed rule would require that owners and operators use the appropriate spreadsheet template to submit information to CEDRI. A draft version of the proposed template for this report is in the docket for this action.[63] The EPA specifically requests comment on the content, layout, and overall design of the template (C–15). The proposed rule would require that owners and operators submit all other notifications and reports as a PDF upload in CEDRI.

The electronic submittal of the reports addressed in this proposed rulemaking will increase the usefulness of the data contained in those reports, keep with current trends in data availability and transparency, further assist in the protection of public health and the environment, and improve compliance by facilitating the ability of regulated entities to demonstrate compliance with requirements. Further, the electronic submittal of reports facilitates the ability of the EPA and delegated State, local, Tribal, and territorial air agencies to assess and determine compliance and will ultimately reduce burden on regulated facilities, delegated air agencies, and the EPA. Electronic reporting also eliminates paper-based, manual processes, thereby saving time and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors, and providing data quickly and accurately to the affected facilities, air agencies, the EPA, and the public. For more information on the benefits of electronic reporting, see the memorandum *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,* referenced earlier in this section.

To facilitate electronic reporting, the EPA proposes to specify several reporting elements commonly included in periodic reports that are not always directly required in the regulatory text (like facility name, address, contact person information, period covered by the report). Specifying these reporting elements provides a clear and distinct reference for all reporting elements included in the reporting form, which improves transparency and clarity for the requirements in each report. Affected sources can easily copy most of these data elements into subsequent reporting forms or save the form as a template with these data elements populated, thus minimizing burden to reporters.

Additionally, the EPA proposes that periodic reporting occur semiannually.

[58] 89 FR 52425 (June 24, 2024).

[59] Docket ID No. EPA–HQ–OAR–2025–0078. The EPA intends to take appropriate final action on the remainder of that proposed rule in a separate action at the appropriate time.

[60] *See Federal Standards for Marine Tank Vessel Loading Operations and National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading Operations—Technical Support Document for Final Standards: Summary of Public Comments and Responses,* § 2.6.1, available in the docket for this rulemaking.

[61] 76 FR 22566 (Apr. 21, 2011).

[62] U.S. Environmental Protection Agency. (Last updated September 2, 2025). Electronic Reporting Tool (ERT): *https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert.*

[63] *See Part_63_Subpart_Y_63.567(o)_Periodic_Report,* available at Docket ID. No. EPA–HQ–OAR–2025–0207.

Currently, the MTVLO NESHAP includes provisions to allow facilities to request annual reporting after meeting certain conditions. This is inconsistent with the general provisions codified at 40 CFR part 63 subpart A, which establish a default semiannual reporting frequency and only allow requests for reduced reporting frequency in cases that require quarterly periodic reports. Further, the NESHAP currently exempts owners and operators from reporting exceedances if the exceedances occur for less than five percent of the operating time, which is also inconsistent with the general provisions. Table 1 in 40 CFR 63.650 indicates that 40 CFR 63.10(e)(3)(vi) applies. There is no allowance in the general provisions to forego submittal of the summary report based on the duration of exceedances. In fact, the summary report is always required, and the duration of excess emissions and downtime determines when a facility must submit a full excess emissions report. Therefore, the EPA proposes to remove this allowance and to require that each periodic report includes a clear indication of whether there were deviations during the reporting period. If deviations occur, the EPA would require facilities provide information to identify the exceeded operating limit, the time and duration of the deviation, the cause of the deviation, and the taken corrective action or adopted preventative measures.

To better transition from the current ''excess emission reports'' to semiannual electronic reporting, the EPA proposes to sunset the provisions addressing summary reports and excess emissions and monitoring system performance reports in 40 CFR 63.567(e) and the malfunction reporting in 40 CFR 63.567(m) within 180 days of the publication of the final rule in the **Federal Register**. On or after 180 days of the publication of the final rule in the **Federal Register**, the EPA proposes that owners and operators must meet the new reporting requirements in 40 CFR 63.567(o). The reporting requirements in 40 CFR 63.567(o) include information similar to that previously required, as well as reporting elements to improve transparency and clarity for electronic reporting and additional reporting elements based on other proposed revisions, such as reporting elements associated with the enhanced flare monitoring requirements discussed in section III.B.6 of this preamble.

The EPA solicits comment on its proposal to require electronic reporting and the revisions made to the reporting requirements to facilitate electronic reporting and directly report deviations (C–16).

3. Cross-Reference Updates

General Provisions Table. Table 1 to 40 CFR 60.560 provides an applicability crosswalk of the part 63 general provisions (40 CFR part 63 subpart A) to the MTVLO NESHAP. Since the EPA last reviewed table 1 to 40 CFR 60.560, the EPA has reserved or eliminated some sections of the general provisions (if they were at the end of a series of paragraphs). Therefore, the EPA is proposing to revise numerous table entries that currently indicate ''yes'' as the applicability to ''no'' for sections that are now reserved. The EPA is also proposing to remove table entry lines for sections that no longer exist in the general provisions. For numerous entries, the EPA indicates the general provisions section does not apply because the MTVLO NESHAP does not include opacity monitoring standards. The EPA is proposing to add a comment for several similar entries in table 1 to 40 CFR 60.560 to explain in a consistent manner that these sections do not apply because ''[n]o opacity monitoring is required under subpart Y.''

In addition to these straightforward updates, the EPA notes that the current table 1 entry for 40 CFR 63.7(g)(2) indicated ''no'' for the applicability with a comment marking the section as reserved. The provisions in 40 CFR 63.7(g)(2) now include reporting elements necessary for performance test reports. After reviewing these reporting elements, the EPA proposes to revise the ''no'' for applicability for 40 CFR 63.7(g)(2) to ''yes'' because the Agency deems these reporting elements to be reasonable and necessary for inclusion in the performance test report to understand the source being tested, the test methods used, and the operating conditions during the performance test.

Other Cross-Reference Revisions. In our review of the MTVLO NESHAP, the EPA also noted that 40 CFR 63.563(a)(3) referenced 33 CFR 154.814 for operating pressure requirements for the marine tank vessel's vapor collection system. The cross-referenced requirements no longer exist. The EPA reviewed the former requirements and found that these requirements now reside in 33 CFR 154.2103. Therefore, the EPA proposes to replace the outdated cross-reference to 33 CFR 154.814 with reference to 33 CFR 154.2103.

The EPA solicits comment on its proposal to update cross-references in table 1 to 40 CFR 63.560 to account for part 63 general provisions revisions and to update the cross-reference for operating pressure requirements in 40 CFR 63.653(a)(3) (C–17).

4. Clarifications Regarding the Applicability and Designation of Affected Source

In reviewing the exemptions in 40 CFR 63.560(d), the EPA notes that the exclusion in paragraph (d)(6), which involves the applicability of existing offshore loading terminals, is broader than other provisions. Most of the other exclusions include the phrase ''pertaining to . . .'' that helps focus the exemption, whereas the exclusion in paragraph (d)(6) does not contain that phrase. The EPA notes that the RACT standards do not differentiate between new and existing sources, so the Agency considers this requirement under 40 CFR 63.560(d)(6) to apply specifically to MACT standards. Therefore, the EPA proposes to clarify that the exclusion in 40 CFR 63.560(d)(6) pertains to the MACT standards in 40 CFR 63.562(b). Also, because the VMT source is a standalone affected source with site-specific MACT and RACT standards, the EPA proposes to correct the language in paragraphs 40 CFR 63.560(a) and (b).

The EPA also seeks to clarify the applicability of the RACT provisions to offshore terminals. In the preamble to the 1995 final rule, the EPA explained: ''Since most of the other comments noted that the significantly higher costs and poor cost effectiveness shown by these sources . . . would make control requirements unreasonable for these offshore terminals, the Agency determined that the requirements for controls at offshore RACT terminals would not be consistent with the requirements for the technology to be 'reasonable.' '' [64] Therefore, the EPA proposes to clarify in the regulatory text, consistent with the 1995 final rule preamble, that the RACT provisions do not apply to offshore loading terminals. The EPA solicits comment on this proposed clarification for the applicability of the MACT and RACT standards to offshore loading terminals (C–18).

The EPA has received inquiries about the applicability of the MTVLO NESHAP to liquified natural gas (LNG) loading terminals. The EPA expects that LNG terminals are exempt under the provision in 40 CFR 63.560(d)(5). The EPA notes that the provision under 40 CFR 63.560(d)(5) is specific to ''loading berths that only transfer liquids containing organic HAP as impurities, as that term is defined in 40 CFR 63.561.'' The EPA expects that a loading berth used for LNG is specialized for

[64] 60 FR 48393 (Sept. 19, 1995).

loading LNG and would meet this exemption without revisions to the rule. The EPA requests comment on the need to further clarify the rule applicability related to LNG and whether the exemption in 40 CFR 63.560(d)(5) should refer to the commodity rather than the loading berth (C–19).

5. Performance Testing

As part of the EPA's review of the requirements of the MTVLO NESHAP, the Agency noted that the rule only requires an initial performance test. It is common for the control efficiency of control devices to degrade over time, and periodic performance testing provides a means to update operating parameters and ensure compliance as the control devices age. Therefore, the EPA evaluated requiring periodic performance tests at a minimum frequency of once every 60 calendar months. The EPA estimates that the average control efficiency of regularly tested control devices is 98 percent and that the average control efficiency of devices not periodically tested is 95 percent. Costs per test are estimated at approximately $25,200, with annualized costs of $6,230 considering one performance test over a 5-year period, in 2023 dollars. The EPA assumes the periodic testing would generally lead to higher temperature operating limits. The EPA estimates the annual cost of maintaining the higher temperature operating limits at $1,640 per combustion device. The Agency expects that complying with revised operating limits would entail minimal additional costs for vapor recovery devices. For control devices that use a VOC CEMS, the EPA proposes to require annual relative accuracy test audits (RATAs) to maintain the accuracy of CEMS. The EPA estimates the annual costs of RATA at approximately $19,000. The EPA estimates the average cost effectiveness of the periodic performance test and annual RATA requirements at $7,520 per ton HAP reduced. Based on the analysis of the costs of conducting the performance test and the expected improvement in control device performance over time, the EPA determined that a periodic testing requirement and annual RATA requirement is reasonable. Therefore, the EPA proposes to require periodic performance tests at least once every 60 calendar months and annual RATAs for VOC CEMS. For more detail regarding this assessment, see the memorandum *Technology Review for National Emission Standards for Marine Tank Vessel Loading Operations* in docket for this rulemaking.[65] The EPA solicits comment on the proposed requirement to conduct periodic performance tests at least once every 60 calendar months and the proposed requirement to conduct annual RATAs (C–20).

6. Flare Monitoring Provisions

The EPA evaluated monitoring requirements to ensure that flares meet the desired minimum control efficiency at all times. Since the previous technology review of the MTVLO NESHAP, the EPA has promulgated numerous standards that include new operating limits and monitoring requirements to ensure flares achieve the MACT level of control at all times, starting with the amendments in the 2015 Refineries Rule.[66] The current MTVLO NESHAP requires that an owner or operator using flares demonstrate initial compliance of those devices with the requirements in 40 CFR 63.11(b), but the MTVLO NESHAP does not require ongoing monitoring. The general provisions at 40 CFR 63.11(b)(1) require ''[o]wners or operators using flares to comply with the provisions of this part shall monitor these control devices to assure that they are operated and maintained in conformance with their designs'' and state that ''[a]pplicable subparts will provide provisions stating how owners or operators using flares shall monitor these control devices.'' The EPA believes that the lack of ongoing monitoring requirements in the MTVLO NESHAP conflicts with this general provision requirement. Further, the EPA believes that the general provision requirements are insufficient for ensuring high destruction efficiencies for assisted flares and understands that most flares at MTVLO use assist air or steam.

The 2015 Refineries Rule requires operating limits and monitoring requirements for the following: continuous pilot or flame, visible emissions, maximum flare tip velocity, flare gas flow rate, combustion zone net heating value (NHV_{cz}), and, for perimeter air-assisted flares, net heating value dilution (NHV_{dil}) parameter. Additionally, MTVLO facilities co-located with petroleum refineries already must comply with the improved monitoring requirements.

Consistent with the impact analysis conducted for the 2015 Refineries Rule, the EPA assumed that the average control efficiency of MTVLO flares, which are subject only to pilot flame monitoring, would achieve a baseline control device efficiency of approximately 94 percent. The EPA also assumed that those MTVLO flares meeting the operating limits for flares in the 2015 Refineries Rule would achieve at least 98 percent control. Costs to comply with the 2015 Refineries Rule monitoring provisions can vary widely, depending on whether an owner or operator needs continuous net heating value (NHV) monitoring or can use a sampling demonstration for waste gas streams with consistent composition or a fixed minimum NHV. Because MTVLO facilities often load a consistent slate of products and because the control requirements only apply when loading liquids with a vapor pressure of 1.5 psia or greater, the EPA expects most MTVLO facilities are able to conduct a sampling demonstration and use the fixed, minimum NHV from the demonstration rather than install continuous NHV monitors. Also, the EPA expects liquid loading volumes to provide a reasonable measure of the waste gas flow rate from the MTVLO facilities, so waste gas flow monitors would not generally be required. Across all flares used at MTVLO facilities, the EPA estimates the average cost effectiveness of applying the 2015 Refineries Rule's enhanced flare monitoring provisions to the MTVLO source category to be $8,150 per ton of HAP reduced. For more detail regarding this assessment, see the memorandum *Technology Review for National Emission Standards for Marine Tank Vessel Loading Operations* in the docket for this action.[67] Based on the EPA's analysis of the monitoring costs and the expected improvement in control device performance, the Agency finds the enhanced flare monitoring provisions to be reasonable.

The EPA understands that some flares MTVLO facilities use to control emissions may be subject to a 95 percent (offshore) or 97 percent (existing onshore) control standard. The EPA developed enhanced flare monitoring provisions from the 2015 Refineries Rule to meet a 98 percent control efficiency. Enhanced flare monitoring requirements appear to be necessary because the current provisions in the MTVLO NESHAP do not ensure that these flares consistently meet the required control efficiencies. The EPA notes that flare performance often drops dramatically below the target operating limits, so there is not a significant difference in operating limits to ensure 97 percent control efficiency versus 98 percent control efficiency. The 2015

[65] Docket ID No. EPA–HQ–OAR–2025–0207.

[66] 40 CFR part 63 subpart CC; 80 FR 75178 (Dec. 1, 2015).

[67] Docket ID No. EPA–HQ–OAR–2025–0207.

Refineries Rule applied these enhanced monitoring provisions to all flares at the refinery, including those MTVLO flares at petroleum refineries that cross-reference into the MTVLO NESHAP and are subject to a 95, 97, and 98 percent control efficiency requirements under 40 CFR 63.651(e). Therefore, the EPA proposes to require that flares used to comply with the MTVLO control requirements meet the operating limits in 40 CFR 63.670 and the monitoring requirements in 40 CFR 63.671, with some minor revisions as discussed in the following paragraphs. The EPA also proposes to sunset the flare performance test requirement at 40 CFR 63.565(e) and to add specific flare recordkeeping and reporting requirements in 40 CFR 63.567(o) and (p), consistent with those in the 2015 Refineries Rule and with the proposed flare monitoring requirements. The EPA solicits comment on the proposed revisions to the flare monitoring and recordkeeping requirements, consistent with those included in the 2015 Refineries Rule (C–21).

The EPA proposes revisions to the 14-day grab sampling provisions in 40 CFR 63.670(j)(6)(i)(D) to allow fewer days for collecting samples but to maintain the 14-grab sample requirement. The intent of the 14 samples is to assess the variability of NHV during the low NHV commodity loading scenario to account for these factors. Although the EPA expects the loaded commodity to drive the lowest NHV, the Agency also expects that the NHV will vary somewhat with temperature and with the fill level of the cargo tank. The time that a MVTLO facility needs to load a marine vessel depends on the size of the vessel and can vary from several hours to a week or more. Considering the typical time needed to load a marine tank vessel, the EPA proposes that MVTLO facility owners and operators collect samples at intervals of no less than 60 minutes apart. This will allow the collection of 14 grab samples over a few days but will cover a range of temperatures during the sampling day(s) and different loading liquid levels in the marine vessel's cargo tank. Thus, the EPA expects this sampling schedule would maintain the same level of variability in the samples as expected over a 14-day period. Therefore, the EPA proposes to include in the MTVLO flare requirements at 40 CFR 63.563(b)(5) a provision to allow the collection of 14 grab samples over fewer days, provided at least 60 minutes run between the collection of each grab sample. This provision will reduce the burden of the sampling demonstration while still accounting for changes in NHV due to temperature and other loading conditions. The EPA solicits comment on its proposal for allowing hourly grab samples rather than daily grab samples to determine the consistent or minimum NHV of the flare gas (C–22).

The EPA also proposes to include in the MTVLO flare requirements at 40 CFR 63.563(b)(5) a provision to allow use of the cumulative liquid loading rate as an alternative to monitoring the waste gas flow rate. The EPA expects the MTVLO vapor collection system to operate at low pressures and the flow rate of displaced vapors by the MTVLO facility to be equal to the liquid filling rate. The EPA finalized a similar provision for gasoline loading racks in the gasoline distribution NSPS.[68] The Agency considers this a reasonable alternative for MTVLO sources because of similarities in the processes and operating pressures. The EPA solicits comment on its proposal for allowing the MTVLO source to use volumetric liquid loading rate as a proxy for the flare gas flow rate (C–23).

7. Compliance Provisions

As part of this review, the EPA noted several inconsistencies in the compliance provisions that the Agency is proposing to address. First, the EPA believes that the temperature operating limits required for condensers and refrigeration units in 40 CFR 63.653(b)(7)(ii) and (iii) are ineffectual and technically unsound. For carbon adsorption units, the temperature operating limit must be ''no more than 10 percent or 5.6 [degrees Celsius] °C (10 [degrees Fahrenheit] °F) above the baseline carbon bed temperature, whichever is less stringent.'' For condensers, refrigeration units, and combustion devices (except for flares), the temperature operating limit must be ''no more than 28 °C (50 °F) below the baseline temperature.'' The EPA suspects that the temperature operating limit provisions for condensers and refrigeration units incorrectly uses the combustion device temperature requirement in the provision rather than the carbon adsorber temperature requirement, which would better represent condensers and refrigeration units and provide stronger compliance assurance with the emissions standard. For example, a condenser/refrigeration unit that operated at 35 °F during the performance test would not have comparable emissions reductions to a unit operated at 80 °F, as the amount of VOC that remain uncondensed in the gas stream at 80 °F is much greater than at 35 °F. However, the current provisions in 40 CFR 63.653(b)(7)(ii) and (iii) that allow a 28 °C (50 °F) variance in the condenser/refrigeration unit's operating temperature would allow a condenser/refrigeration unit that operated at 35 °F during the performance test to continuously operate at 80 °F after the performance test. To correct this suspected error, the EPA proposes to revise the temperature requirement for condensers/refrigeration units in 40 CFR 63.653(b)(7)(ii) to be no more than 10 percent or 5.6 °C (10 °F) above the baseline temperature, consistent with the requirement for carbon adsorption units. The EPA solicits comment on the proposed revisions to the temperature operating limit provisions for condensers and refrigeration units (C–24).

Second, the EPA proposes to sunset the provisions that allow owners and operators to use manufacturer's recommendations to set baseline operating temperatures. First, the EPA finds that the MTVLO NESHAP provisions that allow operation at 50 °F below the manufacturer's recommended minimum operating temperature do not ensure that the control device operates at least as high as the manufacturer's recommended minimum temperature. As such, there is no guarantee, even from the manufacturer, that operation at the allowed baseline temperature will meet the required MACT/RACT control efficiencies. Second, as noted in section III.B.5 of this preamble, the EPA proposes periodic performance tests as a means to update operating limits and ensure compliance as the control device ages. Using the manufacturer's recommended minimum operating temperature limit undermines the purpose of using the periodic performance tests to adjust the control device operating limits, as necessary, based on actual performance of the control device as it ages and begins to degrade. Therefore, the EPA proposes that owners and operators can no longer use the provision in 40 CFR 63.565(f)(2), which allows the use of manufacturer's recommended minimum (or maximum) temperature to set baseline temperature for any performance tests conducted after the effective date of the final rule. The EPA proposes to add '', if applicable'' in the definition of ''baseline operating parameter'' and in paragraphs 40 CFR 63.563(b)(4)(ii), 63.564(e)(3), and (h)(1) when referencing the manufacturer's recommended minimum temperature, consistent with the proposed sunsetting of these provisions. The EPA requests

[68] 40 CFR part 60 subpart XXa.

comment on the proposal to sunset the use of manufacturer's minimum (or maximum) temperatures and to require that the baseline temperature rely on the control device temperature during the performance test (C–25).

Third, the EPA notes that the RACT compliance option of 1,000 ppmv outlet concentration for gasoline loading is a direct standard, not a parameter operating limit, and suspects that its application is inconsistent between control devices. The RACT standards at 40 CFR 60.562(c)(4) state that an ''owner or operator of a source with throughput of 10 M barrels or 200 M barrels, except the VMT source, may meet the requirements of paragraph (c)(3) by reducing gasoline loading emissions to, at most, 1,000 ppmv outlet VOC concentration.'' The existing MVTLO NESHAP provides this 1,000 ppmv outlet VOC concentration RACT alternative for gasoline loading carbon adsorption systems in 40 CFR 63.563(b)(6)(iii) and, with some additions, for condensers/refrigeration units in 40 CFR 63.563(b)(7)(iii), but the option is not in the provision for combustion devices (other than flares) or for absorbers. The EPA understands that this compliance option is not appropriate for combustion devices because a combustion device will have significant dilution with combustion air. As such, a 1,000 ppmv outlet VOC concentration for a combustion device would be significantly less stringent than for a 1,000 ppmv outlet VOC concentration recovery device. This may be contrary to the RACT provisions, which require MTVLO using a combustion device to achieve a 98 percent reduction, while a recovery device is only required to achieve a 95 percent reduction. Thus, the EPA agrees that the 1,000 ppmv outlet VOC concentration alternative should not apply to MTVLO using a combustion device. However, as currently worded, the alternative in 40 CFR 60.562(c)(4) appears to apply to both provisions in 40 CFR 60.562(c)(3). Therefore, the EPA proposes to clarify in 40 CFR 60.562(c)(4) that this 1,000 ppmv outlet VOC concentration limit is only available as an alternative to the requirements in 40 CFR 60.562(c)(3) when using a recovery device.

With that proposed clarification, the EPA finds no reason not to provide this 1,000 ppmv outlet VOC concentration compliance option equally for all recovery devices. Therefore, the EPA proposes to add compliance options at 40 CFR 63.563(b)(8)(iii) to allow owners and operators of absorbers to use this outlet concentration standard, when it applies. The EPA also proposes to revise the compliance provisions in 40 CFR 63.563(b)(7)(iii) for condenser/refrigeration units to parallel the compliance provisions for this alternative provided for other recovery devices. As previously noted, the temperature operating limit provided in 40 CFR 63.563(b)(7)(iii) is inappropriate, and the EPA is proposing to remove this temperature operating limit option for the 1,000 ppmv VOC compliance alternative.

While the MTVLO NESHAP provides some operational flexibility for operating parameters used to ensure the source is operating similarly to when the source conducted the performance test and demonstrated compliance with the applicable standard, the EPA finds no rationale for allowing similar flexibility when complying with a direct emissions limit. The EPA finds the current provisions that allow up to 1,200 ppmv VOC outlet concentrations for this alternative effectively allows exceedances of this direct emissions limitation. Therefore, the EPA proposes to revise the compliance requirements for this optional standard to require compliance with the 1,000 ppmv limit at all times, rather than allowing deviations up to 1,200 ppmv. The EPA solicits comment on the proposed revisions to the 1,000 ppmv VOC outlet concentration RACT alternative, specific for gasoline loading operations, to clarify this provision is an alternative only for RACT facilities using recovery devices and to treat this limit as a direct emissions limit. The EPA also requests information on the number of sources currently complying with this 1,000 ppmv VOC outlet concentration limit (C–26).

In assessing the 1,000 ppmv VOC outlet concentration RACT alternative in relationship with the MACT requirements, the EPA investigated whether any facilities could use that alternative. The EPA expects that terminals meeting the throughput thresholds for RACT facilities would also be major sources of HAP emissions subject to MACT requirements. Since the MACT standard for existing onshore sources require a minimum of 97 percent reduction independent of the control device, the EPA expects these RACT facilities using a recovery device would have to comply with the MACT requirements and that the RACT provisions allowing 95 percent reduction or 1,000 ppmv VOC outlet concentration would not apply.

The EPA proposes to clarify in 40 CFR 63.560(a)(2) that the MACT emission standards do not apply below the emissions threshold. Similarly, the EPA proposes to clarify in 40 CFR 63.560(b)(2) that the RACT emission standards do not apply below the throughput threshold. Finally, the EPA proposes to add overlap provisions at 40 CFR 63.560(f) that directly address cases where MACT and/or RACT provisions apply. For sources other than the VMT source, the EPA proposes to clarify that sources subject to both the MACT standards in 40 CFR 63.562(b) and the RACT standards in 40 CFR 63.562(c), respectively, must comply only with the most stringent of the applicable requirements. Thus, MTVLO terminals meeting the applicability requirements for both MACT and RACT standards would have to comply with the 98 percent control efficiency requirement when using a combustion device and comply with the 97 percent control efficiency requirement when using a recovery device. The EPA requests comment on the proposed overlap provisions and associated clarifications to limit the exclusion of the standards as provided in 40 CFR 63.560(a)(2) and (b)(2) (C–27).

8. Other Revisions

The EPA proposes several revisions to clarify and provide consistency in the MTVLO NESHAP requirements:

- The EPA proposes revisions to 40 CFR 63.560(e) to clarify the compliance dates for offshore terminals and remove erroneous references to the VMT source.
- The EPA proposes revisions to the definition of ''affected sources'' in 40 CFR 63.561 to more clearly delineate that sources subject to the submerged loading standards are affected sources under the MTVLO NESHAP.
- The EPA proposes to revise the definition of ''marine tank vessel loading operation'' in 40 CFR 63.561 to clarify that loading commodities at an offshore loading terminal qualifies as a MTVLO source.
- The EPA proposes to add a definition of ''regulated commodity'' to mean any commodity other than those exempted under 40 CFR 63.560(d)(1) or (5) as a term of convenience for some of the proposed recordkeeping and reporting requirements.
- The EPA proposes an editorial revision the definition of ''terminal'' in 40 CFR 63.561 to replace ''land or sea based structure(s)'' with ''land- or sea-based structure(s).''
- The EPA proposes to add ''captured'' prior to ''HAP emissions'' in 40 CFR 63.652(b)(3) and (4), consistent with the phrasing used in 40 CFR 63.652(b)(2).
- The EPA proposes to replace ''HAP'' with ''VOC'' in 40 CFR 63.562(c)(5) because these are RACT

provisions that regulate VOC rather than HAP.

- The EPA proposes to add ''and VOC'' following ''HAP'' because these are both MACT and RACT provisions that regulate both HAP and VOC vapors from MTVLO sources.
- The EPA proposes to correct subparagraph cross-references in 40 CFR 63.562(d)(2)(ii)(B) by replacing references to paragraphs (d)(2)(ii)(B)(*a*), (*b*), or (*c*) with (d)(2)(ii)(B)(*1*), (*2*), or (*3*), respectively.
- The EPA proposes to clarify that the ''cycle'' is the average duration of the individual performance test runs for the operating limits based on performance test data.

The EPA requests comment on the proposed editorial revisions and requests information on other revisions that would improve the clarity of the rule requirements (C–28).

9. Severability

This proposed action contains several discrete components, which the EPA views as severable as a practical matter—*i.e.,* they are functionally independent and if finalized as proposed would operate in practice independently of the other components. These discrete components are generally delineated by the section headings within section III.B of this document. For example, the proposed electronic reporting provisions, performance testing provisions, and flare monitoring provisions discussed in sections III.B.2, III.B.5, and III.B.6 generally function independently of one another. The EPA invites comment on the severability of this proposed rule, and in particular whether any components are not functionally independent (C–29).

C. What compliance dates are we proposing, and what is the rationale for the proposed compliance dates?

Most of the proposed revisions are clarifications and editorial revisions. The EPA proposes that the compliance date for these clarifications (*i.e.,* those not specifically addressed below) would be the effective date of the final rule. The EPA is proposing additional compliance time for a limited number of proposed revisions. The following sections provide the proposed compliance dates for revisions that have a compliance date other than the effective date of the final rule and our rationale for the proposed compliance dates. The EPA requests comment on the proposed compliance dates for the proposed revisions to the MTVLO NESHAP (C–30).

1. Compliance Dates for Electronic Reporting

The EPA proposes to provide 180 days after the effective date of the final rule to comply with the proposed electronic reporting requirements. This will generally allow facilities to complete their reporting period under the current provisions and provide sufficient time to transition to the new electronic reporting requirements.

2. Compliance Dates for Performance Tests

The EPA proposes that owners and operators conduct the first periodic performance test within 180 days of the effective date of the final rule. The Agency considers 180 days to be as expedient as realistically practicable for MTVLO terminals. This allows owners and operators time to identify an appropriate testing contractor and to schedule and conduct the performance tests. Additionally, the EPA proposes to allow owners and operators to use tests conducted up to two years prior to the effective date of the final rule as the first periodic performance test. This will reduce the burden on owners and operators who have recently conducted testing by allowing them to use data that is still representative of facility operations and control device performance instead of immediately requiring a new performance test.

3. Compliance Dates for Flare Monitoring Provisions

The EPA proposes to provide three years to comply with the additional monitoring requirements proposed for flares. This is consistent with the timeframe we provided for petroleum refineries when first proposing those requirements. The new requirements may require owners or operators to upgrade monitoring systems, and three years is as expedient as realistically practicable considering the number of monitoring systems that owners or operators may need to upgrade.

4. Compliance Dates for Other Revisions

The EPA proposes that other proposed revisions would become effective on the effective date of the final rule.

IV. Summary of Cost, Environmental, and Economic Impacts

A. What are the affected sources?

The EPA estimates that approximately 190 facilities are subject to the MTVLO NESHAP MACT standards. The list of facilities is in the document titled *List of Facilities Subject to the MTVLO NESHAP* in the docket for this rulemaking.[69]

B. What are the air quality impacts?

The EPA estimates that the proposed amendments to the NESHAP would reduce overall VOC and HAP emissions from the MTVLO source category by 3,500 tpy and 280 tpy, respectively. These reductions include approximately 118 tons per year of hexane emissions, 62 tons of benzene emissions, and 56 tons of methanol emissions.

Considering secondary impacts (*e.g.,* emission increases associated with supplemental fuel or additional electricity), the EPA estimates that the proposed action would result in additional criteria pollutant emissions of 14.7 tpy of carbon monoxide and 3.2 tpy of nitrogen oxides. For more information about the estimated emission reductions and secondary impacts of this proposed action, see the memorandum *Technology Review for National Emission Standards for Marine Tank Vessel Loading Operations* in the docket.[70]

C. What are the cost impacts?

The proposed action would cost (in 2023 dollars) approximately $3,560,000 in first year costs (testing and initial demonstrations); $3,000,000 in capital costs for monitoring systems; and an estimated $2,135,000 in total annualized costs (TACs) based on our analysis of the proposed changes to testing and flare monitoring described in section III.B.5 and III.B.6 of this preamble. For more detail regarding this assessment, see the memorandum *Technology Review for National Emission Standards for Marine Tank Vessel Loading Operations* included in the docket for this rulemaking.[71]

D. What are the economic impacts?

The EPA conducted an economic impact analysis for this proposal, *Economic Impact Analysis for the Proposed National Emission Standards for Hazardous Air Pollutants (NESHAP) for Marine Tank Vessel Loading Operations,* which is available in the docket for this rulemaking.[72]

The EPA often prepares a partial equilibrium analysis for economic impact analyses of rules that directly affect industries. In this type of economic analysis, the EPA estimates any impacts on a single affected industry or several affected industries. The EPA assumes that all impacts of

[69] Docket ID No. EPA–HQ–OAR–2025–0207.
[70] *Id.*
[71] *Id.*
[72] *Id.*

this rule on industries outside of those affected are zero or so inconsequential that those impacts do not require consideration in the analysis. If the compliance costs, which are key inputs to an economic impact analysis, are quite insignificant, then the impact analysis could consist of a calculation of annual (or annualized) costs as a percentage of sales for affected companies. The EPA applies this latter type of analysis (termed a screening analysis) when the Agency deems a partial equilibrium or more complex economic impact analysis unnecessary given the expected size of the impacts.

The EPA calculates the economic impacts of the proposal on small entities as the percentage of TACs incurred by affected ultimate parent owners to their revenues. This ratio provides a measure of the direct economic impact to ultimate parent owners of MTVLO terminals while presuming no impact on consumers. The EPA estimates the average small entity impacted by the proposal will incur TACs of 0.50 percent of their revenue, with none exceeding 4.11 percent. The EPA estimates fewer than 20 percent of impacted small entities will incur TACs greater than one percent of their revenue. This is based on a conservative estimate of costs imposed on ultimate parent companies, where TACs are an average across all facilities due to lack of facility specific cost information.

In addition to the screening analysis, the EPA also prepared a present value analysis to capture the stream of costs over time. The EPA selected a 15-year period from 2027 to 2041 as the best measure of the economic impacts of this action. This allows for a reasonable and consistent timeframe over which to examine impacts of this proposed action from a present value (PV) perspective and aligns with several cycles of performance testing and emission monitor procurement. The PV of costs in 2024 dollars is approximately $19 million using a three percent discount rate and $15 million using a seven percent discount rate. The equivalent annualized value (EAV) in 2024 dollars is approximately $1.6 million using a discount rate of three percent and $1.7 million using a discount rate of seven percent.

Given the results of the analysis, these economic impacts are relatively low for affected industries and entities impacted by this proposed rule, and the EPA does not anticipate substantial impacts on the markets for affected products. The EPA does not expect costs of the proposed rule to result in a significant market impact, regardless of whether the firms pass costs to the purchaser or absorb costs. The EPA expects minimal to no impacts on employment.

E. What are the benefits?

If finalized, this proposed rule would reduce HAP and VOC emissions from MTVLO sources. VOCs form ground-level ozone in conjunction with nitrogen oxides and in the presence of sunlight. Due to methodology and data limitations, the EPA did not attempt to monetize the health benefits of HAP reductions in this analysis. The Economic Impact Analysis for this proposed action includes a qualitative discussion of the health effects associated with HAP emitted from sources subject to control under the proposed action.

The EPA is obligated to present the agency's best scientific understanding and the implications of that science when developing policies and regulations. However, the EPA's analytical practices may not have presented the full range of uncertainties and associated confidence level regarding the potential benefit estimates from reduction in exposure from fine particulate matter ($PM_{2.5}$) and ozone. In addition, the science regarding the exposure, health effects from exposure and valuation of reduction in health effect are evolving with better data and methods, especially at low concentrations of PM and ozone. The EPA's use of benefit per ton (BPT) monetized values introduces additional uncertainty. Although developed as a screening tool when full-form photochemical modeling was not feasible, the BPT approach reduces complex spatial and atmospheric relationships and may be more suited to model emissions that are geographically more uniform and species better mixing, thereby adding uncertainty associated with those estimates. Some of the sources of uncertainties include the set of assumptions used in projecting the health impact of reducing particulate matter. These projections are based on a series of models that take into account emissions changes, resulting distributions of changes in ambient air quality, the estimated reductions in health effects from changes in exposure, and the composition of the population that will benefit from the reduced exposure. Each component includes assumptions, each with varying degrees of uncertainty.

In addition, the EPA historically provided point estimates rather than just ranges of emission-related effects or only quantifying emissions when monetizing proved to be too uncertain. Therefore, to address these concerns, the EPA is refraining in providing primary estimates resulting from changes in $PM_{2.5}$ and ozone exposure resulting from changes in VOC emissions but will continue to quantify the emissions until the Agency if confident enough in the modeling to robustly monetize those impacts.

V. Request for Comments

The EPA solicits comments on this proposed action. In addition to general comments on this proposed action, the EPA is also interested in additional data that may improve the analyses (C–31). The EPA is specifically interested in receiving any information regarding developments in practices, processes, and control technologies that reduce HAP emissions.

C–1: Should the EPA maintain the current applicability standards for onshore existing sources?

C–2: Should the EPA maintain the vapor exemption provision established under 40 CFR 63.560(d)(1)?

C–3: Do facilities currently use controls to achieve emissions less than 10- or 25-tons HAP and are these controls federally enforceable?

C–4: Should the emission estimation procedures in 40 CFR 63.565(l) be limited to federally enforceable (''permitted'') controls?

C–5: Are there any control technology developments that the EPA should consider as part of the EPA's technology review?

C–6: Should the EPA maintain current monitoring requirements for vapor collection system, or should the EPA revise the equipment leak provisions to include liquid components, revise the leak definition, or revise the monitoring frequency?

C–7: Should the EPA require sources to conduct EPA Method 21 monitoring when actively loading regulated material, and should the EPA require repair of leaks within 15 days or prior to the next loading operation?

C–8: Should the EPA allow AVO monitoring for vapor lines that are under water or float on the water surface and for difficult-to-monitor equipment components, and should the EPA eliminate the subsequent EPA Method 21 monitoring requirement for AVO detected leaks?

C–9: Should the EPA broaden and strengthen the general duty provision for MTVLO terminals?

C–10: Do circumstances warrant setting work practice standards for periods of malfunction at MTVLO consistent with the requirements of CAA section 112(h)?

C–11: How should the Agency address affirmative defense provisions in other

NSPS or NESHAP rules in response to the D.C. Circuit's *SSM Litigation Group* decision?

C–12: Should the EPA remove the affirmative defense provisions from the MTVLO NESHAP?

C–13: Should the EPA remove maintenance allowance provisions from the MTVLO NESHAP?

C–14: What potential appropriate work practice standards could the EPA require, in light of the proposed removal of the maintenance allowance provision?

C–15: What additional aspects should the EPA consider regarding the content, layout, and overall design of the CEDRI electronic reporting template?

C–16: Should the EPA require electronic reporting?

C–17: Should the EPA update the general provisions cross-references in table 1 and the outdated cross-reference to operating pressure requirements in 40 CFR 63.653(a)(3)?

C–18: How should MACT and RACT standards apply to offshore marine terminals?

C–19: Should the EPA clarify the exemption at 40 CFR 63.560(d)(5) or otherwise amend the rule to clarify the applicability of the rule to loading LNG in marine tank vessels?

C–20: Should the EPA require periodic performance tests at least every five years (60 calendar months), and the proposed requirement to conduct and annual RATA?

C–21: Should the EPA enhance the flare monitoring and recordkeeping provisions in accordance with those provisions in the 2015 Refineries Rule?

C–22: Should the EPA allow hourly grab samples rather than daily grab samples to determine the consistent or minimum NHV of the flare gas?

C–23: Should the EPA allow sources to use the MTVLO liquid loading rate as a proxy for the flare gas flow rate?

C–24: What are appropriate temperature operating limits for condensers and refrigeration units?

C–25: Should the EPA require the baseline temperature operating limit to be based on the control device temperature during the performance test?

C–26: Should the EPA treat the 1,000 ppmv VOC outlet concentration alternative as a direct emission limit only allowed specifically for all recovery devices, and how many facilities would revisions to the 1,000 ppmv VOC outlet concentration standard impact?

C–27: Should the EPA include an overlap provision to clarify applicability of requirements for facilities subject to MACT and RACT standards?

C–28: Should the EPA implement the proposed editorial revisions listed in Section III.B.8 and are there additional editorial revisions needed to improve the clarity of the rule?

C–29: Should the EPA consider any components of this proposed rule not functionally independent or severable?

C–30: Are the compliance dates for the proposed revisions to the MTVLO NESHAP appropriate?

C–31: The EPA solicits comment on whether there is any additional data that may improve the analyses for this technology review, including the number of affected sources.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders is available at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is a significant regulatory action that was submitted to OMB for review. Any changes made in response to E.O. 12866 interagency review recommendations have been documented in the docket for this rulemaking. The EPA prepared an economic analysis of the potential costs and benefits associated with this action. This analysis, *Economic Impact Analysis for the Proposed National Emission Standards for Hazardous Air Pollutants (NESHAP) for Marine Tank Vessel Loading Operations,* is available in the docket for this rulemaking and is briefly summarized in section IV of this preamble.[73]

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is expected to be an Executive Order 14192 regulatory action. Details on the estimated costs of this proposed rule can be found in the EPA's analysis of the potential costs and benefits associated with this action.

C. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to OMB under the PRA. The Information Collection Request (ICR) document that the EPA prepared is assigned OMB Control Number 2060–0289 (EPA ICR number 1679.13). You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

In this action, the EPA is proposing enhanced flare monitoring requirements, requirements to perform periodic performance testing, and electronic reporting provisions. The rulemaking also addresses emissions during SSM and includes other minor clarifications and corrections. This information will be collected to ensure compliance with the MTVLO NESHAP.

Respondents/affected entities: Owners or operators of marine tank vessel loading operation terminals.

Respondent's obligation to respond: Mandatory (40 CFR part 63 subpart Y).

Estimated number of respondents: 190 (assumes no new respondents over the next three years).

Frequency of response: Initially, semiannually, and annually.

Total estimated burden: 1,950 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $2,135,128, includes $1,945,841 annualized capital or operation & maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule. The EPA will respond to any ICR-related comments in the final rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs using the interface at *https://www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. OMB must receive comments no later than April 3, 2026.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The small entities subject to the requirements of this action are small businesses and government jurisdictions within the MTVLO source category. The Agency has identified 26 small entities that may be impacted by this proposed rule. The EPA calculated the cost-to-sales ratios for all the affected facilities to determine (i) the magnitude of the costs of the rule, and (ii) whether there would be a significant impact on small entities compared to large entities. On average

[73] Docket ID No. EPA–HQ–OAR–2025–0207.

the small entities are estimated to experience an impact of 0.50 percent cost-to-sales. The results of this small entity screening analysis do not indicate that a substantial share of the small entities affected by this rule would incur potentially high costs relative to their revenues. Details of this analysis are presented in *Economic Impact Analysis for the Proposed National Emission Standards for Hazardous Air Pollutants (NESHAP) for Marine Tank Vessel Loading Operations,* which is available in the docket for this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

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

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

This action does not have Tribal implications as specified in Executive Order 13175. None of the facilities that have been identified as being affected by this action are owned or operated by Tribal governments or located within Tribal lands. Thus, Executive Order 13175 does not apply to this action. However, consistent with the *EPA Policy on Consultation and Coordination with Indian Tribes,* the EPA will offer government-to-government consultation with Tribes upon request.

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

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The proposed revisions reduce HAP and VOC emissions generated from MTVLO and are projected to improve overall health, including that of children.

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

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. The amendments proposed in this action involve minor improvements to the monitoring, inspection, recordkeeping, and reporting requirements for MTVLO and would have a minimal impact on the amount of imports or exports of crude oils, condensates, or other organic liquids used in the energy supply industries. Additionally, the EPA expects this proposed action would not reduce crude oil supply, fuel production, coal production, natural gas production, or electricity production. Thus, given the minimal impacts on energy supply, distribution, and use nationally, no significant adverse energy effects are expected to occur. For more information on these estimates of energy effects, please refer to the supporting document, *Economic Impact Analysis for the Proposed National Emission Standards for Hazardous Air Pollutants (NESHAP) for Marine Tank Vessel Loading Operations,* which is available in the docket for this rulemaking.

J. National Technology Transfer and Advancement Act (NTTAA)

The NTTAA requires the EPA to use voluntary consensus standards (VCS) in addition to the EPA methods in regulatory activities unless doing so would be inconsistent with applicable law or otherwise impracticable. VCS are technical documents, such as test methods, that are developed or adopted by VCS bodies using procedures that ensure that the standards development process is open to all interested parties. VCS bodies are generally private sector, not-for-profit entities such as the American Society for Testing and Materials. The EPA searched the Enhanced NSSN Database managed by the American National Standards Institute for VCS that could be used in the MTVLO NESHAP. The EPA also contacted VCS organizations and accessed and searched their databases. While the EPA made a reasonable effort to identify and evaluate potentially practical VCS, our findings do not necessarily represent all potential alternative standards which may exist.

The EPA searched for acceptable alternatives for EPA Methods 1, 1A, 2, 2A, 2C, and 2D of 40 CFR part 60, Appendix A–1; EPA Methods 21, 22, 25, 25A, and 25B of 40 CFR part 60, Appendix A–7; EPA Performance Specification 8 of 40 CFR part 60, Appendix B; and, EPA Method 301 of 40 CFR part 63, Appendix A. The Agency found no VCS are acceptable alternatives for these EPA methods and performance specification.

According to 40 CFR 63.7(f) and 40 CFR 63.8(f) of subpart A of the general provisions, a source may apply to the EPA to use alternative test methods or alternative monitoring requirements in place of any required testing methods, performance specifications or procedures in the final rule or subsequent amendments.

The EPA welcomes comments on this aspect of the proposed rulemaking and specifically invites the public to identify potentially applicable VCS and to explain why such standards should be used in this regulation.

Lee Zeldin,

Administrator.

[FR Doc. 2026–04304 Filed 3–3–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–OLEM–2025–0182; EPA–HQ–OLEM–2025–1146; EPA–HQ–OLEM–2025–3819; EPA–HQ–OLEM–2026–0001; EPA–HQ–OLEM–2026–0002; EPA–HQ–OLEM–2026–0003; EPA–HQ–OLEM–2026–0004; EPA–HQ–OLEM–2026–0166; FRL–13154–01–OLEM]

Proposed Deletion From the National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of intent.

SUMMARY: The Environmental Protection Agency (EPA) is issuing a Notice of Intent to delete six sites and partially delete two sites from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the applicable states, through their

designated state agency, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments regarding this proposed action must be submitted on or before April 3, 2026.

ADDRESSES: EPA has established a docket for this action under the Docket ID Nos. included in table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. Submit your comments, identified by the appropriate Docket ID No., by one of the following methods:

- *https://www.regulations.gov.* Follow on-line instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*
- *Email:* Table 2 in the **SUPPLEMENTARY INFORMATION** section of this document provides an email address to submit public comments for the proposed deletion action.

Instructions: Direct your comments to the Docket ID No. included in table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. The *https://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters or any form of encryption, and be free of any defects or viruses.

Docket: EPA has established a docket for each site included in this action under the Docket ID Nos. included in table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. All documents in the docket are listed on the *https://www.regulations.gov* website. The Final Close-Out Report (FCOR, for a full site deletion) or the Partial Deletion Justification (PDJ, for a partial site deletion) is the primary document which summarizes site information to support the deletion. It is typically written for a broad, non-technical audience and this document is included in the deletion docket for each of the sites in this rulemaking. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Docket materials are available through *https://www.regulations.gov* or at the corresponding Regional Records Center. Location, address, and phone number of the Regional Records Centers follows.

Regional Records Center:

- Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; telephone number: (212) 637–4308.
- Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street SW, Mail code 9T25, Atlanta, GA 30303; telephone number: (404) 562–8637.
- Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA Superfund Division Records Manager, Mail code SRC–7J, Metcalfe Federal Building, 7th Floor South, 77 West Jackson Boulevard, Chicago, IL 60604; telephone number: (312) 886–4465.
- Region 7 (IA, KS, MO, NE), U.S. EPA, 11201 Renner Blvd., Lenexa, KS 66219; telephone number: (913) 551–7079.
- EPA Headquarters Docket Center Reading Room (deletion dockets for all States), William Jefferson Clinton (WJC) West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004; telephone number: (202) 566–1744.

EPA staff listed below in the **FOR FURTHER INFORMATION CONTACT** section may assist the public in answering inquiries about deleted sites, accessing deletion support documentation, and determining whether there are additional physical deletion dockets available.

FOR FURTHER INFORMATION CONTACT:

- Grace Stern and Robert Keating, U.S. EPA Region 2 (NJ, NY, PR, VI), email address: *stern.grace@epa.gov,* telephone number: (212) 637–4341; email address: *keating.robert@epa.gov,* telephone number: (212) 637–4325.
- Alayna Famble, U.S. EPA Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), email address: *famble.alayna@epa.gov,* telephone number: (404) 562–8768.
- Karen Cibulskis, U.S. EPA Region 5 (IL, IN, MI, MN, OH, WI), email address: *cibulskis.karen@epa.gov,* telephone number: (312) 886–1843.
- Laura Price and Peyton Witham, U.S. EPA Region 7 (IA, KS, MO, NE), email address: *price.laura@epa.gov,* telephone number: (913) 551–7130; email address: *witham.peyton@epa.gov,* telephone number: (816) 947–0470.
- Ashley Miller, Matt Spencer, and Jennifer Edwards, U.S. EPA Headquarters, email address: *miller.ashley@epa.gov,* telephone number: (202) 566–1084; email address: *spencer.matthew@epa.gov,* telephone number: (202) 566–1851; email address: *edwards.jennifer@epa.gov,* telephone number: (202) 566–1051.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Full Site or Partial Site Deletion

I. Introduction

EPA is issuing a proposed rule to delete six sites and partially delete two sites from the NPL and requests public comments on these proposed actions. The NPL constitutes appendix B of 40 CFR part 300 which is the NCP, which EPA created under section 105 of the CERCLA statute of 1980, as amended. EPA maintains the NPL as those sites that appear to present a significant risk to public health, welfare, or the

environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). These partial deletions are proposed in accordance with 40 CFR 300.425(e) and are consistent with the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. 60 FR 55466 (November 1, 1995). As described in 40 CFR 300.425(e)(3) of the NCP, a site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial action if future conditions warrant such actions.

EPA will accept comments on the proposal to delete or partially delete these sites for thirty (30) days after publication of this document in the **Federal Register**.

Section II. of this document explains the criteria for deleting sites from the NPL. Section III. of this document discusses procedures that EPA is using for this action. Section IV. of this document discusses the site or portion of the site proposed for deletion and demonstrates how it meets the deletion criteria, including reference documents with the rationale and data principally relied upon by the EPA to determine that the Superfund response is complete.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

In accordance with 40 CFR 300.425(e), the following procedures apply to the deletion or partial deletion of the sites in this proposed rule:

(1) EPA consulted with the respective State before developing this Notice of Intent for deletion.

(2) EPA has provided the State 30 working days for review of site deletion documents prior to publication of it today.

(3) In accordance with the criteria discussed above, EPA has determined that no further response is appropriate.

(4) The State, through their designated State agency, has concurred with the proposed deletion action.

(5) Concurrently, with the publication of this Notice of Intent for deletion in the **Federal Register**, a notice is being distributed to the surrounding community via one or more of the following methods: publication in a major local newspaper of general circulation near the site, a news release, listservs, social media, or the site's web page. The notice announces the 30-day public comment period concerning the proposed action for deletion.

(6) EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Regional Records Center identified above.

If comments are received within the 30-day comment period on this document, EPA will consider the comments and respond accordingly before making a final decision to delete or partially delete the site. If necessary, EPA will prepare a Responsiveness Summary to address any significant public comments received. After the public comment period, if EPA determines it is still appropriate to delete or partially delete the site, the EPA will publish a final Notice of Deletion or Partial Deletion in the **Federal Register**. Public notices, public submissions and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and included in the site information repositories listed above.

Deletion of a site or a portion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site or a portion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Full Site or Partial Site Deletion

The site to be deleted or partially deleted from the NPL, the location of the site, and docket number with information including reference documents with the rationale and data principally relied upon by the EPA to determine that the Superfund response is complete are specified in table 1. The NCP permits activities to occur at a deleted site, or that media or parcel of a partially deleted site, including operation and maintenance of the remedy, monitoring, and five-year reviews. These activities for the site, or portion of the site being deleted, are entered in table 1, if applicable, under Footnote such that; 1 = site, or portion of the site, has continued operation and maintenance of the remedy, 2 = site, or portion of the site, receives continued monitoring, and 3 = site, or portion of the site, five-year reviews are conducted.

TABLE 1

Site name	City/county, state	Type	Docket No.	Footnote
Velsicol Chemical Corp. (Illinois).	Marshall, IL	Partial	EPA–HQ–OLEM–2025–0182	1, 3
Rowe Industries Gnd Water Contamination.	Noyack/Sag Harbor, NY	Full	EPA–HQ–OLEM–2025–1146	
Kerr-McGee (Kress Creek/W Branch DuPage).	DuPage County, IL	Full	EPA–HQ–OLEM–2025–3819	

TABLE 1—Continued

Site name	City/county, state	Type	Docket No.	Footnote
Caldwell Lace Leather Co., Inc	Auburn, KY	Full	EPA–HQ–OLEM–2026–0001	
Pepper Steel & Alloys, Inc	Medley, FL	Full	EPA–HQ–OLEM–2026–0002	1, 2, 3
Miami Drum Services	Miami, FL	Full	EPA–HQ–OLEM–2026–0003	
Diamond Shamrock Corp. Landfill.	Cedartown, GA	Full	EPA–HQ–OLEM–2026–0004	
Hastings Ground Water Contamination.	Hastings, NE	Partial	EPA–HQ–OLEM–2026–0166	1, 3

1 = Site, or portion of the site, has continued operation and maintenance of the remedy.
2 = Site, or portion of the site, receives continued monitoring.
3 = Site, or portion of the site, five-year reviews are conducted.

Table 2 includes information concerning whether the full site is proposed for deletion from the NPL or a description of the area, media or Operable Units (OUs) of the NPL site proposed for partial deletion from the NPL, and an email address to which public comments may be submitted if the commenter does not comment using *https://www.regulations.gov.*

TABLE 2

Site name	Full site deletion (full) or media/parcels/description for partial deletion	Email address for public comments
Velsicol Chemical Corp. (Illinois)	270-acre land/soils portion of the Site	*shanahan.caitlin@epa.gov.*
Rowe Industries Gnd Water Contamination	Full	*seidner.amanda.l@epa.gov.*
Kerr-McGee (Kress Creek/W Branch DuPage)	Full	*poulos.kelly@epa.gov.*
Caldwell Lace Leather Co., Inc	Full	*walden.beth@epa.gov.*
Pepper Steel & Alloys, Inc	Full	*skala.george@epa.gov.*
Miami Drum Services	Full	*nale.marcia@epa.gov.*
Diamond Shamrock Corp. Landfill	Full	*arias.megan@epa.gov.*
Hastings Ground Water Contamination	Groundwater at Operable Unit 2 and the Source Control Landfill Cap at Operable Unit 10, collectively known as the North Landfill subsite.	*price.laura@epa.gov.*

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1251 *et seq.;* 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Mark Barolo,

Office Director, Office of Superfund and Emergency Management.

[FR Doc. 2026–04321 Filed 3–3–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[Docket No. 260227–0058]

RIN 0648–BO42

Advance Notice of Proposed Rulemaking To Amend the North Atlantic Right Whale Vessel Strike Reduction Rule

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: NMFS is considering possible deregulatory action to modify and modernize the North Atlantic Right Whale Vessel Speed Rule. The goal of this initiative is to reduce unnecessary regulatory and economic burdens on the regulated community by replacing current seasonal speed restrictions with alternative management areas and advanced, technology-based, strike-avoidance measures that maintain or enhance conservation efficacy for the endangered North Atlantic right whale (*Eubalaena glacialis*).

DATES: Information and comments must be received by June 2, 2026.

ADDRESSES: You may submit comments via the Federal e-rulemaking Portal. Visit *https://www.regulations.gov* and enter NOAA–NMFS–2026–0364 in the search box. Click the ''Comment Now!'' icon to complete the required fields.

All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in

the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Kimberly Damon-Randall, Office of Protected Resources, 301–427–8400, *narw.vesselstrike@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The North Atlantic right whale is listed as endangered under the Endangered Species Act (16 U.S.C. 1531 *et seq.*), with an estimated population size of about 380 individuals at the start of 2024 (Linden, 2025). The main threats to North Atlantic right whale survival include entanglement in fishing gear and collisions with vessels. In 2008, NMFS implemented seasonal, mandatory vessel speed restrictions in designated areas along the U.S. East Coast to reduce the risk of vessel collisions with North Atlantic right whales (73 FR 60173, October 10, 2008, ''speed rule''). NMFS subsequently modified the speed rule by removing the original 5-year ''sunset'' provision (78 FR 73726, December 9, 2013; 79 FR 34245, June 16, 2014).

The speed rule requires most vessels equal to or greater than 65 feet (19.8 m) in length to transit at speeds of 10 knots or less in designated Seasonal Management Areas (SMAs). *See* 50 CFR 224.105. Along with the speed rule, in 2008 NMFS implemented a voluntary Dynamic Management Area (DMA) program (also referred to as Slow Zones since 2020) to enhance protections for North Atlantic right whale aggregations that may form outside designated SMA boundaries (73 FR 60173, October 10, 2008).

Information on the speed rule and DMA/Slow Zone programs may be found at: *https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-ship-strikes-north-atlantic-right-whales.*

Request for Comments and Other Information

NMFS requests information to inform a possible deregulatory-focused modernization of the speed rule and the development of alternative vessel strike-reduction programs. The agency intends to craft durable programs that consider both conservation and the economic vitality of coastal communities. To this end, we specifically seek information concerning the following topics.

The Effectiveness of Technologies to Reduce Vessel Strikes with Whales: NMFS supports the development and use of technologies, engineering approaches, and other advanced tools to reduce the risk of vessel strikes with large whales. As part of an ongoing partnership with The MITRE Corporation, NMFS recently released a Technology Readiness Level (TRL) report, which assesses the maturity level (*i.e.,* research and development stage) of certain technologies in relation to vessel collision avoidance. MITRE's report may be accessed at *https://www.fisheries.noaa.gov/s3/2026-02/Vessel-Strike-Risk-Reduction-TRLReport.pdf.* NMFS seeks comment, especially technical information, on the readiness of technologies to effectively reduce vessel strikes, following the TRL framework as applied in the MITRE report (*e.g.,* table 2–2). In addition, NMFS seeks data on available and upcoming technologies, engineering approaches, onboard vessel adaptation capabilities, and other relevant practices/protocols, with a particular interest in the capacity of these approaches to trigger automated, real-time DMA/Slow Zone notifications that could replace static seasonal measures.

Vessel-size-specific Risk Assessment: NMFS seeks scientific and commercial data and/or analysis distinguishing the strike risk posed by various vessel size classes, including comparing the draft and maneuverability of smaller recreational vessels versus large ocean-going ships and how those factors affect strike risk.

Alternative Management Areas: NMFS seeks information on using dynamic approaches for speed zones based on whale detections (sightings, acoustic or other forms of detection) communicated to mariners via real-time electronic notification as a primary management tool in place of static SMAs. NMFS also welcomes perspectives from impacted parties on the use of voluntary DMAs/Slow Zones and the effectiveness of these temporary zones.

Safety Deviation Provision Improvements: NMFS seeks recommendations for updating the speed rule safety deviation provision (50 CFR 224.105(c)) to provide greater flexibility for vessel operators. We welcome information regarding potential safety risks (*e.g.,* swamping, capsizing, or loss of steerage) of a 10-knot speed limit on smaller vessels in open ocean conditions or adverse weather.

Efficacy of the Speed Rule: NMFS seeks comments assessing the effectiveness of the speed rule in reducing the risk of vessel strikes with right whales, and input on vessel compliance with the speed rule. We further seek suggestions on technological interventions that could improve these results relative to the current speed rule.

Economic Impacts on Industry: NMFS seeks quantifiable data on the economic consequences of the speed rule, especially where it may have impacted operations for shipping, fishing, tourism, or other industries. NMFS also seeks relevant information that informs potential economic impacts of technology adoption, including technologies discussed in the MITRE report, and other relevant technologies. This includes but is not limited to information about the impacts of the speed rule on small businesses and small governmental entities. Furthermore, we seek data on the economic and safety benefits of maintaining the current regulated vessel size threshold at 65 feet (19.8 m) relative to a less restrictive threshold. In addition, NMFS seeks comment on how a revised speed rule safety deviation provision may affect costs to industry.

Outreach: NMFS seeks information regarding successful models for mariner outreach and collaborative monitoring programs that incentivize voluntary strike avoidance through technology, education, and private sector partnerships.

References

Linden D., 2025. Population size estimation of North Atlantic right whales from 1990–2024. US Dept Commerce Northeast Fish Sci Cent Tech Memo 338. 14 p.

Authority: 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

Dated: February 27, 2026.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2026–04260 Filed 3–3–26; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 91, No. 42
Wednesday, March 4, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and 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 3, 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: Marking, Labeling, and Packaging of Meat, Poultry, and Egg Products.

OMB Control Number: 0583–0092.

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.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, and properly labeled. FSIS is requesting renewal of the approved information collection regarding the regulatory requirements for marking, labeling, and packaging of meat, poultry, and egg products.

Need and Use of the Information: This collection covers the certification of marking devices. This collection also covers the labeling approval process through which establishments are to submit their labels to FSIS for approval and maintain related files. Meat and poultry establishments and egg products plants must develop labels in accordance with FSIS regulations (9 CFR 317.1, 381.115, 590.410, and 412.2). Unless labels are generically approved (meaning, they do not need to be submitted to FSIS prior to use on product in commerce), establishments must complete an application for approval (''Application for Approval of Labels, Marking or Device,'' FSIS Form 7234–1)(9 CFR 412.1). The establishment must maintain a copy of all the labeling used, along with product formulation and processing procedures and any additional documentation needed to support that the labels are consistent with FSIS regulations and policies on labeling (9 CFR 320.1(b)(11) and 381.175(b)(6)). Additionally, establishments requesting reconsideration of a label application that the Agency has modified or rejected under 9 CFR 500.8 submit their request using the ''Request for Label Reconsideration,'' FSIS Form 8822–4.

Description of Respondents: Business or other for-profit.

Number of Respondents: 255,578.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 121,867.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–04211 Filed 3–3–26; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2025–0571]

Addition of Sri Lanka to the List of Regions Affected by African Swine Fever

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we have added Sri Lanka to the Animal and Plant Health Inspection Service (APHIS) list maintained on the APHIS website of regions considered to be affected by African swine fever (ASF). We have taken this action because of the confirmation of ASF in this country.

DATES: Sri Lanka was added to the list of regions APHIS considers to be affected with ASF, effective December 4, 2024.

FOR FURTHER INFORMATION CONTACT: Dr. C. Aaron Monroy, APHIS Veterinary Services, Regionalization Evaluation Services, Strategy and Policy, VS, 920 Main Campus Drive, Venture II, Raleigh, NC 27606; phone: (919) 855–7207, email: *AskRegionalization@usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States to prevent the introduction of various animal diseases, including African swine fever (ASF). ASF is a highly contagious disease of wild and domestic swine that can spread rapidly with extremely high rates of morbidity and mortality. A list of regions where ASF exists or is reasonably believed to exist is maintained on the Animal and Plant Health Inspection Service (APHIS) website at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-*

information/animal-health-status-of-regions/. This list is referenced in § 94.8(a)(2) of the regulations.

Section 94.8(a)(3) of the regulations states that APHIS will add a region to the list referenced in § 94.8(a)(2) upon determining ASF exists in the region or having reason to believe the disease exists in the region, based on reports APHIS receives of outbreaks of the disease from veterinary officials of the exporting country, from the World Organization for Animal Health (WOAH),[1] or from other sources the Administrator determines to be reliable, or upon determining that there is reason to believe the disease exists in the region. Section 94.8(a)(1) of the regulations specifies the criteria on which the Administrator bases the reason to believe ASF exists in a region. Section 94.8(b) prohibits the importation of pork and pork products from regions listed in accordance with § 94.8 except if processed and treated in accordance with the provisions specified in that section or consigned to an APHIS-approved establishment for further processing. Section 96.2 restricts the importation of swine casings that originated in or were processed in a region where ASF exists, as listed under § 94.8(a).

On October 9, 2024, media reports of widespread disease in swine began and on October 25, 2024, the veterinary authorities of Sri Lanka published a notice in their official Gazette declaring an outbreak of ASF in that country. In response to the media reports and the official Gazette publication, on December 4, 2024, APHIS added Sri Lanka to the list of regions where ASF exists or the Administrator has reason to believe that ASF exists, in compliance with § 94.8(a)(3). This notice serves as an official record and public notification of that action.

As a result, pork and pork products from Sri Lanka, including casings, are subject to APHIS import restrictions designed to mitigate the risk of ASF introduction into the United States.

Authority: 7 U.S.C. 1633, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

[1] The World Organization for Animal Health internationally follows a British English spelling of ''organisation'' in its name; also, it was formerly the Office International des Epizooties, or OIE, but on May 28, 2022, the Organization announced that the acronym was changed from OIE to WOAH.

Done in Washington, DC, this 2nd day of March 2026.

Kelly Moore,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–04316 Filed 3–3–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–936, C–533–937]

Overhead Door Counterbalance Torsion Springs From India: Antidumping Duty and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing antidumping duty (AD) and countervailing duty (CVD) orders on overhead door counterbalance torsion springs (overhead door springs) from India.

DATES: Applicable March 4, 2026.

FOR FURTHER INFORMATION CONTACT: Seth Brown (AD), Office IX, telephone: (202) 482–0029; and Zachary Shaykin (CVD), Office IV, telephone: (202) 482–2638; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d) and 735(d) of the Tariff Act of 1930, as amended (the Act), on December 31, 2025, Commerce published its affirmative final determinations of sales at less than fair value (LTFV) of overhead door springs from India,[1] and its affirmative final determination that countervailable subsidies are being provided to producers and exporters of overhead door springs from India.[2] On February 20, 2026, pursuant to sections 705(d) and 735(d) of the Act, the ITC notified Commerce of its final affirmative determinations[3] that an industry in the United States is materially injured by reason of dumped imports of overhead door springs from India, and subsidized imports of overhead door springs from India, within the meaning of sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act, respectively.[4]

Scope of the Orders

The product covered by these orders is overhead door springs from India. For a complete description of the scope of these orders, *see* the appendix to this notice.

AD Order

On February 20, 2026, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of overhead door springs from India that are sold in the United States at LTFV. Therefore, in accordance with sections 735(c)(2) and 736(a) of the Act, Commerce is issuing this AD order. Because the ITC determined that imports of overhead door springs from India are materially injuring a U.S. industry,[5] unliquidated entries of such merchandise from India, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise on all relevant entries of overhead door springs from India. Antidumping duties will be assessed on unliquidated entries of overhead door springs entered, or withdrawn from warehouse, for consumption on or after June 2, 2025, the date of publication of the *LTFV Preliminary Determination*[6] but will not

[1] *See Overhead Door Counterbalance Torsion Springs from India: Final Affirmative Determination of Sales at Less than Fair Value and Final Affirmative Determination of Critical Circumstances,* 90 FR 61366 (December 31, 2025) (*LTFV Final Determination*).

[2] *See Overhead Door Counterbalance Torsion Springs from India: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination,* 90 FR 61369 (December 31, 2025) (*CVD Final Determination*).

[3] *See Overhead Door Counterbalance Torsion Springs from India; Determinations,* 91 FR 8270 (February 20, 2026) (*ITC Final Determinations*).

[4] *See* ITC's Letter, ''Antidumping and Countervailing Duty Investigations of Overhead Door Counterbalance Torsion Springs from India,'' dated December 23, 2025 (ITC Notification Letter).

[5] *Id.*

[6] *See Overhead Door Counterbalance Torsion Springs from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 90 FR 23316 (June 2, 2025) (*LTFV Preliminary Determination*).

include entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final injury determination under section 705(b) of the Act, as further described in the ''Provisional Measures—AD'' section of this notice.

Critical Circumstances—AD

In addition, the ITC found that critical circumstances do not exist with respect to imports of overhead door springs from India.[7] As a result, we intend to instruct CBP to lift the suspension of liquidation and to refund all cash deposits for estimated antidumping duties with respect to entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after March 4, 2025 (*i.e.,* 90 days prior to the date of publication of the affirmative *LTFV Preliminary Determination*), but before June 2, 2025 (*i.e.,* the date of publication of the *LTFV Preliminary Determination*).

Suspension of Liquidation and Cash Deposits—AD

In accordance with section 736 of the Act, Commerce intends to instruct CBP to reinstitute the suspension of liquidation of overhead door springs from India, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**.[8] These instructions suspending liquidation will remain in effect until further notice. Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins listed in the *LTFV Final Determination*.[9] The all-others rate applies to all producers or exporters not specifically listed, as appropriate. These instructions suspending liquidation and cash deposit requirements will remain in effect until further notice.

ESTIMATED WEIGHTED-AVERAGE DUMPING MARGINS

Producer or exporter	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Alcomex Springs Pvt Ltd	*126.14	100.45
Asha Spring and Engineering Company	*126.14	100.45
Balaji Springs Pvt. Ltd	*126.14	100.45
Modern Engineering & Spring Company	*126.14	100.45
Reliable Springs Ltd	*126.14	100.45
All Others	86.45	60.76

*This rate is based on facts available with adverse inferences.

Provisional Measures—AD

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. In the underlying investigation, Commerce published the *LTFV Preliminary Determination* on June 2, 2025, in which Commerce extended the provisional measures period from a four-month period to a period not greater than six months based on a request by the exporter accounting for a significant proportion of exports of subject merchandise.[10] Therefore, the six-month period beginning on the date of publication ended on November 28, 2025. Pursuant to section 737(b) of the Act, the collection of cash deposits will begin on the date of publication of the ITC's final injury determination (*i.e.,* February 20, 2026).

Therefore, in accordance with section 733(d) of the Act, Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of overhead door springs from India entered, or withdrawn from warehouse, for consumption on or after November 29, 2025, the first day provisional measures were no longer in effect, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determination in the **Federal Register**.

CVD Order

As stated above, on February 20, 2026, the ITC notified Commerce of its final determination that an industry is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of overhead door springs from India.[11] Therefore, in accordance with sections 705(c)(2) and 706(a) of the Act, Commerce is issuing this CVD order. Moreover, because the ITC determined that imports of overhead door springs from India are materially injuring a U.S. industry, unliquidated entries of such merchandise from India, entered or withdrawn from warehouse, for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, Commerce intends to direct CBP to assess, upon further instruction by Commerce, countervailing duties on unliquidated entries of overhead door springs from India entered, or withdrawn from warehouse, for consumption on or after April 3, 2025, the date of publication of the *CVD Preliminary Determination,*[12] but will not include entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final injury determination under section 705(b) of the Act, as further described in the ''Provisional Measures—CVD'' section of this notice.[13]

Critical Circumstances—CVD

In addition, the ITC found that critical circumstances do not exist with respect to imports of overhead door springs from India.[14] As a result, we intend to instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated countervailing

[7] *See ITC Final Determinations,* 91 FR at 8270.

[8] *See ITC Final Determinations.*

[9] *See LTFV Final Determination,* 90 FR at 61367.

[10] *See LTFV Preliminary Determination,* 90 FR at 23318.

[11] *See* ITC Notification Letter.

[12] *See Overhead Door Counterbalance Torsion Springs from India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 90 FR 14602 (April 3, 2025) (*CVD Preliminary Determination*).

[13] *Id.*

[14] *See* ITC Notification Letter.

duties with respect to entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after January 3, 2025 (*i.e.,* 90 days prior to the date of the publication of the *CVD Preliminary Determination*), but before April 3, 2025 (*i.e.,* the date of publication of the *CVD Preliminary Determination*).

Suspension of Liquidation and Cash Deposits—CVD

In accordance with section 706 of the Act, we will instruct CBP to reinstitute suspension of liquidation on all relevant entries of overhead door springs from India, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, and to assess, upon further instruction by Commerce, pursuant to section 706(a)(1) of the Act, countervailing duties on each entry of subject merchandise in an amount based on the net countervailable subsidy rates listed in the *CVD Final Determination.*[15] These instructions suspending liquidation will remain in effect until further notice.

Commerce will also instruct CBP to require cash deposits. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, CBP will require, at the same time as importers would normally deposit estimated duties on the subject merchandise, a cash deposit for each entry of subject merchandise equal to the subsidy rates listed in the *CVD Final Determination.*[16] The all-others rate applies to all producers and exporters not specifically listed.

ESTIMATED COUNTERVAILABLE SUBSIDY RATES

Producer or exporter	Subsidy rate (percent *ad valorem*)
Alcomex Springs Pvt Ltd	* 172.08
Asha Spring and Engineering Company	* 172.08
Balaji Springs Pvt. Ltd	* 172.08
Modern Engineering & Spring Company	* 172.08
Reliable Springs Ltd	* 172.08
All Others	172.08[17]

* Rate based on facts available with adverse inferences.

Provisional Measures—CVD

Section 703(d) of the Act states that the suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months. Commerce published the *CVD Preliminary Determination* on April 3, 2025.[18] As such, the four-month period beginning on the date of the publication of the *CVD Preliminary Determination* ended on July 31, 2025.

In accordance with section 703(d) of the Act, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of overhead door springs from India entered, or withdrawn from warehouse, for consumption after August 1, 2025, the date on which the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Establishment of the Annual Inquiry Service Lists

Commerce published the *Final Rule* and the *Procedural Guidance* in the **Federal Register** on September 20 and September 27, 2021, respectively.[19] 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.[20]

In accordance with the *Procedural Guidance,* for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at *https://access.trade.gov/,* within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called ''AISL-Annual Inquiry Service List.'' [21]

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance,*[22] the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published. Commerce may update an annual service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule,* Commerce stated that, ''after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.'' [23] Accordingly, as stated above, the petitioners and the Government of India (GOI) should submit their initial entries of appearance after publication of this notice in order to appear in the first annual inquiry service lists for these orders for which they qualify as interested parties. Pursuant to 19 CFR

[15] *See CVD Final Determination,* 90 FR at 61370.

[16] *Id.; see also* section 706(a)(3) of the Act.

[17] Commerce unintentionally and inadvertently placed a ''*'' in the rate applied to all other producers or exporters in the *CVD Final Determination. See CVD Final Determination,* 90 FR at 61370. Commerce did not make a determination based on sections 776(a) and (b) of the Act with respect to all other producers or exporters.

[18] *See CVD Preliminary Determination.*

[19] *See Regulations to Improve Administration and Enforcement on Antidumping and Countervailing Duty Laws,* 86 FR 52300 (September 20, 2021) (*Final Rule*); *and Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

[20] *Id.*

[21] This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as ''AISL-January Anniversary.'' Note that there will be only one annual inquiry service list per case number, and the anniversary month will be pre-populated in ACCESS.

[22] *See Procedural Guidance,* 86 FR at 53206.

[23] *See Final Rule,* 86 FR at 52335.

351.225(n)(3), the petitioners and the GOI 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 the GOI are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the AD/CVD orders with respect to overhead door springs from India pursuant to sections 736(a) and 706(a) of the Act. Interested parties can find a list of AD/CVD orders currently in effect at *https://www.trade.gov/data-visualization/adcvd-proceedings.*

These orders are published in accordance with sections 736(a) and 706(a) of the Act, and 19 CFR 351.211(b).

Dated: February 27, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The merchandise covered by these orders is helically-wound, overhead door counterbalance torsion steel springs (overhead door counterbalance torsion springs) and any cones, plugs or other similar fittings for mounting and creating torque in the spring (herein collectively referred to as cones) attached to or entered with and invoiced with the subject overhead door counterbalance torsion springs. Overhead door counterbalance torsion springs are helical steel springs with tightly wound coils that store and release mechanical energy by winding and unwinding along the spring's axis by an angle, using torque to create a lifting force in the counterbalance assembly typically used to raise and lower overhead doors, including garage doors, industrial rolling doors, warehouse doors, trailer doors, and other overhead doors, gates, grates, or similar devices. The merchandise covered by these orders covers all overhead door counterbalance torsion springs with a coil inside diameter of 15.8 millimeters (mm) or more but not exceeding 304.8 mm (measured across the diameter from inner edge to inner edge); a wire diameter of 2.5 mm to 20.4 mm; a length of 127 mm or more; and regardless of the following characteristics:

- wire type (including, but not limited to, oil-tempered wire, hard-drawn wire, music wire, galvanized or other coated wire);
- wire cross-sectional shape (*e.g.,* round, square, or other shapes);
- coating (*e.g.,* uncoated, oil- or water-based coatings, lubricant coatings, zinc, aluminum, zinc-aluminum, paint or plastic coating, etc.);
- winding orientation (left-hand or right-hand wind direction);
- end type (including, but not limited to, looped, double looped, clipped, long length, mini warehouse, Barcol, Crawford, Kinnear, Wagner, rolling steel or barrel ends); and
- whether the overhead door counterbalance torsion springs are fitted with hardware, including but not limited to fasteners, clips, and cones (winding or stationary cones).

For purposes of the diameters referenced above, where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above.

The steel torsion springs included in the scope of these orders are produced from steel in which: (1) iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less, by weight.

Subject merchandise includes cones attached to or entered with and invoiced with the subject overhead door counterbalance torsion springs. Such cones, which are typically cast aluminum, aluminum alloy or steel (but may be made from other materials) are made to mount the subject springs to the overhead door counterbalance system and create and maintain torque in the spring. Cones or other similar fittings that are not attached to the subject springs or are not entered with and invoiced with the subject springs are not included within the scope unless entered as parts of kits as described below.

Subject merchandise also includes all subject overhead door counterbalance torsion springs and cones or other similar fittings for mounting and tensioning the spring entered as a part of overhead door kits, overhead door mounting or assembly kits, or as a part of a spring-operated motor assembly or as a part of a spring winder assembly kit for torsion springs. When counterbalance torsion springs and cones or other similar fittings for attaching and tensioning the torsion spring are entered as a part of such kits, only the counterbalance spring and cones or other similar fittings in the kit are within scope. Subject merchandise also includes overhead door counterbalance torsion springs that have been further processed in a third country, including but not limited to cutting to length, attachment of hardware, cones or end-fittings, inclusion in garage door kits or garage door mounting or assembly kits, or any other processing that would not remove the merchandise from the scope of these orders if performed in the country of manufacture of the in-scope overhead door counterbalance torsion springs. All products that meet the written physical description are within the scope of these orders unless specifically excluded. The following products are specifically excluded from the scope of these orders:

- leaf springs (slender arc-shaped length of spring steel of a rectangular cross-section);
- disc springs (conical springs consisting of a convex disc with the outer edge working against the center of the disc);
- extension springs (close-wound round helical wire springs that store and release energy by resisting the external pulling forces applied to the spring's ends in the direction of its length);
- compression springs (helical coiled springs with open wound active coils (such open winding is also known as pitch) that are designed to compress under load or force); and
- spiral springs (torsion springs wound as concentric spirals such as a clock spring or mainspring).

The products subject to these orders are currently classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7320.20.5020, 7320.20.5045 and 7320.20.5060. They may also be classified under HTSUS subheading 8412.90.9085 if entered as parts of spring-operated motors. They may also be classified in HTSUS subheading 8412.80.1000 (spring-operated motors) if entered as part of a spring counterweight assembly for an overhead door. They may also be classified in HTSUS subheading 7308.90.9590, a basket category that includes metal garage doors entered with mounting accessories or assemblies.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

[FR Doc. 2026–04223 Filed 3–3–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–844]

Certain Carbon and Alloy Steel Cut-to-Length Plate From the Federal Republic of Germany: 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 certain carbon and alloy steel cut-to-length plate (CTL plate) from the Federal Republic of Germany (Germany) was not sold in the United States at less than normal value during the period of review (POR) May 1, 2023, through April 30, 2024.

DATES: Applicable March 4, 2026.

FOR FURTHER INFORMATION CONTACT: Ian Riggs, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3810.

SUPPLEMENTARY INFORMATION:

Background

On August 12, 2025, Commerce published the *Preliminary Results* and

invited interested parties to comment.[1] We received no comments from interested parties on the *Preliminary Results.* Therefore, we made no changes from the *Preliminary Results* and, accordingly, there is no decision memorandum accompanying this **Federal Register** notice. Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[3] Accordingly, the deadline for this final determination is now February 17, 2026.

Scope of the Order [4]

The merchandise covered by the *Order* is CTL plate from Germany. For a complete description of the scope of the *Order, see* the *Preliminary Results.*[5]

Final Results of Review

We determine that the following estimated weighted-average dumping margin exists for the period May 1, 2023, through April 30, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
AG der Dillinger Hüttenwerke	0.00

[1] *See Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Preliminary Results of Antidumping Duty Administrative Review; 2023–2024,* 90 FR 38733 (August 12, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[4] *See Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea, and Taiwan, and Antidumping Duty Orders,* 82 FR 24096 (May 25, 2017) (*Order*).

[5] *See Preliminary Results* PDM at 2–7.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results of review within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce made no changes from the *Preliminary Results,* there are no new calculations to disclose.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(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 the weighted-average dumping margin for AG der Dillinger Hüttenwerke (Dillinger) is zero, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. Commerce's ''automatic assessment'' practice will apply to entries of subject merchandise during the POR produced by Dillinger for which the reviewed company 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. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate (*i.e.,* 20.99 percent) [6] if there is no rate for the intermediate company(ies) involved in the transaction.[7]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication in the **Federal Register** of these final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Dillinger is the weighted-average dumping margin listed above; (2) for previously investigated or reviewed companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the less-than-fair-value investigation, but the producer is, then the cash deposit rate will be the cash deposit rate established for the most recently completed segment for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 20.99 percent, the all-others rate established in the *Second Amended Final Determination.*[8] These cash deposit requirements, when imposed, shall remain in effect until further notice.

[6] *See Certain Carbon and Alloy Steel Cut-to-Length Plate From the Federal Republic of Germany: Notice of Court Decision Not in Harmony With the Amended Final Determination of Antidumping Investigation; Notice of Second Amended Final Determination,* 89 FR 1882, 1883 (January 11, 2024) (*Second Amended Final Determination*).

[7] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[8] *See Second Amended Final Determination,* 89 FR at 1883.

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 review period. 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 serves as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), 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 sanctionable violation.

Notification to Interested Parties

We are 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 17, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2026–04285 Filed 3–3–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Glycine From the People's Republic of China: Notice of Final Results of Antidumping Duty Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines, in the context of this changed circumstances review (CCR) of the antidumping duty (AD) order on glycine from the People's Republic of China (China), that Salvi Chemical Industries Ltd. (Salvi) is ineligible to participate in the importer certification process because Salvi failed to demonstrate that it no longer uses Chinese-origin glycine in its production process and failed to demonstrate that it maintains its books and records to accurately document the origin of the in-scope materials entering its inventory which are used to process glycine. As a result, glycine produced, processed, or exported by Salvi continues to be subject to the AD order on glycine from China.

DATES: Applicable March 4, 2026.

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1121.

SUPPLEMENTARY INFORMATION:

Background

On April 1, 2025, Commerce published the *Preliminary Results* of this CCR, determining that Salvi demonstrated that it eliminated the use of Chinese inputs from its processing of glycine in fiscal years 2021–2022 and 2022–2023 and that it maintains its books and records to accurately document the origin of the in-scope materials entering its inventory which are used to process glycine.[1]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[3] Between April 2025 and February 2026, Commerce extended the deadline for these final results of review.[4] Accordingly, the deadline for these final results is now February 27, 2026.[5] For a complete description of the events that followed the *Preliminary Results, see* the Issues and Decision Memorandum.[6]

Scope of the Order [7]

The product covered by the *Order* is glycine, which is a free-flowing crystalline material, like salt or sugar. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.[8]

Analysis of Comments Received

All issues raised are addressed in the Issues and Decision Memorandum,[9] and are 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 directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Changed Circumstances Review

Commerce finds that, based upon the record of this CCR, Salvi failed to demonstrate that it no longer uses Chinese-origin glycine and is ineligible to participate in the importer certification process [10] because, after further review of the record evidence and comments submitted, we find that Salvi failed to maintain its books and records to accurately document the origin of the in-scope China-origin glycine entering its inventory which is used to process glycine. As a result, glycine produced, processed, or exported by Salvi continues to be subject to the *Order* on glycine from China.

Administrative Protective Order (APO)

This notice serves as a final reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to a judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is published in accordance with sections 751(b) and 777(i) of the Act, and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222(g).

Dated: February 27, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues

[1] *See Glycine from the People's Republic of China: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review,* 90 FR at 14359 (April 1, 2025) (*Preliminary Results*).

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[4] *See* Memoranda, ''Extension of Deadline for Final Results of Changed Circumstances Review,'' dated April 11, 2025; ''Extension of Deadline for Final Results of Changed Circumstances Review,'' dated June 20, 2025; ''Extension of Deadline for Final Results of Changed Circumstances Review,'' dated September 12, 2025; ''Extension of Deadline for Final Results of Changed Circumstances Review,'' dated November 25, 2025; and ''Extension of Deadline for Final Results of Changed Circumstances Review,'' dated February 10, 2026.

[5] *See* Memorandum, ''Extension of Deadline for Final Results of Changed Circumstances Review,'' dated February 10, 2026.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Changed Circumstances Review of the Antidumping Duty Order on Glycine from the People's Republic of China; Salvi Chemical Industries Ltd.,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[7] *See Antidumping Duty Order: Glycine from the People's Republic of China,* 60 FR 16116 (March 29, 1995) (*Order*).

[8] *See* Issues and Decision Memorandum at 3.

[9] *Id.* at 4–9.

[10] *See Glycine from the People's Republic of China: Final Partial Affirmative Determination of Circumvention of the Antidumping Duty Order,* 77 FR 73426, 73427 (December 10, 2012).

Comment 1: Whether Commerce Can Conduct a Changed Circumstances Review with Respect to Salvi
Comment 2: Whether Salvi Has Demonstrated that It No Longer Uses Chinese Glycine Inputs and Is Able to Identify the Country of Origin of Its Glycine Inputs
VI. Recommendation

[FR Doc. 2026–04323 Filed 3–3–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–0497]

Proposed Collection; Comment Request

AGENCY: Pentagon Force Protection Agency (PFPA), Department of Defense.

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the PFPA announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 4, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Director of Administration and Management, Privacy, Civil Liberties, and Transparency Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to 9000 Defense Pentagon, 5B890 Washington, DC 20301 ATTN: Mr. Kumeit Salman or call 703–697–8109.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Pentagon Facilities Access Control System: DD Form 2249, Pentagon Access Enrollment Form and Visitor Management System (VMS); OMB Control Number 0704–0648.

Needs and Uses: The information will be used by the Pentagon Pass Office to conduct a NCIC check of all members of the public 18 years and older that request access to the Pentagon or a Pentagon facility. The method for collecting the required information varies depending on the status of the individual making the request and the length of time that access is required.

Affected Public: Individuals or households.

DD Form 2249, Pentagon Access Enrollment Form

Annual Burden Hours: 7,867.
Number of Respondents: 47,200.
Responses per Respondent: 1.
Annual Responses: 47,200.
Average Burden per Response: 10 minutes.

PFPA Visitor Management System—Registration Portal

Annual Burden Hours: 24,617 hours.
Number of Respondents: 211,000.
Responses per Respondent: 1.
Annual Responses: 211,000.
Average Burden per Response: 7 minutes.

Total

Annual Burden Hours: 32,484.
Number of Respondents: 258,200.
Responses per Respondent: 1.
Annual Responses: 258,200.
Average Burden per Response: 8.5.
Frequency: On occasion.

Use of the Information

The information will be used by the Pentagon Pass Office to conduct an NCIC check of all members of the public 18 years and older who request access to the Pentagon or a Pentagon facility. The method for collecting the required information varies depending on the status of the individual making the request and the length of time that they require access.

A. Privilege Management Program (PMP), DD Form 2249, Pentagon Access Enrollment Form.

a. Personnel who require swipe access to the Pentagon or any of its leased facilities must enroll in the PMP. To enroll, personnel must electronically submit the DD Form 2249, Pentagon Access Enrollment Form to gain access via a Personal Identity Verification (PIV) Card or Common Access Card (CAC). The electronic submission is mandatory. The DD Form 2249 was a paper-based form that was printed and physically carried to the pass office for enrollment of the person's CAC into PMP. As of November 1, 2024, PFPA requires the DD Form 2249 be submitted electronically by Authorizing Officials (AOs), using the Access Management Portal (AMP), located at *https://access.pfpa.mil/.* The same information contained on the hardcopy is now electronically submitted, stored, and processed using AMP and is commonly referred to as an ''e2249'' authorization.

b. For personnel who do not meet the criteria for a PIV card or a CAC but require swipe access into the Pentagon or any of its leased facilities, DD Form 2249 can also be used to request access.

B. Visitor Management System (VMS) Registration Portal

a. The VMS is a component of the aforementioned PMP. Personnel who do not have swipe access into the Pentagon or its leased facilities are deemed visitors and must be registered by a sponsor. Sponsors initiate visits by submitting the visitor's name and email address at *https://visitorsponsor.pfpa.mil/.* The visitor will then receive a link via the email provided, allowing the visitor to navigate to the VMS Registration Portal and complete the application for adjudication. Once it is complete and PFPA reviews the submission, the visitor and sponsor will receive a system-generated email on the adjudication decision. The system can also be used to request issuance of a Pentagon Facility Alternate Credential (PFAC).

C. Alternative Methods for Submission

a. Visitors may provide the required information in the body of a properly protected email when technical limitations prevent them from accessing the Visitor Management System's Web Portal. Pentagon Pass Office personnel will enter this information in the Visitor Management Web Portal.

Dated: March 2, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–04290 Filed 3–3–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–0496]

Proposed Collection; Comment Request

AGENCY: Pentagon Force Protection Agency (PFPA), Department of Defense.

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the PFPA, Department of War. announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 4, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Director of Administration and Management, Privacy, Civil Liberties, and Transparency Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Pentagon Force Protection Agency, 9000 Defense Pentagon, Washington DC 20301–900; Mark Ryan, (703) 695–0211.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: PFPA Recruitment, Medical, and Fitness Division Forms; PFPA Form 1400, PFPA Form 1407, PFPA Form 1408, PFPA Form 1409, PFPA Form 1410, PFPA Form 6040; OMB Control Number 0704–0588.

Needs and Uses: This information collection is essential to the Pentagon Force Protection Agency and is used to make a determination of eligibility for federal employment in the field of law enforcement. To that end, criminal, background and medical information is collected on the applicants.

Affected Public: Individuals.

Annual Burden Hours: 520 hours.

Number of Respondents: 3,600.

Responses per Respondent: 1.

Annual Responses: 3,600.

Average Burden per Response: PFPA Form 1400: 5 minutes; PFPA Form 1407: 5 minutes; PFPA Form 1408: 5 minutes; PFPA Form 1409: 10 minutes; PFPA Form 1410: 10 minutes; PFPA Form 6040: 20 minutes.

Frequency: On occasion.

There are four respondent populations for this collection. Applicants are the first population—they are certified by USAJOBS for law enforcement positions in PFPA. The medical, background, and criminal history information that they are providing is necessary in order to ensure their eligibility for the position. The second population is current/former supervisors who act as references for the applicants. The third population is character references. The fourth population is other law enforcement agencies that these applicants have applied to.

All of this information is filled out over six PFPA forms. The information collected from these forms are stored in Salesforce. The Salesforce system is not the point of entry for any of these forms.

(1) *Authorization for Release of Information—PFPA Form 1400 (applicant)*: This form is sent from a PFPA employee to the applicant via email. The form gives PFPA permission to begin the background/evaluation process. This form must be printed and signed in ink then uploaded by the applicant to Salesforce. This form is then reviewed and processed by a PFPA employee.

(2) *Supplemental History Questionnaire—PFPA Form 6040 (applicant)*: This form is also completed by applicant. It is sent to the applicants via email and returned via Salesforce. This form is then sent to a PFPA medical review officer to make a final determination on whether an applicant meets the necessary health requirements. The PFPA Form 6040 is administered after the applicant accepts a tentative job offer. This form also must be printed and signed in ink then uploaded by the applicant to Salesforce.

(3) *Internal Affairs Request—PFPA Form 1407 (former and current supervisors)*: This information is important to ensure an applicant does not have any past professional issues. Recruiters gather information for this form via phone or email from former/current supervisors. The information is then entered into Salesforce.

(4) *Employer Reference Questionnaire—PFPA Form 1410 (former and current supervisors)*: This form is also filled out by recruiters based on information obtained from applicant's current/former supervisors. The answers to the questions are obtained via phone or email. The information is then entered into Salesforce.

(5) *Application Status Request—PFPA Form 1408 (other law enforcement agencies)*: This form is sent to other law enforcement agencies that the PFPA applicants have applied to via email. These law enforcement agencies fill out the forms and respond back via email or fax. These forms are then reviewed and processed by a PFPA employee.

(6) *Character Reference Questionnaire—PFPA Form 1409 (references)*: This form is filled out by recruiters based on information obtained from applicant's character references. The answers to the questions are obtained via phone or email. These forms are then reviewed and processed by a PFPA employee. The questions on this form are not asked of the applicant, but of the applicant's Character References. These phone and email scripts will be included with this package.

Dated: March 2, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–04292 Filed 3–3–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–528–000]

Eastern Gas Transmission and Storage, Inc.; Notice of Availability of the Environmental Assessment for the Proposed Appalachian Reliability Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Appalachian Reliability Project, proposed by Eastern Gas Transmission and Storage, Inc. (EGTS) in the above-referenced docket.[1] EGTS requests authorization to construct and operate about 3.9 miles of pipeline and modify its existing compression and metering regulation facilities in Armstrong, Greene and Westmoreland Counties, Pennsylvania, and Monroe County, Ohio. The Appalachian Reliability Project would provide about 550,000 dekatherms per day of firm natural gas transportation to points along the interstate pipeline grid in Ohio and Pennsylvania.

Any person wishing to comment on the EA may do so. To ensure consideration of your comments on the proposal prior to making a decision on the project, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on March 30, 2026. Instructions for filing comments are provided on page 4.

FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act of 1938 (NGA) and the lead federal agency for preparation of the EA. The EA assesses the potential environmental effects of the Appalachian Reliability Project in accordance with the requirements of the National Environmental Policy Act (NEPA) [2] and the Commission's implementing regulations.[3] The principal purposes of the EA are to: identify and assess the potential effects on the natural and human environment; describe and evaluate reasonable alternatives; identify and recommend mitigation measures; and facilitate public involvement in the environmental review process. The EA concludes that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed Project includes construction and operation of the following facilities:

- 3.9 miles of 30-inch-diameter natural gas transmission pipeline;
- additional compression at two existing compressor stations;
- a new metering and regulation station; and
- modification to two existing metering and regulation stations.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP25–528). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Under section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them. The Commission bases its decisions on both economic issues, including need, and environmental effects.

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP25–528–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EA–XX–019–20–000–1756811530.

[2] National Environmental Policy Act of 1969, as amended (Public Law [Pub. L.] 91–190. 42 U.S.C. 4321–4347, as amended by Public Law 94–52, July 3, 1975; Public Law 94–83, August 9, 1975; Public Law 97–258, 4(b), September 13, 1982; Public Law 118–5, June 3, 2023; Public Law 119–21, July 4, 2025).

[3] 18 Code of Federal Regulations (CFR) 380.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.* Additional information about the project is available from the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

(Authority: 18 CFR 2.1)

Dated: February 27, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–04268 Filed 3–3–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–19–000]

Commission Information Collection Activities (FERC–725N) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–725N (Mandatory Reliability Standards TPL–007–4, Transmission System Planned Performance for Geomagnetic Disturbance Events).

DATES: Comments on the collection of information are due May 4, 2026.

ADDRESSES: You may submit your comments (identified by Docket No. IC26–19–000) by one of the following methods:

Electronic filing through *https://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:
  - *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - *Hand (Including Courier) Delivery:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission,12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Kayla Williams at *DataClearance@FERC.gov,* telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–725N, Mandatory Reliability Standards TPL–007–4, Transmission System Planned Performance for Geomagnetic Disturbance Events.

OMB Control No.: 1902–0264.

Type of Request: Extension of the currently approved collection without change.

Abstract: The Reliability Standard TPL–007–4 requires owners and operators of the Bulk-Power System to conduct initial and on-going vulnerability assessments of the potential impact of defined geomagnetic disturbance events on Bulk- Power System equipment and the Bulk-Power System as a whole. Specifically, the Reliability Standard requires entities to develop corrective action plans for vulnerabilities identified through supplemental geomagnetic disturbance vulnerability assessments and requires entities to seek approval from the Electric Reliability Organization of any extensions of time for the completion of corrective action plan items.

On August 8, 2005, Congress enacted into law the Electricity Modernization Act of 2005, which is Title XII, Subtitle A, of the Energy Policy Act of 2005 (EPAct 2005).[1] EPAct 2005 added a new section 215 to the Federal Power Act (FPA), which required a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight, or the Commission can independently enforce Reliability Standards.[2]

On February 3, 2006, the Commission issued Order No. 672, implementing section 215 of the FPA.[3] Pursuant to Order No. 672, the Commission certified one organization, North American Electric Reliability Corporation (NERC), as the ERO.[4] The Reliability Standards developed by the ERO and approved by the Commission apply to users, owners and operators of the Bulk-Power System as set forth in each Reliability Standard.

Type of Respondents: Generator Owner, Planning Coordinator, Distribution Provider and Transmission Owners.

Estimate of Annual Burden:[5] Our estimates are based on the NERC Compliance Registry Summary of Entities as of February 9, 2026.

The individual burden estimates include the time needed to gather data,

[1] Energy Policy Act of 2005, Public Law 109–58, Title XII, Subtitle A, 119 Stat. 594, 941 (codified at 16 U.S.C. 824*o*).

[2] 16 U.S.C. 824*o*(e)(3).

[3] *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards,* Order No. 672, FERC Stats. & Regs. ¶ 31,204, *order on reh'g,* Order No. 672–A, FERC Stats. & Regs. ¶ 31,212 (2006).

[4] *North American Electric Reliability Corp.,* 116 FERC ¶ 61,062, *order on reh'g and compliance,* 117 FERC ¶ 61,126 (2006), *order on compliance,* 118 FERC ¶ 61,190, *order on reh'g,* 119 FERC ¶ 61,046 (2007), *aff'd sub nom. Alcoa Inc.* v. *FERC,* 564 F.3d 1342 (D.C. Cir. 2009).

[5] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

run studies, and analyze study results. These are consistent with estimates for similar tasks in other Commission-approved standards. Estimates for the additional average annual burden and cost [6] as follows:

ANNUAL COLLECTION TPL–007–4 FERC 725N

Reliability standard or process	Type and number of entities [7] (1)	Annual number of responses per entity (2)	Total number of responses (1) * (2) = (3)	Average burden hrs. & cost ($) per response (4)	Total annual burden hours & cost ($) (rounded) (3) * (4) = (5)
Annual review and record retention [8910]	1,354 (GOP)	1	1,354	40 hrs.; $2,540.80 ..	54,160 hrs.; $3,440,243.
	60 (PC)	1	60	40 hrs.; $2,540.80 ..	2,400 hrs.; $ 152,448.
	300 (DP)	1	300	40 hrs.; $2,540.80 ..	12,000 hrs.; $762,240.
	341 (TO)	1	341	40 hrs.; $2,540.80 ..	13,640 hrs.; $866,413.
Total for TPL–007–4	.....	.....	2,055	.....	82,200 hours; $5,221,344.

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 27, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–04266 Filed 3–3–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR26–37–000.

Applicants: Black Hills/Kansas Gas Utility Company, LLC.

Description: 284.123 Rate Filing: BHKG AVTS Filing to be effective 2/1/2026.

Filed Date: 2/26/26.

Accession Number: 20260226–5189.

Comment Date: 5 p.m. ET 3/19/26.

Docket Numbers: RP26–545–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: 4(d) Rate Filing: Annual Electric Power Tracker Filing Effective April 1, 2026 to be effective 4/1/2026.

Filed Date: 2/26/26.

Accession Number: 20260226–5201.

Comment Date: 5 p.m. ET 3/10/26.

Docket Numbers: RP26–546–000.

Applicants: Rockies Express Pipeline LLC.

Description: 4(d) Rate Filing: REX 2026–02–26 Negotiated Rate Agreement and Amendment to be effective 2/24/2026.

Filed Date: 2/26/26.

Accession Number: 20260226–5213.

Comment Date: 5 p.m. ET 3/10/26.

Docket Numbers: RP26–547–000.

Applicants: High Point Gas Transmission, LLC.

Description: Compliance filing: High Point Gas Annual Fuel Filing to be effective N/A.

Filed Date: 2/26/26.

Accession Number: 20260226–5234.

Comment Date: 5 p.m. ET 3/10/26.

Docket Numbers: RP26–548–000.

Applicants: NEXUS Gas Transmission, LLC.

Description: 4(d) Rate Filing: 2026 NEXUS ASA Filing to be effective 4/1/2026.

Filed Date: 2/26/26.

Accession Number: 20260226–5246.

Comment Date: 5 p.m. ET 3/10/26.

Docket Numbers: RP26–549–000.

Applicants: Northwest Pipeline LLC.

Description: 4(d) Rate Filing: Non Conforming Service Agreement—Pacificorp to be effective 4/1/2026.

Filed Date: 2/26/26.

Accession Number: 20260226–5253.

Comment Date: 5 p.m. ET 3/10/26.

Docket Numbers: RP26–550–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing: Removal of Negotiated Rate Agreement (Salt Creek) to be effective 4/1/2026.

Filed Date: 2/26/26.

Accession Number: 20260226–5266.

Comment Date: 5 p.m. ET 3/10/26.

Docket Numbers: RP26–551–000.

Applicants: Northwest Pipeline LLC.

Description: 4(d) Rate Filing: North Seattle and South Seattle Annual Charge Update Filing 2026 to be effective 4/1/2026.

Filed Date: 2/26/26.

Accession Number: 20260226–5311.

Comment Date: 5 p.m. ET 3/10/26.

Docket Numbers: RP26–552–000.

Applicants: Panhandle Eastern Pipe Line Company, LP.

Description: 4(d) Rate Filing: Fuel Filing on 2–27–26 to be effective 4/1/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5006.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: RP26–553–000.

Applicants: Trunkline Gas Company, LLC.

Description: 4(d) Rate Filing: Fuel Filing on 2–27–26 to be effective 4/1/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5014.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: RP26–554–000.

Applicants: Adelphia Gateway, LLC.

Description: Compliance filing: Adelphia Gateway Use and System Balancing Adjustment to be effective N/A.

Filed Date: 2/27/26.

Accession Number: 20260227–5026.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: RP26–555–000.

[6] The estimated hourly cost (salary plus benefits) is a combination of the following categories from the BLS website, *http://www.bls.gov/oes/current/naics2_22.htm:* 75% of the average of an Electrical Engineer (17–2071) $71.19/hr., × .75 = 53.3925 ($53.39-rounded) ($53.39/hour); and 25% of an Information and Record Clerk (43–4199) $40.51/hr., $40.51 × .25 = 10.1275 ($10.13 rounded) ($10.13/hour), for a total ($53.39 + $10.13 = $63.52/hour).

[7] The ''Number of Entity'' data is compiled from the February 9, 2026, edition of the NERC Compliance Registry. ''DP'' means distribution provided; ''GOP'' means generator operator; ''PC'' means planning coordinator; ''TO'' means transmission owner.''

Applicants: KPC Pipeline, LLC.
Description: 4(d) Rate Filing: Fuel Reimbursement Adjustment to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5028.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–556–000.
Applicants: Gas Transmission Northwest LLC.
Description: 4(d) Rate Filing: GTN NCNR SoCalGas 10577 to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5029.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–557–000.
Applicants: Rover Pipeline LLC.
Description: 4(d) Rate Filing: Fuel Filing on 2–27–26 to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5035.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–558–000.
Applicants: Rover Pipeline LLC.
Description: Compliance filing: Rover 2025 AMPS Filing to be effective N/A.
Filed Date: 2/27/26.
Accession Number: 20260227–5045.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–559–000.
Applicants: Columbia Gulf Transmission, LLC.
Description: 4(d) Rate Filing: TRA 2026 to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5052.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–560–000.
Applicants: Rover Pipeline LLC.
Description: Compliance filing: Flow Through of Cash-Out Penalty Revenues filed on 2–27–26 to be effective N/A.
Filed Date: 2/27/26.
Accession Number: 20260227–5057.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–561–000.
Applicants: High Island Offshore System, L.L.C.
Description: Waiver Request of 2026 Annual Fuel Tracker filing of High Island Offshore System, L.L.C.
Filed Date: 2/27/26.
Accession Number: 20260227–5065.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–562–000.
Applicants: Kern River Gas Transmission Company.
Description: 4(d) Rate Filing: 2026 Daggett Surcharge Filing to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5066.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–563–000.
Applicants: Portland Natural Gas Transmission System.
Description: Annual Report of Operational Purchases and Sales of Portland Natural Gas Transmission System.
Filed Date: 2/27/26.
Accession Number: 20260227–5070.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–564–000.
Applicants: Viking Gas Transmission Company.
Description: 4(d) Rate Filing: Annual Load Management Cost Reconciliation Adjustment—2026 Rate to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5074.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–565–000.
Applicants: Viking Gas Transmission Company.
Description: 4(d) Rate Filing: Semi-Annual Fuel and Loss Retention Adjustment—Summer 2026 Rate to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5086.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–566–000.
Applicants: WBI Energy Transmission, Inc.
Description: 4(d) Rate Filing: 2026 Annual Fuel & Electric Power Reimbursement Adjustment to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5093.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–567–000.
Applicants: Viking Gas Transmission Company.
Description: 4(d) Rate Filing: Annual Electric Power Cost Recovery Adjustment—2026 Rate to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5105.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–568–000.
Applicants: ANR Pipeline Company.
Description: 4(d) Rate Filing: Tourmaline 141535 Non-Conforming Agreement to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5108.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–569–000.
Applicants: ANR Pipeline Company.
Description: 4(d) Rate Filing: Dynegy 142311 Non-Conforming Agreement to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5125.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–570–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: 4(d) Rate Filing: Negotiated Rate Agreement Update (Eco-Energy April–June 2026) to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5128.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–571–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: 4(d) Rate Filing: 2026 Annual Fuel Tracker Filing to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5132.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–572–000.
Applicants: Guardian Pipeline, L.L.C.
Description: 4(d) Rate Filing: Semi-Annual Electric Power Cost Recovery Adjustment—Summer 2026 Rate to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5136.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–573–000.
Applicants: Spire MoGas Pipeline LLC.
Description: 4(d) Rate Filing: Spire MoGas Negotiated Rate Agreements Filing to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5146.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–574–000.
Applicants: Golden Pass Pipeline LLC.
Description: 4(d) Rate Filing: 2026 Annual Retainage to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5151.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–575–000.
Applicants: Columbia Gas Transmission, LLC.
Description: 4(d) Rate Filing: EPCA 2026 to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5157.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–576–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: 4(d) Rate Filing: Quarterly Fuel Adjustment Filing to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5162.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–577–000.
Applicants: Cheniere Corpus Christi Pipeline, LP.
Description: 4(d) Rate Filing: CCPL Electric Power Cost Adjustment Filing to be effective 4/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5169.
Comment Date: 5 p.m. ET 3/11/26.
Docket Numbers: RP26–578–000.

Applicants: Midwestern Gas Transmission Company.

Description: 4(d) Rate Filing: Annual Fuel Retention Percentage Adjustment—2026 Rate to be effective 4/1/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5170.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: RP26–579–000.

Applicants: Columbia Gas Transmission, LLC.

Description: 4(d) Rate Filing: TCRA 2026 to be effective 4/1/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5172.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: RP26–580–000.

Applicants: Columbia Gas Transmission, LLC.

Description: 4(d) Rate Filing: RAM 2026 to be effective 4/1/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5176.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: RP26–581–000.

Applicants: Colorado Interstate Gas Company, L.L.C.

Description: 4(d) Rate Filing: CIG Qtrly LUF and Semi-Annual Fuel Filing Feb 2026 to be effective 4/1/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5181.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: RP26–582–000.

Applicants: RH energytrans, LLC.

Description: 4(d) Rate Filing: FL U Rates 2026 to be effective 4/1/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5192.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: RP26–583–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: 4(d) Rate Filing: NICOR Negotiated Rate Filing—2026 to be effective 4/1/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5195.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: RP26–584–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing: Negotiated Rate Agreement Update (Shell April 2026) to be effective 4/1/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5212.

Comment Date: 5 p.m. ET 3/11/26.

Docket Numbers: RP26–585–000.

Applicants: TransColorado Gas Transmission Company LLC.

Description: 4(d) Rate Filing: TC Quarterly FL&U Update Feb. 2026 to be effective 4/1/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5221.

Comment Date: 5 p.m. ET 3/11/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: PR26–19–001.

Applicants: Black Hills/Kansas Gas Utility Company, LLC.

Description: 284.123 Rate Filing: BHKG Amended Filing to PR26–19 to be effective 1/1/2026.

Filed Date: 2/26/26.

Accession Number: 20260226–5206.

Comment Date: 5 p.m. ET 3/19/26.

Docket Numbers: PR26–24–001.

Applicants: Bridgeline Holdings, L.P.

Description: 284.123(g) Rate Filing: Bridgeline Cost of Service Rate Amendment Filing to be effective 1/2/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5083.

Comment Date: 5 p.m. ET 3/20/26.

Docket Numbers: RP23–1099–007.

Applicants: Gas Transmission Northwest LLC.

Description: Compliance filing: Phase II Settlement Rate Implementation to be effective 4/1/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5081.

Comment Date: 5 p.m. ET 3/11/26.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: February 27, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–04262 Filed 3–3–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3246–034.

Applicants: PacifiCorp.

Description: Compliance filing: Notice of Change in Status re CAISO's EDAM to be effective 12/31/9998.

Filed Date: 2/27/26.

Accession Number: 20260227–5204.

Comment Date: 5 p.m. ET 3/20/26.

Docket Numbers: ER17–259–008.

Applicants: Darby Power, LLC.

Description: Refund Report: Refund report to 130 to be effective N/A.

Filed Date: 2/27/26.

Accession Number: 20260227–5266.

Comment Date: 5 p.m. ET 3/20/26.

Docket Numbers: ER17–260–008.

Applicants: Gavin Power, LLC.

Description: Refund Report: Refund report to 131 to be effective N/A.

Filed Date: 2/27/26.

Accession Number: 20260227–5289.

Comment Date: 5 p.m. ET 3/20/26.

Docket Numbers: ER17–262–008.

Applicants: Waterford Power, LLC.

Description: Refund Report: Refund report to 133 to be effective N/A.

Filed Date: 2/27/26.

Accession Number: 20260227–5272.

Comment Date: 5 p.m. ET 3/20/26.

Docket Numbers: ER18–2497–014.

Applicants: Lawrenceburg Power, LLC.

Description: Refund Report: Refund report to 149 to be effective N/A.

Filed Date: 2/27/26.

Accession Number: 20260227–5267.

Comment Date: 5 p.m. ET 3/20/26.

Docket Numbers: ER24–1156–005.

Applicants: Florida Power & Light Company.

Description: Compliance filing: Supplemental Amendment to September 22, 2025 Compliance Filing to be effective 4/1/2024.

Filed Date: 2/26/26.

Accession Number: 20260226–5298.

Comment Date: 5 p.m. ET 3/19/26.

Docket Numbers: ER25–318–003.

Applicants: Southwest Power Pool, Inc., Central Power Electric Cooperative, Inc.

Description: Compliance filing: Southwest Power Pool, Inc. submits tariff filing per 35: Compliance Filing in Response to Order issued in ER25–318 to be effective 1/1/2025.
Filed Date: 2/27/26.
Accession Number: 20260227–5237.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1327–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Amendment of ISA, SA No. 5548; Queue No. AC1–076/AE2–134 in ER26–1327–000 to be effective 4/13/2026.
Filed Date: 2/26/26.
Accession Number: 20260226–5299.
Comment Date: 5 p.m. ET 3/19/26.
Docket Numbers: ER26–1523–000.
Applicants: Atlas Solar V, LLC.
Description: Initial rate filing: Atlas Solar V Certificate of Concurrence CTV to be effective 2/27/2026.
Filed Date: 2/26/26.
Accession Number: 20260226–5304.
Comment Date: 5 p.m. ET 3/19/26.
Docket Numbers: ER26–1524–000.
Applicants: Atlas Solar V, LLC.
Description: Initial rate filing: Atlas Solar V Certificate of Concurrence SFA to be effective 2/27/2026.
Filed Date: 2/26/26.
Accession Number: 20260226–5308.
Comment Date: 5 p.m. ET 3/19/26.
Docket Numbers: ER26–1525–000.
Applicants: Duke Energy Indiana, LLC.
Description: Tariff Amendment: DEI–NIPSCO—Cancellation of Service Agreement No. 108 to be effective 4/28/2026.
Filed Date: 2/26/26.
Accession Number: 20260226–5309.
Comment Date: 5 p.m. ET 3/19/26.
Docket Numbers: ER26–1526–000.
Applicants: Southern California Edison Company.
Description: 205(d) Rate Filing: Revised TO Tariff Appendix IX, Attachment 2—Formula Rate Spreadsheet to be effective 1/1/2025.
Filed Date: 2/27/26.
Accession Number: 20260227–5003.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1527–000.
Applicants: PacifiCorp.
Description: 205(d) Rate Filing: Notice of Change in Status to Reflect Participation in CAISO's EDAM to be effective 12/31/9998.
Filed Date: 2/27/26.
Accession Number: 20260227–5004.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1528–000.
Applicants: Atlas Solar VI, LLC.
Description: Initial rate filing: Atlas Solar VI Certificate of Concurrence CTV Filing to be effective 2/28/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5027.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1529–000.
Applicants: Atlas Solar VI, LLC.
Description: Initial rate filing: Atlas Solar IV Certificate of Concurrence to be effective 2/28/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5032.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1530–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2026–02–27_SA 3153 METC-Crescent Wind 1st Rev GIA (J538 J2283) to be effective 2/24/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5039.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1531–000.
Applicants: Keystone Appalachian Transmission Company.
Description: 205(d) Rate Filing: KATCo submits Construction Agmt—SA No. 7351 to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5047.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1532–000.
Applicants: PECO Energy Company.
Description: 205(d) Rate Filing: TSA between PECO and Bellwether to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5119.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1533–000.
Applicants: Enerwise Global Technologies, LLC.
Description: 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 2/28/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5134.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1534–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Original GIA, Service Agreement No. 7892; AF2–041/AF2–199/AF2–200 to be effective 1/28/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5147.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1535–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agreement—Avangrid to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5193.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1536–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agreement—Avista to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5198.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1537–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agreement—Bonneville to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5201.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1538–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2026–02–27_PJM Tranche 2.1 Upgrades to be effective 5/28/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5203.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1539–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agreement—El Paso to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5207.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1540–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agreement—LADWP to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5208.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1541–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agrmt—NorthWestern Energy to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5210.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1542–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agreement—Powerex to be effective 4/29/2026.

Filed Date: 2/27/26.
Accession Number: 20260227–5214.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1543–000.
Applicants: Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, AEP Appalachian Transmission Company, Inc., AEP Indiana Michigan Transmission Company, Inc., AEP Kentucky Transmission Company, Inc., AEP Ohio Transmission Company, Inc., AEP West Virginia Transmission Company, Inc.
Description: 205(d) Rate Filing: Appalachian Power Company submits tariff filing per 35.13(a)(2)(iii: AEPSC Order No. 898 Rate Filing to be effective 1/1/2025.
Filed Date: 2/27/26.
Accession Number: 20260227–5218.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1544–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agreement—PSC New Mexico to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5219.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1545–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: S.
Filed Date: 2/27/26.
Accession Number: 20260227–5223.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1546–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agrmt—Seattle City Light to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5224.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1547–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Cabokenze Energy Storage SISA Filing to be effective 2/16/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5225.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1548–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: White Pine Energy Storage SISA Filing to be effective 2/16/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5226.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1549–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agreement—Tacoma to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5228.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1550–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agreement—Salt River Proj. to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5229.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1551–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2026–02–27_Updates for Rate Schedule 2 MISO Manitoba Hydro Coordination Agrmnt to be effective 3/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5230.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1552–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agreement—Tucson to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5231.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1553–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agreement—Turlock to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5239.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1554–000.
Applicants: California Independent System Operator Corporation.
Description: Tariff Amendment: 2026–02–27 Notice of Cancellation—EIM Implementation Agreement—WAPA to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5241.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1555–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Notice of Cancellation of ISA, SA No. 7013; Project Identifier No. AD2–179 to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5242.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1556–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Proposal to Extend the Price Cap and Price Floor for 2028/29 & 2029/30 to be effective 3/31/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5247.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1557–000.
Applicants: PacifiCorp.
Description: 205(d) Rate Filing: Refinements to Extended Day-Ahead Market Implementation to be effective 12/31/9998.
Filed Date: 2/27/26.
Accession Number: 20260227–5252.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1558–000.
Applicants: New England Power Pool Participants Committee.
Description: 205(d) Rate Filing: Mar 2025 Membership Filing to be effective 3/1/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5291.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1559–000.
Applicants: Hashknife Energy Center II LLC.
Description: Initial Rate Filing: Hashknife Energy Center II MBR Tariff Application to be effective 4/29/2026.
Filed Date: 2/27/26.
Accession Number: 20260227–5292.
Comment Date: 5 p.m. ET 3/20/26.
Docket Numbers: ER26–1560–000.
Applicants: New York Independent System Operator, Inc.
Description: Informational filing containing interconnection study metrics for the NYISO's Transition Cluster Study Phase 1 Study pursuant to Section 40.9.3.1.3.1 of its OATT.
Filed Date: 2/24/26.
Accession Number: 20260224–5213.
Comment Date: 5 p.m. ET 3/17/26.
Docket Numbers: ER26–1561–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Notice of Cancellation of ISA, Service Agreement No. 6576; PJM Queue No. AD2–062 to be effective 4/29/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5307.

Comment Date: 5 p.m. ET 3/20/26.

Docket Numbers: ER26–1562–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: GIA, Service Agreement No. 7883; Z2–087/AE2–223/AF2–225 to be effective 1/28/2026.

Filed Date: 2/27/26.

Accession Number: 20260227–5314.

Comment Date: 5 p.m. ET 3/20/26.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF26–536–000.

Applicants: EQX033.Z PROJECTCO, LLC.

Description: Form 556 of EQX033.Z PROJECTCO, LLC.

Filed Date: 2/18/26.

Accession Number: 20260218–5174.

Comment Date: 5 p.m. ET 3/11/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: February 27, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–04264 Filed 3–3–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD26–1–000, Docket No. RD26–2–000, Docket No. RD26–3–000]

North American Electric Reliability Corporation; Notice of Staff Attendance at North American Electric Reliability Corporation Operational Studies Drafting Team Meeting

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission and/or Commission staff may attend the following meeting:

North American Electric Reliability Corporation: Project 2025–03 Order No. 901 Operational Studies Drafting Team Meeting, WebEx

March 3, 2026 | 2:00 p.m.–4:00 p.m. Eastern

Further information regarding this meeting and how to join remotely may be found at: *https://www.nerc.com/events/03-03-26-project-2025-03-order-no.-901-operational-studies-drafting-team-meeting.*

The discussions at the meeting, which is open to the public, may address matters at issue in the following Commission proceedings:

Docket No. RD26–1–000 North American Electric Reliability Corporation

Docket No. RD26–2–000 North American Electric Reliability Corporation

Docket No. RD26–3–000 North American Electric Reliability Corporation

For further information, please contact Neil Yallabandi at (202) 502–8260 or *Neil.Yallabandi@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: February 27, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–04263 Filed 3–3–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–22–000]

Commission Information Collection Activities (FERC–725T); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–725T, Mandatory Reliability Standards for the Bulk-Power System: Texas Reliability Entity (TRE) Reliability Standards.

DATES: Comments on the collection of information are due May 4, 2026.

ADDRESSES: You may submit comments (identified by Docket No. IC26–22–000) by either of the following methods:

- *eFiling at Commission's website: https://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, at Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Contact: Kayla Williams at *DataClearance@FERC.gov,* telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–725T, Mandatory Reliability Standards for the Bulk-Power System: TRE Reliability Standards BAL–001–TRE–2 (Primary Frequency Response in the ERCOT Region).

OMB Control No.: 1902–0273.

Type of Request: Three-year extension of the FERC–725T information collection requirements with no changes to the current reporting requirements.

Abstract: TRE Reliability Standards apply to entities registered as Generator Owners (GOs), Generator Operators (GOPs), and Balancing Authorities (BAs) within the Texas Reliability Entity region.

The information collection requirements entail the setting or configuration of the Control System software, identification and recording of events, data retention, and submitting frequency measurable events to the compliance enforcement authority (Regional Entity or NERC).

Submitting frequency measurable events—The BA is required to identify and post information regarding Frequency Measurable Events (FME). Further, the BA must calculate and report to the Compliance Enforcement Authority data related to Primary Frequency Response (PFR) performance of each generating unit/generating facility.

Data retention—The BA, GO, and GOP shall keep data or evidence to show compliance, as identified below, unless directed by its Compliance Enforcement Authority to retain specific evidence for a longer period of time as part of an investigation. Compliance audits are generally about three years apart.

- The BA shall retain a list of identified Frequency Measurable Events and shall retain FME information since its last compliance audit.
- The BA shall retain all monthly PFR performance reports since its last compliance audit.
- The BA shall retain all annual Interconnection minimum Frequency Response calculations, and related methodology and criteria documents, relating to time periods since its last compliance audit.
- The BA shall retain all data and calculations relating to the Interconnection's Frequency Response, and all evidence of actions taken to increase the Interconnection's Frequency Response, since its last compliance audit.
- Each GOP and GO shall retain evidence since its last compliance audit.

Type of Respondents: NERC Registered entities: Balancing Authorities (BA), Generator Owners (GO), Generator Operators (GOP).

Estimate of Annual Burden:[1] The Commission estimates the annual public reporting burden for the information collection as:

FERC–725T (MANDATORY RELIABILITY STANDARDS FOR THE BULK-POWER SYSTEM: TRE RELIABILITY STANDARDS)

	Number of respondents[2] (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response[3] (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Cost per respondent ($) rounded (5) ÷ (1)
Annual Review and Evidence Retention.	1 (BA)	1	1	18 hrs.; $1,143.36	18 hrs.; $1,143.36	$1,143
	309 (GO)	1	309	2 hrs.; $127.04	618 hrs.; $39,255.36	127
	220 (GOP)	1	220	2 hrs.; $127.04	440 hrs.; $27,948.80	127
Total	.....	.....	530	.....	1,076 hrs.; $68.347.52.	

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 27, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–04270 Filed 3–3–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2740–053]

Duke Energy Carolinas, LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2740–053.

c. *Date Filed:* July 14, 2025.

d. *Applicant:* Duke Energy Carolinas LLC (Duke Energy).

e. *Name of Project:* Bad Creek Pumped Storage Project (Bad Creek Project).

f. *Location:* Adjacent to Lake Jocassee, Oconee County, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Alan Stuart, Hydro Licensing Project Manager, Duke Energy Carolinas, LLC, Mail Code DEP–35B, 525 South Tryon Street, Charlotte, NC 28202; (980) 373–2079; *alan.stuart@duke-energy.com.*

i. *FERC Contact:* Sarah Salazar at (202) 502–6863, or *sarah.salazar@ferc.gov.*

j. *Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions:* April 28, 2026, by 5:00 p.m. (EST) (60 days from the issuance date of this notice); reply comments are due June 12, 2026, by 5:00 p.m. (EST) (105 days from the issuance date of this notice).

The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[2] BA (balancing authority), GO (generator owner), GOP (generator operator). The entity counts were taken from the NERC Compliance Registration document as of February 9, 2026.

[3] The estimated hourly cost (salary plus benefits) is a combination of the following categories from the BLS website, *http://www.bls.gov/oes/current/naics2_22.htm:* 75% of the average of an Electrical Engineer (17–2071) $71.19/hr., × .75 = 53.3925 ($53.39-rounded) ($53.39/hour); and 25% of an Information and Record Clerk (43–4199] $40.51/hr., $40.51 × .25 = 10.1275 ($10.13 rounded) ($10.13/hour), for a total ($53.39 + $10.13 = $63.52/hour).

up to 10,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Bad Creek Project (P–2740–053).

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. *Project Description:* The existing Bad Creek Pumped Storage Project includes: (1) a 363-acre upper reservoir with a storage capacity of 35,513 acre-feet, of which 31,808 acre-feet is usable storage capacity between minimum elevation 2,150 feet mean sea level (msl) and full pond elevation of 2,310 feet msl; (2) a rockfill dam across Bad Creek with crest elevation at 2,315 feet msl, 2,581 feet long, and 360 feet high; (3) a rockfill dam across West Bad Creek with crest elevation at 2,315 feet msl, 908 feet long and 170 feet high; (4) a saddle dike across a natural depression on the eastern rim of the reservoir with crest elevation at 2,313 feet msl, 960 feet long, and 90 feet high; (5) an ungated water intake structure in the upper reservoir; (6) a power tunnel totaling 5,026 feet long and 29.53 feet in diameter, connecting to four concrete, steel-lined penstocks about 386 feet long and varying from 13.78 to 8.43 feet in diameter; (7) an underground powerhouse containing four reversible pump-generating units, with a nameplate rating of 350,000 kilowatts each, for a total generating capacity of 1,400 megawatts (MW); (8) four concrete-lined draft tube tunnels about 316 feet long and 16.4 feet in diameter, connecting to two concrete-lined tailrace tunnels about 875 feet long and 24.61 feet in diameter; (9) an inlet/outlet structure equipped with four 20-foot by 30-foot, steel lift gates, located in the existing Lake Jocassee which serves as the lower reservoir; (10) transmission facilities consisting of (a) generator leads connecting the powerhouse to four above ground step-up transformers, (b) a 100-kV transmission line extending about 9.25 miles from the Bad Creek switchyard to the Jocassee switchyard, (c) a 525-kV transmission line extending about 9.25 miles from the Bad Creek switchyard to the Jocassee switchyard; and (11) appurtenant facilities. The project also includes an existing 4.8-mile-long road that leads from the project entrance to the powerhouse area near Lake Jocassee.

The project is an automated pumped storage plant where water is regularly moved from the upper reservoir to the lower reservoir during generation, and from the lower reservoir back to the upper reservoir during pumping. All water utilized for generation originates from the 7,980-acre lower reservoir (Lake Jocassee) which has a normal maximum elevation of 1,110 feet msl and normal minimum elevation of 1,080 feet msl. The project is licensed to operate on a weekly pump-storage cycle with the upper reservoir fluctuating between 2,310 feet msl (normal max. elevation) and 2,150 feet msl (normal min. elevation), resulting in a maximum drawdown of 160 feet and 31,808 acre-feet useable storage capacity. In practice, the project operates in a daily pump-storage cycle by maintaining the upper reservoir above 2,250 feet msl for approximately 97% of the time to maximize head and unit efficiency. The average annual generation of the project is about 1,884,685 MWh. The average annual energy required for pumping during the same period is about 2,398,114 MWh. The net energy consumption of the project is 513,429 MWh.

Duke Energy proposes to continue to operate and maintain the project as well as to construct, operate, and maintain a second generating facility, the Bad Creek II Complex, which would consist of a new: (1) upper reservoir inlet/outlet structure, (2) water conveyance system; (3) underground powerhouse; (4) powerhouse access tunnels; (5) lower reservoir inlet/outlet structure; (6) switchyard; (7) transformer yard; and (8) transmission line. The proposed powerhouse would include four new, reversible pump-turbine units with an installed generating and pumping capacity between 106 MW and 425 MW. Average annual generation would increase by up to 25,856 MWh. No modifications would be made to the existing upper and lower reservoirs. Duke Energy proposes a new project boundary that includes all lands necessary for access, or control of, the expanded project.

m. A copy of the application can be viewed on the Commission's website at *http://www.ferc.gov,* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document (*i.e.,* P–2740). For assistance, please contact FERC Online Support (see item j above).

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on, or before, the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST,'' ''MOTION TO INTERVENE,'' ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595, or *OPP@ferc.gov.*

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support (see item j above).

o. *The applicant must file the following on or before 5:00 p.m. Eastern Time April 28, 2026:* (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

p. Final amendments to the application must be filed with the Commission on or before 5:00 p.m. Eastern Time March 30, 2026.

(Authority: 18 CFR 2.1)

Dated: February 27, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–04267 Filed 3–3–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–24–000]

Commission Information Collection Activities (FERC–725I) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–725I—Mandatory Reliability Standards for the Northeast Power Coordinating Council (NPCC).

DATES: Comments on the collection of information are due May 4, 2026.

ADDRESSES: You may submit your comments (identified by Docket No. IC26–24–000) by one of the following methods:

Electronic filing through *https://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

○ *Mail via U.S. Postal Service Only, Addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (including courier) Delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Contact: Kayla Williams at *DataClearance@FERC.gov,* or by telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC–725I—Mandatory Reliability Standards for the Northeast Power Coordinating Council.

OMB Control No.: 1902–0258.

Type of Request: Three-year extension of the FERC–725I with no changes to the current recordkeeping requirements.

Abstract: The Regional Reliability standard PRC–006–NPCC–2 (Automatic Underfrequency Load Shedding (UFLS)) provides regional requirements for Automatic UFLS to applicable entities in NPCC. UFLS requirements were in place at a continent-wide level and within NPCC for many years prior to the implementation of federally mandated reliability standards in 2007. NPCC and its members think that a region-wide, fully coordinated single set of UFLS requirements is necessary to create an effective and efficient UFLS program, and their experience has supported that belief.

Information collection burden for Reliability Standard PRC–006–NPCC–2 is based on the time needed for planning coordinators and generator owners to incrementally gather data, run studies, and analyze study results to design or update the UFLS programs that are required in the regional Reliability Standard (in addition to the requirements of the NERC Reliability Standard PRC–006–5). There is also burden on the generator owners to maintain data such as identify, compile, and maintain a list of all of its existing non-nuclear generating units that were in service prior to the effective date of the regional Standard.

Type of Respondent: Generator Owners (GO) and Planning Coordinators (PC).

Estimate of Annual Burden: [1] The number of respondents is based on NERC's Registry as of February 9, 2026. The Commission estimates the annual public reporting burden and cost [2] for the information collection as:

FERC–725I (MANDATORY RELIABILITY STANDARDS FOR THE NORTHEAST POWER COORDINATING COUNCIL)

Information collection requirements	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours & cost ($) per response	Total annual burden hours & total annual cost ($)	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Annual design review and document UFLS program database.	4 (PC)	1	4	24 hrs.; $1,524.48	96 hrs.; $6,097.92	$1,524.40
	122 (GO)	1	122	20 hrs.; $1,270.40	2,440 hrs.; $154,988.80	1,270.40
Total			126	2,536 hrs.; $161,086.72		

[1] "Burden" is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. For further explanation of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

[2] The estimated hourly cost (salary plus benefits) is a combination of the following categories from the BLS website, *http://www.bls.gov/oes/current/naics2_22.htm:* 75% of the average of an Electrical Engineer (17–2071) $71.19/hr., × .75 = 53.3925 ($53.39-rounded) ($53.39/hour); and 25% of an Information and Record Clerk (43–4199) $40.51/hr., $40.51 × .25 = 10.1275 ($10.13 rounded) ($10.13/hour), for a total ($53.39 + $10.13 = $63.52/hour).

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 27, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–04269 Filed 3–3–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2025–0077; FRL–12476–12–OCSPP]

Certain New Chemicals or Significant New Uses; Statements of Findings—November 2025 to December 2025

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA submissions when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from November 1, 2025, to December 31, 2025.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2025–0077, is available online at *https://www.regulations.gov.* Additional information about dockets generally, along with instructions for visiting the docket in person, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information: Rebecca Edelstein, New Chemical Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1667 email address: *edelstein.rebecca@epa.gov.*

For general information: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of submissions under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the applicable period.

C. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a submission under TSCA section 5(a) and make specific findings pertaining to whether the substance may present unreasonable risk of injury to health or the environment. Among those potential findings is that the chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment per TSCA Section 5(a)(3)(C).

TSCA section 5(g) requires EPA to publish in the **Federal Register** a statement of its findings after its review of a submission under TSCA section 5(a) when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

II. Statements of Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA identifies the PMNs, MCANs and SNUNs for which EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. For the findings made during this period, the following list provides the EPA case number assigned to the TSCA section 5(a) submission and the chemical identity (generic name if the specific name is claimed as confidential).

- J–25–0011, *Escherichia coli* (gene edited) containing 8 integrated genes (Generic Name).
- J–25–0015, Genetically engineered yeast producing a chemical substance (Generic Name).

To access EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C), lookup the specific case number at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/determined-not-likely.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: February 26, 2026.

Shari Z. Barash,

Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2026–04301 Filed 3–3–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R06–OW–2026–1288; FRL–13220–01–R6]

New Mexico and Oklahoma Statewide Tribal Municipal Separate Storm Sewer System (MS4) General Permit Proposal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of proposed NPDES general permit and request for public comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 is providing notice of a proposed National Pollutant Discharge Elimination System (NPDES) statewide general permit for storm water discharges from Tribal municipal

separate storm sewer systems (MS4s) located in urbanized areas in the states of New Mexico and Oklahoma. This permit offers discharge authorization to regulated MS4s within the boundaries of the Bureau of the Census-designated 2000, 2010, and 2020 urbanized area and any other MS4s designated by the Director as needing a MS4 permit.

DATES: Comments must be submitted in writing to EPA on or before May 4, 2026. A virtual public hearing will be held. More information on the date and how to participate will be posted on the EPA public notices web page at *https://www.epa.gov/publicnotices* at least 30 days prior to the virtual public hearing.

Proposed Documents: A draft permit, fact sheet, and other supporting documents are available online via the docket for this action at: *https://www.regulations.gov* or on EPA public notices web pages at: *https://www.epa.gov/publicnotices/notices-search*.

To obtain hard copies of these documents or any other information in the administrative record, please email *R6NPDES@epa.gov.*

SUPPLEMENTARY INFORMATION:

How do I comment on this proposal?

Comment Submittals: You may send comments, identified by Docket ID. No. EPA–R06–OW–2026–1288; by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method).
- *By Email:* Send comments by email to *R6NPDES@epa.gov.* Include Docket ID. No. EPA–R06–OW–2026–1288, in the subject line of the email.
- *By Mail/Hand Delivery/Courier:* Deliver comments to U.S. EPA, Attn: 6WDPE, 1201 Elm Street, Dallas, Texas 75270.
- We encourage the public to submit comments via *www.Regulations.gov* or via email.
- Please submit your comments within the specified time period cited in the **DATES** section of this document. Comments received after the close of the comment period will be marked ''late''. The EPA is not required to consider these late comments. All comments received by the EPA in accordance with this section by the ending date of the comment period will be considered by the EPA before a final decision is made regarding permit issuance.
- Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket.

Do not submit to EPA's docket or email any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Administrative record: All documents and references used in the development of this permit are part of the Administrative Record for this permit. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available materials are available either electronically or in hard copy from *R6NPDES@epa.gov.* The Administrative Record may also be viewed at the EPA Region 6 Offices from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. For more information on scheduling a time to view the Record or to obtain copies of available documents, please email *R6NPDES@epa.gov.*

Purpose of This Proposal: This permit NPDES Permit NMR04I000/OKR04I000 is intended to replace both expired general permits NPDES Permit NMR04000I/OKR040001 for discharges in the state of New Mexico and Oklahoma. The discharge control conditions established by this permit are based on the Clean Water Act (CWA) section 402(p)(3)(B), which mandates that a permit for discharges from MS4s must effectively prohibit the discharge of non-stormwater to the MS4; and require controls to reduce pollutants in discharges from the MS4 to the maximum extent practicable (MEP) including best management practices (BMPs), control techniques, and system, design and engineering methods, and such other provisions as the Administrator deems appropriate for the control of pollutants. The MEP is the statutory standard that established the level of pollutant reductions that MS4 operators must achieve. The MEP is the statutory standard that established the level of pollutant reductions that both Phase I and Phase II MS4 operators must achieve. This MS4 permit requires implementation of BMPs addressing the six minimum control measures in 40 CFR 122.34(b), that are generally deemed to be an appropriate means of meeting the MEP standard. The overall intent of the permit conditions is to support the statutory goals of section 101 of the CWA to restore and maintain the chemical, physical and biological integrity for the Nations waters. The 1987 Water Quality Act (WQA) amended the Clean Water Act by adding section 402(p) which requires that NPDES permits be issued for various categories of storm water discharges. Section 402(p)(2) of the CWA requires permits for five categories of storm water discharges, commonly referred to as Phase I of the NPDES Storm Water Program. Included in Phase I are discharges from large MS4s (systems serving a population of 250,000 or more and medium MS4s (systems serving a population of 100,000 to 250,000). Phase I regulations (40 CFR 122.26) published November 16, 1990 (55 FR 47990) addressed discharges from large and medium MS4s. Section 402(p)(6) of the CWA requires permitting for certain additional storm water discharges (Phase II of the storm water program) to protect water quality. EPA promulgated final Phase II storm water regulations on December 8, 1999 (64 FR 68722). These regulations set forth the additional categories of discharges to be permitted and the requirements of the program. The additional discharges to be permitted included small MS4s located in Urbanized Areas designated by the Bureau of the Census and those designated by the Director on a case-by-case basis to protect water quality. This permit combines coverage for both Phase I and Phase II regulated MS4s in a single general permit. As authorized by 40 CFR 122.44(k), the permit utilizes controls in the form of a comprehensive Stormwater Management Program (SWMP), as the mechanism to implement the statutory requirements.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Curry Jones,

Deputy Director, Water Division, EPA Region 6.

[FR Doc. 2026–04319 Filed 3–3–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R06–OW–2026–1289; FRL–13221–01–R6]

New Mexico Statewide Municipal Separate Storm Sewer System (MS4) General Permit Proposal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of proposed NPDES general permit and request for public comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 is providing notice of a proposed National Pollutant Discharge Elimination System (NPDES) Statewide general permit for storm water discharges from municipal separate storm sewer systems (MS4s) located in urbanized areas in the State of New Mexico. This permit offers discharge authorization to regulated MS4s within the boundaries of the Bureau of the Census-designated 2000, 2010, and 2020 urbanized area and any other MS4s designated by the Director as needing a MS4 permit.

DATES: Comments must be submitted in writing to EPA on or before May 4, 2026. A virtual public hearing will be held. More information on the date and how to participate will be posted on the EPA public notices web page at *https://www.epa.gov/publicnotices* at least 30 days prior to the virtual public hearing.

Proposed Documents: A draft permit, fact sheet, and other supporting documents are available online via the docket for this action at: *https://www.regulations.gov* or on EPA public notices web pages at: *https://www.epa.gov/publicnotices/notices-search*.

To obtain hard copies of these documents or any other information in the administrative record, please email *R6NPDES@epa.gov.*

SUPPLEMENTARY INFORMATION:

How do I comment on this proposal?

Comment Submittals: You may send comments, identified by Docket ID. No. EPA–R06–OW–2026–1289; by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method).
- *By Email:* Send comments by email to *R6NPDES@epa.gov.* Include Docket ID. No. EPA–R06–OW–2026–1289, in the subject line of the email.
- *By Mail/Hand Delivery/Courier:* Deliver comments to U.S. EPA, Attn: 6WDPE, 1201 Elm Street, Dallas, Texas 75270.
- We encourage the public to submit comments via *www.Regulations.gov* or via email.
- Please submit your comments within the specified time period cited in the **DATES** section of this document. Comments received after the close of the comment period will be marked ''late''. The EPA is not required to consider these late comments. All comments received by the EPA in accordance with this section by the ending date of the comment period will be considered by the EPA before a final decision is made regarding permit issuance.
- Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket.

Do not submit to EPA's docket or email any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Administrative record: All documents and references used in the development of this permit are part of the Administrative Record for this permit. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available materials are available either electronically or in hard copy from *R6NPDES@epa.gov.* The Administrative Record may also be viewed at the EPA Region 6 Offices from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. For more information on scheduling a time to view the Record or to obtain copies of available documents, please email *R6NPDES@epa.gov.*

Purpose for This Proposal: This permit NPDES Permit NMR04B000 is intended to replace both expired general permits NPDES Permit NMR04A000 an NMR040000 for discharges in the state of New Mexico.

The discharge control conditions established by this permit are based on the Clean Water Act (CWA) section 402(p)(3)(B), which mandates that a permit for discharges from MS4s must effectively prohibit the discharge of non-stormwater to the MS4; and require controls to reduce pollutants in discharges from the MS4 to the maximum extent practicable (MEP) including best management practices (BMPs), control techniques, and system, design and engineering methods, and such other provisions as the Administrator deems appropriate for the control of pollutants. The MEP is the statutory standard that established the level of pollutant reductions that MS4 operators must achieve. The MEP is the statutory standard that established the level of pollutant reductions that both Phase I and Phase II MS4 operators must achieve. This MS4 permit requires implementation of BMPs addressing the six minimum control measures in 40 CFR 122.34(b) that are generally deemed to be an appropriate means of meeting the MEP standard. The overall intent of the permit conditions is to support the statutory goals of section 101 of the CWA to restore and maintain the chemical, physical and biological integrity for the Nations waters. The 1987 Water Quality Act (WQA) amended the Clean Water Act by adding section 402(p) which requires that NPDES permits be issued for various categories of storm water discharges. Section 402(p)(2) of the CWA requires permits for five categories of storm water discharges, commonly referred to as Phase I of the NPDES Storm Water Program. Included in Phase I are discharges from large MS4s (systems serving a population of 250,000 or more and medium MS4s (systems serving a population of 100,000 to 250,000). Phase I regulations (40 CFR 122.26) published November 16, 1990 (55 FR 47990) addressed discharges from large and medium MS4s.

Section 402(p)(6) of the CWA requires permitting for certain additional storm water discharges (Phase II of the storm water program) to protect water quality. EPA promulgated final Phase II storm water regulations on December 8, 1999 (64 FR 68722). These regulations set forth the additional categories of discharges to be permitted and the requirements of the program. The additional discharges to be permitted included small MS4s located in Urbanized Areas designated by the Bureau of the Census and those designated by the Director on a case-by-case basis to protect water quality. This permit combines coverage for both

Phase I and Phase II regulated MS4s in a single general permit. As authorized by 40 CFR 122.44(k), the permit utilizes controls in the form of a comprehensive SWMP, as the mechanism to implement the statutory requirements.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Curry Jones,

Deputy Director, Water Division, EPA Region 6.

[FR Doc. 2026–04322 Filed 3–3–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 333719]

Federal Advisory Committee Act; Communications Security, Reliability, and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Communications Security, Reliability, and Interoperability Council (CSRIC) IX will hold its seventh and final meeting on March 24, 2026, at 1:00 p.m. EDT.

DATES: March 24, 2026.

ADDRESSES: The seventh meeting will be held at 45 L Street NE, Washington, DC, and via conference call. The meeting is open to the public and is also available at *https://www.fcc.gov/live* and on the FCC's YouTube channel.

FOR FURTHER INFORMATION CONTACT: Suzon Cameron, Designated Federal Officer (DFO), CSRIC IX, FCC, (202) 418–1916 or email: *CSRIC@fcc.gov,* Kurian Jacob, Deputy DFO, CSRIC IX, FCC, (202) 418–2040 or email: *CSRIC@fcc.gov,* or Logan Bennett, Deputy DFO, CSRIC IX, FCC, (202) 418–7790 or email: *CSRIC@fcc.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be held on March 24, 2026, at 1:00 p.m. EDT, in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC. While the CSRIC IX meeting is open to the public, the FCC headquarters building is not open access, and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: *https://www.fcc.gov/visit.*

The CSRIC is a Federal Advisory Committee that will provide recommendations to the Commission to improve the security, reliability, and interoperability of communications systems. On March 26, 2024, the Commission, pursuant to the Federal Advisory Committee Act, renewed the charter for CSRIC IX for a period of two years through March 25, 2026. The meeting on March 24, 2026, will be the seventh and final meeting of CSRIC IX under the current charter. The FCC will provide audio and/or video coverage of the meeting over the internet from the FCC's web page at *https://www.fcc.gov/live* and on the FCC's YouTube channel. The public may submit written comments before the meeting to Suzon Cameron, DFO, CSRIC IX, via email to *CSRIC@fcc.gov.*

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice). Such requests should include a detailed description of the accommodation needed.

In addition, please include a way the Commission can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted but may not be possible to accommodate.

Federal Communications Commission.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–04209 Filed 3–3–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 26–45; DA 26–188; FR ID 33405]

Media Bureau Seeks Comment on Sports Broadcasting Practices and Marketplace Developments

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: In this document, the Media Bureau of the Federal Communications Commission seeks comments to enable the Commission to evaluate the sports media marketplace and how changes in the industry have impacted broadcasters and consumers.

DATES: Comments due on or before March 27, 2026. Reply comments due on or before April 13, 2026.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). You may submit comments, identified by MB Docket No. 26–42, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

FOR FURTHER INFORMATION CONTACT: Chad Guo, *Chad.Guo@fcc.gov,* of the Industry Analysis Division, Media Bureau, (202) 418–0652.

SUPPLEMENTARY INFORMATION: This is a summary of the Media Bureau's document (Public Notice) in MB Docket No. 26–45, DA 26–188, released on February 25, 2026. The full text of this document is available for public inspection online at *https://docs.fcc.gov/public/attachments/DA-26-188A1.pdf* and via the search function on the Commission's Electronic Document Management System (EDOCS) web page at *https://www.fcc.gov/edocs.* Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format, etc.) and reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) may be requested by sending an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice).

Ex Parte Rules—Permit-But-Disclose. This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule § 1.1206(b). In proceedings governed by rule § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Filing Requirements. Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the

Synopsis

For decades, Americans have enjoyed turning on their television sets and quickly finding the games they wanted to watch for free on an over-the-air broadcast. Yet watching your favorite sports team play is not as easy these days. Many games are still available for free over broadcast TV, but there has been a surge in recent years of games going behind the paywalls of various streaming services. While this can increase the number of games and sports available to fans, many consumers today find it more difficult to find the events they want to watch and are now paying to sign up for one or more video distribution platforms that consumers can find difficult to navigate.

From a historic perspective, live sports and broadcast television have enjoyed a long and mutually beneficial relationship—one that worked well for consumers too. Sports leagues leveraged the wide distribution of broadcast TV to help grow their fan base and expand their revenues. In turn, broadcast television stations used the popularity of live sports and the advertising revenues from the programming to support their own industry and operations, including funding the local news and reporting that are so important to our country.

It is against this backdrop that the Media Bureau issues this Public Notice today. We would like for commenters to address the current and emerging trends in the distribution of live sports programming. How does the present marketplace benefit or harm consumers? How does the recent trends towards fragmentation facilitate or inhibit the ability of local broadcast television stations to meet their public interest obligations, including their production of local news and reporting? In what ways is the marketplace continuing to evolve and how will future changes impact consumer access to free over-the-air news and information, including public safety information? A broader range of questions are specified below.

Background. Live sports on television dates back to the 1939 World's Fair, when NBC (then owned by RCA) broadcast a college baseball game between Princeton and Columbia at Baker Field in New York. The picture quality left a lot to be desired back then, with reports indicating that the players looked like flies and the ball itself was rarely visible. It was early days for broadcast television. The signal was delivered through NBC's mobile television van and relayed to a transmitter atop the Empire State Building before being viewed across 400 or so television sets in the New York area. Princeton won 2–1 in ten innings.

Over the ensuing decades, a range of live sports—led by sports like boxing, baseball, hockey, basketball, and football—helped drive the American public's adoption of television. In turn, television led to an increased popularity of professional and collegiate sports, and a new source of revenue for sports leagues and teams through ''media rights fees'' paid by networks or stations for the right to broadcast sporting events. Since the 1960s, sports media rights fees have exponentially increased. For example, in 1960 the American Football League (AFL) entered into a five-year rights contract with ABC for $8.5 million and in 1961 the National Football League (NFL) entered into a two-year rights agreement with CBS for $9.8 million. In comparison, the most recent media rights deals entered into by the NFL amounted to more than $10 billion per year.

In an era when broadcast TV was the only way for the American public to watch professional sports, short of buying a ticket to attend a game in-person, Congress passed the Sports Broadcasting Act of 1961 (SBA), which provided certain antitrust relief to sports leagues to negotiate media rights. In particular, the SBA exempts from antitrust laws joint agreements among individual teams engaged in professional football, baseball, basketball, or hockey. 15 U.S.C. 1291. The SBA permits the professional sports leagues in each of those sports—the NFL, Major League Baseball (MLB), National Basketball Association (NBA), and National Hockey League (NHL)—to pool their individual teams' television rights and sell those rights as a package. The packaging of individual teams' television rights was thought to be necessary to enhance the financial stability of the leagues by assuring equal distribution of revenues among all teams.

The SBA also permits the NFL, MLB, NBA, and NHL to ''blackout'' TV broadcasts ''within the home territory of a member club of the league on a day when such club is playing a game at home.'' 15 U.S.C. 1292. TV blackouts

were believed by the professional sports leagues to be necessary to protect gate receipts and encourage fans to attend games in-person. In 1975 the Commission adopted the ''sports blackout rule'' to address concerns that cable systems could frustrate sports leagues' blackout policies by importing the distant signal of a television station carrying the home game of a sports team that has elected to black out the game on a local broadcast station in its home territory due to lacking ticket sales. The rule was later extended to open video systems and direct broadcast satellite operators. The sports blackout rule prohibited cable operators, satellite carriers, and open video systems from retransmitting, within a protected local blackout zone, the signal of a distant broadcast station carrying a sporting event if the event is not available live on a local television broadcast station. This rule was intended to ensure that the potential loss of gate receipts resulting from retransmission of distant stations did not lead sports teams to refuse to sell their broadcast rights to distant stations, which would reduce the overall availability of sports programming on television. Concluding that the rule was no longer necessary for ensuring the wide availability of sports programming to television viewers, the Commission eliminated its sports blackout rule in 2014. Sports blackouts remain subject to private contractual arrangements between sports teams/leagues and their video program distributors. The SBA does not provide any antitrust exemptions to college sports.

Live sports are no longer on broadcast TV alone. Today, the NFL has media rights agreements with Disney (ESPN/ABC), Paramount (CBS/Paramount+), Fox Corporation (Fox/Fox One), NBCUniversal (NBC/Peacock), NFL Network, Amazon (Amazon Prime Video), Google (YouTube), and Netflix. Over the life of these agreements the NFL stands to bring in over $100 billion in sports rights fees. The other major professional sports leagues, the NHL, MLB, and NBA, have also agreed to media rights contracts with a range of national video program distributors that amount to billions of dollars.

Over the last two decades college athletic conferences have also entered into multi-billion dollar media rights agreements. Both professional sports leagues and college athletic conferences have also launched their own networks and direct-to-consumer streaming services. As a result, today, NFL, MLB, NBA, and NHL games can be found on broadcast, cable, and streaming services. Further, revenue derived from sport rights fees (national and local) is now a vital revenue source in sports, and in some cases is replacing gate receipts and other forms of income as the largest source of revenue.

At the same time, sports remain inherently local, despite the increasingly national nature and reach of both professional and college sports events. Just as communities turn to their local TV broadcasters for news, weather, and emergency information, they do the same for coverage of their local sports teams. Many sporting events that were previously available through free broadcast and traditional pay-TV packages, are now only available through a myriad of stand-alone subscription streaming services. This shift has led to notable frustration among many consumers and sports fans. Sports fans are increasingly left with a fragmented ecosystem that requires them to subscribe to multiple services to watch their favorite teams.

Request for Comment. Given the nexus between sports programming and the local media marketplace—as well as the FCC's ongoing work to support local news and reporting—we believe it is important for us to evaluate the sports media landscape and understand how changes have impacted consumers and broadcasters. Accordingly, we seek comment on the following questions.

With respect to the sports media marketplace, how have recent developments in the marketplace affected the ability of broadcasters to obtain media rights to sports programming? How have changes in the marketplace affected viewers' ability to watch nationally televised live sports, as well as their local team(s), on broadcast TV? What type of rights (*e.g.* exclusive, simulcast, replay) are included in agreements between leagues or conferences and national video programming distributors? How prevalent are sports media rights deals between local TV broadcasters and local sports teams and what are their terms and conditions? How have changes in the marketplace impacted costs to consumers?

While streamers have helped expand access to professional and collegiate sports, they also appear to have contributed to the fragmentation of the sports media marketplace. In 2025, NFL games aired on 10 different services, which, according to some estimates, could cost a consumer over $1,500 to watch all games. In addition, 20 NFL regular season games and one playoff game were nationally distributed, exclusively, on four different streaming services—Amazon Prime Video, YouTube, Peacock, and Netflix. In addition to games that were exclusively streamed, games that were televised on ABC/ESPN, CBS, Fox, and NBC were also streamed on each networks respective streaming platform—ESPN+, Paramount+, Fox One, and Peacock, respectively. While the NFL requires streamers to syndicate/simulcast games over TV broadcast stations in the local markets of the competing teams, this is a private contractual arrangement between the NFL and its distributors. Do any other professional or collegiate sports also have such a requirement? Are there relevant differences between games being distributed on linear broadcast services versus other streaming platforms? Are there any SBA implications associated with games distributed through non-broadcast channels? Does it matter if the distribution platforms are subscription-based services or not?

To what extent do current sports media rights contracts conflict with or impede TV broadcasters from meeting their public interest obligations? How should these arrangements be considered in the context of broadcasters' public interest obligations and the FCC's duty to ensure licensees meet their statutory requirements? See *e.g.,* 47 U.S.C. 307, 310(d), 309(k). Does it impact consumer access to public safety and other emergency information? What role does the FCC have and what steps could it take to ensure any broadcast licensee responsibilities are fulfilled? Do local broadcast TV stations face challenges in airing other sports programming of interest to their local communities (*e.g.,* local high school sports)? With one or more significant sports rights deals coming up for renewal, how should those negotiations factor into the FCC's analysis?

In addition to these specific questions, we invite comment on any other matters that parties believe would help the Commission understand the current sports media marketplace, its legal authority, and what actions the FCC could take to ensure continued access by viewers to live sports through free over-the-air broadcast TV.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

[FR Doc. 2026–04286 Filed 3–3–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2026–N–4]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 30-Day notice of submission of information collection for approval from Office of Management and Budget.

SUMMARY: The Federal Housing Finance Agency (FHFA), as part of its continuing effort to reduce paperwork and respondent burden, invites public comments on an information collection titled the ''Affordable Housing Program,'' as required by the Paperwork Reduction Act of 1995 (PRA). FHFA intends to submit to the Office of Management and Budget (OMB) the information collection (assigned control number 2590–0007 by OMB) for review and approval of a three-year extension of the control number, which is set to expire April 30, 2026.

DATES: Interested persons may submit comments on or before April 3, 2026.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for the Federal Housing Finance Agency, Washington, DC 20503, Fax: (202) 395–3047, Email: *OIRA_submission@omb.eop.gov.* Please also submit comments to FHFA, identified by ''Proposed Collection; Comment Request: 'Affordable Housing Program, (No. 2026–N–4)' '' by any of the following methods:

- *Agency Website: https://www.fhfa.gov/regulation/federal-register?comments=open.*
- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail/Hand Delivery:* Federal Housing Finance Agency, Fourth Floor, 400 Seventh Street SW, Washington, DC 20219, ATTENTION: Proposed Collection; Comment Request: ''Affordable Housing Program, (No. 2026–N–4).'' Please note that all mail sent to FHFA via the U.S. Postal Service is routed through a national irradiation facility, a process that may delay delivery by approximately two weeks. For any time-sensitive correspondence, please plan accordingly.

FHFA will post all comments, including any personally identifiable information such as name and contact information, on the FHFA public website at *https://www.fhfa.gov,* except as described below. Commenters should submit only information that the commenter wishes to make available publicly. FHFA will not redact personally identifiable information once it is submitted. Commenters who do not wish to be identified by their comments may submit their comments anonymously. FHFA may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. FHFA may, in its discretion, redact or refrain from posting all or any portion of any comment that contains content that is obscene, vulgar, profane, or threatens harm. All comments, including those that are redacted or not posted, will be retained in their original form in FHFA's internal file and will be considered as required by all applicable laws. Commenters who would like FHFA to consider any portion of their comment exempt from disclosure on the basis that it contains trade secrets, or financial, confidential or proprietary data or information, should follow the procedures in section IV.D. of FHFA's Policy on Communications with Outside Parties in Connection with FHFA Rulemakings, *see https://www.fhfa.gov/sites/default/files/documents/Ex-Parte-Communications-Public-Policy_3-5-19.pdf.* FHFA cannot guarantee that such data or information will remain confidential if disclosure is sought pursuant to an applicable statute or regulation. See 12 CFR 1202.8, 12 CFR 1214.2, and FHFA's FOIA Reference Guide *https://www.fhfa.gov/about/foia-reference-guide* for additional information.

FOR FURTHER INFORMATION CONTACT: Tiffani Moore, Supervisory Policy Analyst, *Tiffani.Moore@fhfa.gov,* (202) 649–3304; or Angela Supervielle, Assistant General Counsel, *Angela.Supervielle@fhfa.gov,* (202) 649–3973 (these are not toll-free numbers); Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. For TTY/TRS users with hearing and speech disabilities, dial 711 and ask to be connected to any of the contact numbers above.

SUPPLEMENTARY INFORMATION:

A. Background

1. Paperwork Reduction Act

Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that ten or more persons submit information to a third party. FHFA's collection of information set forth in this document is titled the ''Affordable Housing Program'' (assigned control number 2590–0007 by OMB). To comply with the PRA requirement, FHFA is publishing notice of a proposed three-year extension of this collection of information and the control number.

2. Affordable Housing Program

Section 10(j) of the Federal Home Loan Bank Act (Bank Act) requires FHFA to promulgate regulations under which each of the 11 Federal Home Loan Banks (Banks) must establish an Affordable Housing Program (AHP) to provide subsidy to the Banks' member institutions to finance: (1) homeownership by households with incomes at or below 80 percent of the area median income (low- or moderate-income households); and (2) the purchase, construction, or rehabilitation of rental housing in which at least 20 percent of the units will be occupied by, and affordable for, households with incomes at 50 percent or less of the area median income (very low-income households).[1] Section 10(j) also establishes standards and requirements for providing such subsidized funding to Bank members and requires each Bank to contribute 10 percent of its previous year's net earnings to its AHP annually, subject to a minimum annual combined contribution by the 11 Banks of $100 million.[2]

FHFA's AHP regulation, which implements the statutory AHP requirements, is set forth at 12 CFR part 1291. The regulation requires that each Bank establish and fund an AHP and sets forth the parameters within which the Banks' programs must operate. The regulation permits the Banks a degree of discretion in determining how their individual programs are to be implemented and requires that each Bank adopt an AHP Implementation Plan setting forth the specific requirements for that Bank's program.[3]

Competitive Application Programs

The AHP regulation requires each Bank to establish a General Fund, which is a competitive application program under which the Bank accepts applications for AHP subsidized advances or direct subsidies (grants) submitted by its members on behalf of non-member entities having a significant connection to the projects for

[1] *See* 12 U.S.C. 1430(j)(1) and (2).

[2] *See* 12 U.S.C. 1430(j)(5)(C).

[3] 12 CFR 1291.13(b).

which subsidy is being sought (project sponsors).[4] The AHP regulation also authorizes each Bank, in its discretion, to establish up to three Targeted Funds, which are competitive application programs under which funds are targeted to address specific affordable housing needs within the Bank's district that are either unmet, have proven difficult to address through the Bank's General Fund, or align with the objectives identified in the Bank's strategic plan.[5] Each Bank accepts applications for AHP subsidy under its competitive application program(s) during a specified number of funding periods each year, as determined by the Bank.[6] A Bank must determine for each application it receives whether the proposed project meets applicable AHP regulatory eligibility requirements.[7] The Bank must score each application according to AHP regulatory and Bank-specific scoring guidelines, and approve the highest scoring projects within that funding period for AHP subsidy.[8]

The regulation provides that, prior to each disbursement of AHP subsidy for a project approved under a Bank's competitive application program(s), the Bank must verify that the project continues to meet applicable AHP regulatory eligibility requirements, as well as all commitments made in the approved AHP application.[9] As part of this process, Banks typically require that the member and project sponsor provide documentation demonstrating continuing compliance. In the event of project noncompliance, a project sponsor is required to make a reasonable effort to cure the noncompliance within a reasonable period of time.[10]

If the project sponsor cannot cure the noncompliance within a reasonable period of time, the regulation permits a Bank to approve a modification to the terms of an approved application. This modification can change the score that the application received for the funding period in which it was originally scored and approved, as if the changed facts had been in effect at that time.[11] Before a Bank approves a modification: (i) the project, incorporating the changes, must continue to meet the regulatory eligibility requirements; (ii) the application, as reflective of the changes, must continue to score high enough to have been approved in the funding period in which it was originally scored and approved; and (iii) there must be good cause for the modification, and the analysis and justification for the modification must be documented by the Bank in writing.[12]

The regulation requires generally that a Bank monitor owner-occupied and rental projects receiving AHP subsidy under its competitive application program(s) prior to and after project completion.[13] During the initial monitoring period, a Bank must determine whether the project is making satisfactory progress towards completion, in compliance with the commitments made in the approved application, Bank policies, and applicable AHP regulatory requirements.[14] Following project completion, the Bank must determine whether satisfactory progress is being made towards occupancy of the project by eligible households.[15] Within a reasonable period of time after project completion, the Bank must determine whether the project meets applicable AHP regulatory requirements and the commitments made in the approved application.[16] During the long-term 15-year monitoring period for rental projects, subject to certain exceptions in the AHP regulation, the Bank must determine whether the household incomes and rents in the project comply with the income targeting and rent commitments made in the approved application.[17] For both the initial and long-term monitoring, a Bank must review appropriate documentation maintained by the project sponsor.

Homeownership Set-Aside Programs

The AHP regulation also authorizes each Bank, in its discretion, to allocate up to the greater of $4.5 million or 35 percent of its annual required AHP contribution to establish homeownership set-aside programs for the purpose of promoting homeownership for low- or moderate-income households.[18] Under these homeownership set-aside programs, a Bank provides AHP direct subsidies to its members who, in turn, provide the subsidies as grants to eligible households for down payment, closing cost, counseling cost or rehabilitation assistance in connection with the household's purchase of a primary residence or rehabilitation of an owner-occupied residence.[19] Prior to the Bank's disbursement of a direct subsidy under its homeownership set-aside program(s), the member must agree that the subsidy will be provided in compliance with all applicable AHP regulatory eligibility requirements.[20]

AHP Information Submitted by Banks to FHFA

FHFA requires each Bank to submit to FHFA aggregate AHP information. Specifically, each Bank must submit to FHFA project-level information regarding its competitive application program(s) and household-level information regarding its homeownership set-aside program(s) semi-annually. The information the Banks are required to submit to FHFA is derived from the documentation submitted by Bank members and project sponsors that is described above.

B. Need for and Use of the Information Collection

The Banks use the AHP information collected from Bank members and project sponsors to determine whether: (1) projects for which Bank members and project sponsors are seeking subsidies under the Banks' competitive application programs satisfy the applicable statutory and regulatory requirements and score highly enough in comparison with other applications submitted during the same funding period to be approved for AHP subsidies; (2) projects approved under the Banks' competitive application programs continue to meet the applicable AHP regulatory requirements and comply with the commitments made in the approved applications each time AHP subsidy is disbursed by the Banks, through their members, to the project sponsors; (3) requests for modifications of projects approved under the Banks' competitive application programs meet the AHP regulatory requirements for approval; (4) during the initial monitoring period, projects approved under the Banks' competitive application programs are making satisfactory progress towards completion, are making satisfactory progress towards occupancy of the projects by eligible households after completion, and, within a reasonable

[4] 12 CFR 1291.20(a). Under the regulation, an AHP project sponsor may be an entity that either: (1) has an ownership interest in a rental project; (2) is integrally involved in an owner-occupied project, such as by exercising control over the planning, development, or management of the project, or by qualifying borrowers and providing or arranging financing for the owners of the units; (3) operates a loan pool; or (4) is a revolving loan fund. 12 CFR 1291.1 (definition of ''sponsor'').

[5] 12 CFR 1291.20(b).

[6] 12 CFR 1291.22(a).

[7] 12 CFR 1291.22(b)(1).

[8] 12 CFR 1291.22(c).

[9] 12 CFR 1291.30(c).

[10] 12 CFR 1291.60(b)(1).

[11] 12 CFR 1291.60(b)(2).

[12] 12 CFR 1291.29(a).

[13] 12 CFR 1291.50.

[14] 12 CFR 1291.50(a)(1)(i).

[15] 12 CFR 1291.50(a)(1)(ii).

[16] 12 CFR 1291.50(a)(2).

[17] 12 CFR 1291.50(c)(1).

[18] 12 CFR 1291.12(b); 1291.40.

[19] 12 CFR 1291.42(d).

[20] 12 CFR 1291.15(a).

period of time after completion, are in compliance with the commitments made in the approved applications, Bank policies, and applicable AHP regulatory requirements; (5) during the long-term 15-year monitoring period, completed rental projects continue to comply with the household income targeting and rent commitments made in the approved applications; and (6) applications for direct subsidy under Banks' homeownership set-aside programs were approved, and the direct subsidies disbursed, in accordance with applicable AHP regulatory requirements.

FHFA uses the information to verify that the Banks' funding decisions, and the uses of the funds awarded, were consistent with statutory and regulatory requirements.

C. Burden Estimate

FHFA has analyzed each of the six facets of this information collection to estimate the hour burdens that the collection will impose upon Bank members and AHP project sponsors annually over the next three years. Based on that analysis, FHFA estimates that the total annual hour burden will be 106,784. The method FHFA used to determine the annual hour burden for each facet of the information collection is explained in detail below.

1. AHP Competitive Applications Submissions

FHFA estimates that Bank members, on behalf of project sponsors, will submit to the Banks an annual average of 1,176 applications for AHP subsidies under the Banks' competitive application programs, and that the average preparation time for each application will be 24 hours. The estimate for the total annual hour burden on members and project sponsors in connection with the preparation and submission of AHP competitive applications is, therefore, 28,224 hours (1,176 applications × 24 hours).

2. Compliance Submissions for Approved Competitive Application Projects at AHP Subsidy Disbursement

FHFA estimates that Bank members, on behalf of project sponsors, will make an annual average of 325 submissions to the Banks documenting that projects approved under the Banks' competitive application programs continue to comply with the AHP regulatory eligibility requirements and all commitments made in the approved AHP applications at the time each AHP subsidy is disbursed to the project sponsors, and that the average preparation time for each submission will be 1 hour. The estimate for the total annual hour burden on members and project sponsors in connection with the preparation and submission of these compliance submissions is, therefore, 325 hours (325 submissions × 1 hour).

3. Modification Requests for Approved Competitive Application Projects

FHFA estimates that Bank members, on behalf of project sponsors, will submit to the Banks an annual average of 299 requests for modifications to projects that have been approved under the Banks' competitive application programs, and that the average preparation time for each request will be 2.5 hours. The estimate for the total annual hour burden on members and project sponsors in connection with the preparation and submission of these modification requests, therefore, is 748 hours (299 requests × 2.5 hours).

4. Initial Monitoring Submissions for Approved Competitive Application Projects

FHFA estimates that project sponsors will make an annual average of 249 submissions of documentation to the Banks for purposes of the Banks' initial monitoring of in-progress and recently completed projects approved under their competitive application programs, and that the average preparation time for each submission will be 5 hours. The estimate for the total annual hour burden on project sponsors in connection with the preparation and submission of documentation required for initial monitoring of competitive application projects is, therefore, 1,245 hours (249 submissions × 5 hours).

5. Long-Term Monitoring Submissions for Approved Competitive Application Projects

FHFA estimates that project sponsors will make an annual average of 2,989 submissions of documentation to the Banks for purposes of the Banks' long-term monitoring of completed rental projects approved under their competitive application programs, and that the average preparation time for each submission will be 3 hours. The estimate for the total annual hour burden on project sponsors in connection with the preparation and submission of documentation required for long-term monitoring of completed competitive application rental projects is, therefore, 8,967 hours (2,989 submissions × 3 hours).

6. Homeownership Set-Aside Program Applications and Certifications

FHFA estimates that Bank members will submit to the Banks an annual average of 13,455 applications and required certifications for AHP direct subsidies under the Banks' homeownership set-aside programs, and that the average preparation time for those submissions will be 5 hours. The estimate for the total annual hour burden on members in connection with the preparation and submission of homeownership set-aside program applications and certifications is, therefore, 67,275 hours (13,455 applications/certifications × 5 hours).

D. Public Comments Request

In accordance with the requirements of 5 CFR 1320.8(d), FHFA published an initial notice and request for public comments regarding this information collection in the **Federal Register** on November 18, 2025.[21] FHFA received one comment. The commenter did not address the PRA requirements associated with this information collection, but, instead, focused on broader policy issues related to the Community Support Requirements, and not the AHP.

FHFA requests written comments on the following: (1) Whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Shawn Bucholtz,

Chief Data Officer, Federal Housing Finance Agency.

[FR Doc. 2026–04207 Filed 3–3–26; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors

[21] *See* 90 FR 51758 (Nov. 18, 2025).

that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than March 19, 2026.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Harry Phillips Smith 2020 Trust, Raines Smith Bettis and John L. Leach, III, individually, and as co-trustees, Robert L. Leach, Smith Phillips Bettis, Lee Harren Bettis, IV, all of Albany, Georgia, and Adelaide S. Satterfield, Dawson, Georgia;* as a group acting in concert, to retain voting shares of Dawson Bancshares Inc., and thereby indirectly retain voting shares of Bank of Dawson, both of Dawson, Georgia.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–04313 Filed 3–3–26; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

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 question whether the proposal complies with the standards of section 4 of the BHC 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.

Unless otherwise noted, comments regarding the 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 19, 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. *GreatAmerica Holdings, Inc., Cedar Rapids, Iowa;* through its subsidiaries GreatAmerica Leasing Receivables Funding, LLC, Great America Portfolio Receivables I, LLC, GreatAmerica Portfolio Receivables II, LLC, GreatAmerica Funding I, LLC, GreatAmerica Funding IV, LLC, GreatAmerica Funding V, LLC, GreatAmerica Funding VI, LLC, and GreatAmerica Financial Services Corporation, all of Cedar Rapids, Iowa, to engage in securitization of loans and leases pursuant to sections 225.28(b)(1), (2), and (3) of the Board's Regulation Y, and, through GreatAmerica Financial Services Corporation, to engage in management consulting activities pursuant to section 225.28(b)(9) of Regulation Y.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–04312 Filed 3–3–26; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–OGP–2026–01; Docket No. 2026–0002; Sequence No. 02

High- Performance Building Advisory Committee Notice of Re-Launch and Request for Membership Nominations

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Notice of re-launch and request for membership nominations.

SUMMARY: This notice invites qualified candidates to apply for an appointment to serve as a member of GSA's High-Performance Building Advisory Committee. The High-Performance Building Advisory Committee provides advice to GSA as a statutorily required Federal advisory committee. This is a competitive process for multiple open membership seats.

DATES: Nominations will be considered on a rolling basis, and should be submitted to *jed.ela@gsa.gov.* GSA anticipates making multiple rounds of appointments during the calendar year 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Jed Ela, Office of Government-wide Policy, GSA, at *jed.ela@gsa.gov* or 202–854–8804.

SUPPLEMENTARY INFORMATION:

Background

As required by applicable statutes and Administration policies, GSA is re-

launching its premiere independent advisory committee on high-performance building design and operations as the High-Performance Building Advisory Committee (''HBAC'') and is seeking nominations to serve on the HBAC.

GSA is re-launching the HBAC, formerly known as the Green Building Advisory Committee (''GBAC''), to advance the Trump Administration's priorities for the Federal building portfolio, including:

Improving Our Nation Through Better Design (E.O. 14338)

Making Federal Architecture Beautiful Again (E.O. 14344)

Unleashing American Energy (E.O. 14154)

HBAC members are expected to advise GSA on key topics of agency interest including optimization of the Federal real estate portfolio, returning all Federal employees to in-office work, adoption of artificial intelligence, unleashing affordable American energy sources, and saving taxpayer dollars through the elimination of waste.

The Administrator of the GSA established the HBAC (formerly GBAC) on June 20, 2011 (*76 FR 35894*) pursuant to section 494 of the Energy Independence and Security Act of 2007 (*42 U.S.C. 17123,* or EISA), in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (*5 U.S.C. 1001 et seq.*). These statutes make clear that GSA's duty to operate the Committee is mandatory and ongoing, including by specifically exempting the Committee from the general sunset provision of FACA.

EISA requires that the Committee include specific categories of members, including state and local government building experts, independent building associations or councils, building industry experts, emergency planning and security advisors, public transportation experts, and environmental health specialists. See *42 U.S.C. 17123.* Therefore, GSA is specifically seeking nominations in these areas.

Member Responsibilities

New Committee members will be appointed to a three-year term. Membership is limited to the specific individuals appointed and is non-transferrable. Committee members are expected to personally attend all meetings, review all Committee materials, and actively provide their advice and input on topics covered by the Committee. Committee members will not receive compensation, nor will they receive travel reimbursements from the Government except where a need has been demonstrated and funds are available.

Request for Membership Nominations

This notice provides an opportunity for individuals, or others on their behalf, to present their qualifications to serve as a member on the Committee. GSA encourages nominations from people of all communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs. No person appointed to serve in an individual capacity shall be a federally registered lobbyist in accordance with the Presidential Memorandum ''Lobbyists on Agency Boards and Commissions'' (June 18, 2010) and OMB Final Guidance published in the **Federal Register** on October 5, 2011, and revised on August 13, 2014.

Nomination Process for Advisory Committee Appointment

Individuals may nominate themselves or others. All nominees should have:

At least 5 years of high-performance building experience, which may include a combination of project-based, research and policy experience.

Academic degrees, certifications and/or training demonstrating high-performance building and related expertise.

Knowledge of Federal laws, programs, and requirements related to high-performance federal buildings.

Proven ability to work effectively in a collaborative, multidisciplinary environment.

Qualifications appropriate to a specific statutory category of members listed above.

A nomination package shall include the following information for each nominee:

(1) A letter of nomination stating the name, title and organization of the nominee, nominee's field(s) of expertise, specific qualifications to serve on the Committee, and description of interest and qualifications;

(2) A professional resume or CV; and

(3) Complete contact information including name, return address, email address, and daytime telephone number of the nominee and nominator.

GSA reserves the right to choose Committee members based on qualifications, experience, Committee balance, statutory requirements and all other factors deemed critical to the success of the Committee. Candidates under consideration may be asked to provide specific financial information to ensure that the interests and affiliations of advisory committee members are reviewed for conformance with applicable conflict of interest statutes and other Federal ethics rules.

Patrick Dale,

EISA Compliance Coordinator, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2026–04210 Filed 3–3–26; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Injury Prevention and Control; Notice of Charter Renewal

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of charter renewal.

SUMMARY: The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), announces the renewal of the charter of the Board of Scientific Counselors, National Center for Injury Prevention and Control (BSC, NCIPC).

FOR FURTHER INFORMATION CONTACT: Christopher Harper, Ph.D., Designated Federal Officer, Board of Scientific Counselors, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, Department of Health and Human Services, 1600 Clifton Road NE, Mailstop S106–9, Atlanta, Georgia 30329–4029. Telephone: (404) 718–8330; Email: *CRHarper1@cdc.gov.*

SUPPLEMENTARY INFORMATION: CDC is providing notice under 5 U.S.C. 1001–1014 of the renewal of the charter of the Board of Scientific Counselors, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, Department of Health and Human Services. This charter has been renewed for a two-year period through January 13, 2028.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–04237 Filed 3–3–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0139]

Submission for Office of Management and Budget Review; Administration for Children and Families Uniform Project Description

AGENCY: Office of Administration, Office of Grants Policy, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for Public Comments.

SUMMARY: The Administration for Children and Families (ACF) is requesting revisions and a one-year extension of the currently approved ACF Uniform Project Description (UPD) information collection (Office of Management and Budget (OMB) #: 0970–0139, March 31, 2026, expiration date). This includes transitioning to use one simplified version of the UPD with edits to the language for clarification and plain language purposes. Two versions of the instructions remain in the proposed simplified version to accommodate two development methods. ACF is in the process of identifying more significant revisions to the UPD, which will be submitted through a future information collection request to OMB.

DATES: *Comments due April 3, 2026.*

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202602-0970-015.* You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The UPD provides a uniform format for applicants to submit project information in response to ACF discretionary Notices of Funding Opportunities (NOFO). The UPD requires applicants to describe how program objectives will be achieved and provide a rationale for the project's budgeted costs. All ACF discretionary award programs are required to use the UPD.

Since 2023, there have been two versions of the UPD: the traditional version and the simplified version (SimplerNOFOs). SimplerNOFOs were implemented as a pilot, as approved by OMB. SimplerNOFOs streamline the process for applicants and has been well received by programs and applicants. ACF has expanded use of the simplified version as a result. At this time, ACF is proposing to transition completely to the SimplerNOFO UPD, but will retain two sets of instructions for now due to the way NOFOs are currently developed. The distinction is made in the instructions with the labels ''SimplerNOFO'' v. ''Traditional NOFO''.

ACF uses the information provided by applicants, along with other OMB-approved information collections (Standard Forms), to evaluate and rank applications. Use of the UPD protects the integrity of the ACF award selection process.

This current request would extend OMB approval for an additional year, with the following changes:

—Minor revisions for clarification and plain language purposes

—Updated burden estimates to only include the SimplerNOFOs UPD.

A larger revision effort is in process and will be submitted to OMB in the future. This future revision request will include two additional opportunities for public comment.

Respondents: Applicants responding to ACF Discretionary NOFOs.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total/ Annual burden hours
Streamlined UPD	2,672	1	57.9	154,709

Authority: 2 CFR 200.204.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–04247 Filed 3–3–26; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0425]

Submission for Office of Management and Budget Review; Children's Justice Act Program Instruction

AGENCY: Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for Public Comments.

SUMMARY: The Administration for Children and Families (ACF) is requesting a 3-year extension of the Children's Justice Act Program Instruction (Office of Management and Budget (OMB #0970–0425, expiration March 31,2026). There are no changes to the requirements, but the instructions have been streamlined to reduce burden, provide clarification, and improve data collection.

DATES: *Comments due April 3, 2026.*

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202602-0970-014.* You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The Children's Justice Act (CJA) Program Instruction, prepared in response to the enactment of the CJA, Title I of Public Law 111–320, Child Abuse Prevention and Treatment Act Reauthorization of 2010, provides direction to the states and territories to accomplish the purposes of assisting states in developing, establishing and operating programs designed to improve: (1) the assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family; (2) the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities; (3) the investigation and prosecution of cases of child abuse and neglect, including child sexual abuse and exploitation; and (4) the assessment and investigation of cases involving children with disabilities or serious health-related problems who are suspected victims of child abuse or neglect. This Program Instruction contains information collection requirements that are found in Public Law 111–320 at sections 107(b) and 107(d), and pursuant to receiving a grant award. The information being collected is required by statute to be submitted pursuant to receiving a grant award. The information submitted will be used by the agency to ensure compliance with the statute; to monitor, evaluate and measure grantee achievements in addressing the investigation and prosecution of child abuse and neglect; and to report to Congress.

Respondents: State Governments.

Annual Burden Estimates

The length of the CJA Program Instruction has been reduced by about 67 percent from 17 pages to 5.5 pages. Edits have been made to remove unnecessary information, remove requests for information not required by statute, clarify requirements, reduce duplicative information and requests for information, and simplify language. As a result of the reduction in the length of time needed to both read and respond to the Program Instruction, the estimated response burden has been lowered by 33 percent from 60 hours to 40 hours per response.

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Annual Report and Application	52	1	40	2,080

Authority: 42 U.S.C. 5106c section 107 (b)4; and 42 U.S.C. 5106 section 107 (B)5.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–04248 Filed 3–3–26; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0589]

Submission for Office of Management and Budget Review; Low Income Home Energy Assistance Program (LIHEAP) Quarterly Reports

AGENCY: The Office of Community Services, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for Public Comments.

SUMMARY: The Administration for Children and Families (ACF) is requesting a 3-year extension of the form Low Income Home Energy Assistance Program (LIHEAP) Quarterly Reports (Office of Management and Budget (OMB) #: 0970–0589, expiration October 31, 2025). Changes are proposed, which would reduce redundancy and administrative burden for respondents.

DATES: *Comments due April 3, 2026.*

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202602-0970-013.* You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The LIHEAP Quarterly Report assists the Office of Community Services in receiving data and information about LIHEAP during the federal fiscal year (FFY). This almost real time data ensures ACF can continue to:

(1) Track key information, such as the number of households served, in ''real time'' versus in the new fiscal year.

(2) Effectively address challenges in a timely manner, including supporting emerging training and technical assistance needs, addressing challenges with obligating funds, and addressing outreach and intake issues, such as reaching newly eligible households.

(3) Ensure accountability and transparency by using the information to regularly update public dashboards and keep key decision makers informed of grantee progress.

All grant recipients, including states, tribes, and territories, will submit brief quarterly reports with critical information on the status of LIHEAP. The Quarterly Report forms will include questions on:

- Total households assisted;
- Performance management including the number of occurrences in which LIHEAP funding prevented the loss of or restored home energy services; and
- The estimated percentage of LIHEAP funds that have been obligated by funding component.

Grant recipients will also have an opportunity to highlight additional training/technical assistance needs/suggestions, which the Office of Community Services uses to inform support such as training and resources.

ACF also proposes several small changes to the LIHEAP Quarterly Report beginning with the Quarter 4 report due October 31, 2025, and beyond. Those changes only affect Section III of the Quarter 3 (due July 31st, and beyond) and Quarter 4 reports (due October 31st, and beyond). The changes to section III involve inclusion of the primary data elements from the separate LIHEAP Carryover and Reallotment Report (OMB #: 0970–0106), which ACF wishes to discontinue use of in favor of only obtaining such data through the LIHEAP Quarterly Report. Section III would more clearly distinguish ''carryover'' fund estimated (Quarter 3) and final amounts (Quarter 4) from ''reallotment'' fund estimated and final amounts. The Quarter 3 and 4 section III also includes a ''remarks'' field for grant recipients to complete only if they are indicating a request to carryover funds to obligate in

the next FFY. The federal LIHEAP statute requires all grant recipients requesting carryover to explain why they wish to carryover and how they intend to use such carryover funds in the next year (42 U.S.C. 8626(b)(2)(A)).

Respondents: States and tribes

Annual Burden Estimates

The estimated time per response for this report was increased from 12 to 16 hours to account for the proposed changes. These changes are expected to reduce effort overall, however, by eliminating the Carryover and Reallotment Report, as discussed above.

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
LIHEAP Quarterly Report	185	4	16	11,840

Authority: (42 U.S.C. 8626 and 8629) and Federal regulations (45 CFR 96.92)

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–04249 Filed 3–3–26; 8:45 am]

BILLING CODE 4184–80–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–D–2754]

M14 General Principles on Planning, Designing, Analyzing, and Reporting of Non-Interventional Studies That Utilize Real-World Data for Safety Assessment of Medicines; International Council for Harmonisation; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''General Principles on Planning, Designing, Analyzing, and Reporting of Non-interventional Studies That Utilize Real-World Data for Safety Assessment of Medicines.'' The guidance was prepared under the auspices of the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH). The guidance outlines general principles on planning, designing, analyzing, and reporting non-interventional studies that utilize real-world data for safety assessment of medicines (*i.e.,* drugs, vaccines, and other biological products). The recommendations in this guidance, while focused on safety, are applicable to non-interventional studies assessing effectiveness and are aligned and complementary with the FDA's other guidances on the generation real world evidence. The guidance includes recommendations and high-level best practices for the conduct of these studies, including articulating the research question, selecting appropriate data sources, defining key variables, addressing potential biases and confounding, conducting analyses, reporting, and submission. The guidance is intended to streamline the development and regulatory assessment of postmarketing non-interventional safety studies that include real-world data. The guidance replaces the draft guidance ''M14 General Principles on Plan, Design, and Analysis of Pharmacoepidemiological Studies that Utilize Real-World Data for Safety Assessment of Medicines'' issued in July 2024. FDA is also announcing the withdrawal of the guidance entitled ''Best Practices for Conducting and Reporting Pharmacoepidemiologic Safety Studies Using Electronic Healthcare Data Sets,'' published May 2013.

DATES: The announcement of the guidance is published in the **Federal Register** on March 4, 2026.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–D–2754 for ''M14 General Principles on Plan, Design and Analysis of Non-interventional Studies That Utilize Real-World Data for Safety Assessment of Medicines.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on

https://www.regulations.gov. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: David Moeny, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2474, Silver Spring, MD 20993–0002, *David.Moeny@fda.hhs.gov;* or Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240–402–7911.

Regarding the ICH: Brooke Dal Santo, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6304, Silver Spring, MD 20993–0002, 301–348–1967, *Brooke.DalSanto@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''M14 General Principles on Planning, Designing, Analyzing, and Reporting of Non-interventional Studies That Utilize Real-World Data for Safety Assessment of Medicines.'' The guidance was prepared under the auspices of ICH. ICH seeks to achieve greater regulatory harmonization worldwide to ensure that safe, effective, high-quality medicines are developed, registered, and maintained in the most resource-efficient manner.

By harmonizing the regulatory requirements in regions around the world, ICH guidelines enhance global drug development, improve manufacturing standards, and increase the availability of medications. For example, ICH guidelines have substantially reduced duplicative clinical studies, prevented unnecessary animal studies, standardized the reporting of important safety information, and standardized marketing application submissions.

The six Founding Members of the ICH are FDA; the Pharmaceutical Research and Manufacturers of America; the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; and the Japanese Pharmaceutical Manufacturers Association. The Standing Members of the ICH Association include Health Canada and Swissmedic. ICH membership continues to expand to include other regulatory authorities and industry associations from around the world (refer to *https://www.ich.org/*).

ICH works by engaging global regulatory and industry experts in a detailed, science-based, and consensus-driven process that results in the development of ICH guidelines. The regulators around the world are committed to consistently adopting these consensus-based guidelines, realizing the benefits for patients and for industry.

As a Founding Regulatory Member of ICH, FDA plays a major role in the development of each of the ICH guidelines, which FDA then adopts and issues as guidance for industry. FDA's guidance documents do not establish legally enforceable responsibilities. Instead, they describe the Agency's current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited.

In the **Federal Register** of July 5, 2024 (89 FR 55613), FDA published a notice announcing the availability of a draft guidance entitled ''M14 General Principles on Plan, Design, and Analysis of Pharmacoepidemiological Studies That Utilize Real-World Data for Safety Assessment of Medicines.'' The notice gave interested persons an opportunity to submit comments by September 3, 2024.

After consideration of the comments received and revisions to the guideline, the final draft of the guideline was submitted to the ICH Assembly and endorsed by the regulatory agencies in September 2025.

This guidance finalizes the draft guidance issued on July 5, 2024, and includes comprehensive and focused recommendations for conducting non-interventional studies that utilize real-world data for safety assessment of medicines. Revisions to the guidance as a result of public comment include a comprehensive revision on the sections for Initial Design and Feasibility and the Conceptual Framework; enhanced discussion of the use of quantitative bias analysis for study design, feasibility, and interpretation; an enhanced discussion on protocol development including characteristics and types of data sources; and additional depth and reference to supporting resources.

In the **Federal Register** issue of May 14, 2013 (78 FR 28228), FDA announced the availability of a guidance for industry entitled ''Best Practices for Conducting and Reporting Pharmacoepidemiologic Safety Studies Using Electronic Healthcare Data'' that provided recommendations on the design, conduct, and reporting of such studies. This guidance incorporates the general principles of the May 14, 2013 guidance and is updated to reflect the FDA's current thinking on best practices for conduct and reporting of non-interventional safety studies for medicines. Accordingly, upon publication of this guidance FDA intends to withdraw the May 14, 2013 guidance.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''M14 General Principles on Planning, Designing, Analyzing, and Reporting of Non-interventional Studies That Utilize Real-World Data for Safety Assessment of Medicines.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and

Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information supporting investigational new drug regulations in 21 CFR part 312 have been approved under OMB control number 0910–0014. The collections of information supporting FDA approval of new drugs in 21 CFR part 314 have been approved under OMB control number 0910–0001. The collections of information supporting general licensing provisions of biological products in 21 CFR part 601 have been approved under OMB control number 0910–0338. The collections of information supporting adverse experience reporting in 21 CFR part 310.305, 329.100, 314.80, 314.81, and 314.98, have been approved under OMB control number 0910–0230. The collections of information supporting MedWatch safety and adverse event reporting have been approved under OMB control number 0910–0291. The collections of information supporting biological products postmarket adverse experience reporting in 21 CFR part 600 have been approved under OMB control number 0910–0308. The collections of information supporting medical device reporting in 21 CFR part 803 have been approved under OMB control number 0910–0437.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.regulations.gov, https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs,* or *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances,* or *https://www.fda.gov/regulatory-information/search-fda-guidance-documents.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–04253 Filed 3–3–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–D–4388]

New Clinical Investigation Exclusivity (3-Year Exclusivity) for Drug Products: Questions and Answers; Draft Guidance for Industry; Availability; Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing the availability of a draft guidance for industry entitled ''New Clinical Investigation Exclusivity (3-Year Exclusivity) for Drug Products: Questions and Answers.'' This draft guidance is intended to assist applicants requesting New Clinical Investigation exclusivity (also referred to as 3-year exclusivity) for a new drug application (NDA) or NDA supplement. The guidance discusses the statutory and regulatory criteria for eligibility for 3-year exclusivity and provides recommendations on the content and format of requests for 3-year exclusivity in the form of questions and answers (Q&As). FDA intends to update this draft guidance document to include additional Q&As as appropriate.

DATES: Submit either electronic or written comments on the draft guidance by May 4, 2026 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance. Submit electronic or written comments on the proposed collection of information in the draft guidance by May 4, 2026.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions)*: Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–D–4388 for ''New Clinical Investigation Exclusivity (3-Year Exclusivity) for Drug Products: Questions and Answers.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as

''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)). Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

With regard to the draft guidance: Susan Levine, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 240–402–7936.

With regard to the proposed collection of information: Anne Taylor, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–402–5683, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''New Clinical Investigation Exclusivity (3-Year Exclusivity) for Drug Products: Questions and Answers.'' This guidance is intended to assist applicants requesting New Clinical Investigation exclusivity, also referred to as 3-year exclusivity, for an NDA or NDA supplement under section 505(c)(3)(E)(iii)–(iv) and 505(j)(5)(F)(iii)–(iv) of the FD&C Act (21 U.S.C. 355(c)(3)(E)(iii)–(iv) and 355(j)(5)(iii)–(iv)).

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (Hatch-Waxman Amendments), which added section 505(b)(2) and (j) to the FD&C Act, reflect Congress's efforts to balance the need to ''make available more low cost generic drugs by establishing a generic drug approval procedure'' with new incentives for drug development in the form of exclusivities and patent term extensions. These incentives include a 3-year period of exclusivity for drugs approved in certain NDAs or supplements to NDAs during which applications submitted pursuant to section 505(b)(2) of the FD&C Act (505(b)(2) applications) and abbreviated new drug applications submitted under section 505(j) of the FD&C Act (ANDAs or 505(j) applications) may not be approved for exclusivity-protected conditions of approval of such drugs.

Pursuant to section 505(c)(3)(E)(iii)–(iv) and 505(j)(5)(F)(iii)–(iv) of the FD&C Act, an application may qualify for 3-year exclusivity if it is a 505(b) application or supplement to a 505(b) application: (1) for a drug, which includes an active moiety (or active moieties) that has been approved in another 505(b) application, and (2) that contains reports of new clinical investigations that are: (i) not bioavailability studies, (ii) essential to the approval of the application (or supplement), and (iii) conducted or sponsored by the applicant. FDA defined many of the terms in the exclusivity provisions of the FD&C Act at 21 CFR 314.108(a), and FDA established the framework for the timing of approval for a 505(b)(2) application or ANDA impacted by New Clinical Investigation exclusivity at 21 CFR 314.108(b). Using a Q&A format, this guidance discusses each of the statutory and regulatory criteria for eligibility for 3-year exclusivity and clarifies the processes for applicants to request 3-year exclusivity, for FDA to make 3-year exclusivity eligibility determinations, and for providing notice of those determinations in FDA's *Approved Drug Products with Therapeutic Equivalence Evaluations* (''the Orange Book''). FDA intends to update this draft guidance document to include additional Q&As as appropriate.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''New Clinical Investigation Exclusivity (3-Year Exclusivity) for Drug Products: Questions and Answers.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192.

II. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, we invite comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Template for Requesting New Clinical Trial Exclusivity

OMB Control Number 0910–0001—Revision

This information collection helps support implementation of regulatory requirements that govern an NDA or NDA supplement. We have issued regulations in 21 CFR part 314, Applications for FDA Approval to Market a New Drug, setting forth applicable standards and procedures that include associated reporting and recordkeeping requirements.

We are revising the information collection to support the use of a

template for requesting New Clinical Investigation exclusivity, also referred to as 3-year exclusivity. We recommend that the applicant use the model language we provide to request 3-year exclusivity. The draft guidance for industry entitled ''New Clinical Investigation Exclusivity (3-Year Exclusivity) for Drug Products: Questions and Answers'' includes the model language in its Appendix.

All Agency guidance documents are issued in accordance with our good guidance practice regulations in 21 CFR 10.115, which provide for public comment at any time. We maintain a searchable guidance database on our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents* that utilizes topic-specific search terms. We intend to finalize the guidance document upon OMB approval of the attendant information collection.

The use of a template can assist applicants in more efficiently communicating requests for 3-year exclusivity and providing the information required in our regulations. Under 21 CFR 314.50(j)(4), an applicant claiming eligibility for 3-year exclusivity must provide certain information to show that the NDA contains ''new clinical investigations'' that are ''essential to approval of the NDA or supplement'' and were ''conducted or sponsored by the applicant,'' including a certification required by 21 CFR 314.50(j)(4)(i) that ''to the best of the applicant's knowledge each of the clinical investigations included in the NDA meets the definition of 'new clinical investigation' set forth in § 314.108(a).'' The elements listed in that section are included in the template. The draft guidance describes FDA's policies for implementing this regulation. The submission of a claim for 3-year exclusivity is explained in section QV.1. of the draft guidance. We will use the information provided in the templated request as we process requests for exclusivity. The information is needed to support FDA's efforts to protect the health of users of drugs approved under 21 CFR part 314 and to efficiently determine eligibility of an NDA or supplement for 3-year exclusivity.

Description of Respondents: Respondents to this information collection are pharmaceutical industry entities who contribute to the preparation and marketing of pharmaceutical products regulated by the FDA.

Burden Estimate: We reviewed our statutory authority at section 505(c)(3)(E)(iii)–(iv) and 505(j)(5)(F)(iii)–(iv) of the FD&C Act, and implementing regulations in 21 CFR part 314, which provide for the submission of requests for 3-year exclusivity.

We tentatively conclude that providing the template proposed in the draft guidance adds no further information collection requirements and imposes no further burden beyond what is already required in our statutes and regulations and included in the approved ICR under OMB control number 0910–0001.

This draft guidance also refers to previously approved FDA collections of information. The collections of information in 21 CFR part 314, which relate to the submission of new drug applications and include requirements for the content and format of new drug applications in 21 CFR 314.50(j) and 21 CFR 314.108, have been approved under OMB control number 0910–0001. The collections of information in 21 CFR part 312, which relate to the submission of investigational new drug applications, and Form FDA 1571 have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 11 relating to electronic records and signatures have been approved under OMB control number 0910–0303.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs*, *https://www.fda.gov/regulatory-information/search-fda-guidance-documents*, or *https://www.regulations.gov*.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–04291 Filed 3–3–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–D–0803]

E2D(R1) Postapproval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports; International Council for Harmonisation; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''E2D(R1) Postapproval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports.'' The guidance was prepared under the auspices of the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH). The guidance updates the 2003 guidance titled ''E2D Post-Approval Safety Data Management: Definitions and Standards for Expedited Reporting,'' by clarifying the use of new or increasingly used data sources (*e.g.,* social media, market research programs, patient support programs). This final guidance clarifies the use of new postapproval safety sources and update terminology and standards for postapproval adverse event reporting. The guidance replaces the draft guidance ''E2D(R1) Post-Approval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports'' issued on March 14, 2024, and the final guidance issued September 15, 2003.

DATES: The announcement of the guidance is published in the **Federal Register** on March 4, 2026.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the

manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–D–0803 for ''E2D(R1) Postapproval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010 or emailing *industry.biologics@fda.hhs.gov.* See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Robert Ball, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4300, Silver Spring, MD 20993–0002, *OSE.PMKTREGS@fda.hhs.gov;* or Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240–402–7911.

Regarding the ICH: Brooke Dal Santo, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6304, Silver Spring, MD 20993–0002, 301–348–1967, *Brooke.DalSanto@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''E2D(R1) Postapproval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports.'' The guidance was prepared under the auspices of ICH. ICH seeks to achieve greater regulatory harmonization worldwide to ensure that safe, effective, high-quality medicines are developed, registered, and maintained in the most resource-efficient manner.

By harmonizing the regulatory requirements in regions around the world, ICH guidelines enhance global drug development, improve manufacturing standards, and increase the availability of medications. For example, ICH guidelines have substantially reduced duplicative clinical studies, prevented unnecessary animal studies, standardized the reporting of important safety information, and standardized marketing application submissions.

The six Founding Members of the ICH are the FDA; the Pharmaceutical Research and Manufacturers of America; the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; and the Japanese Pharmaceutical Manufacturers Association. The Standing Members of the ICH Association include Health Canada and Swissmedic. ICH membership continues to expand to include other regulatory authorities and industry associations from around the world (refer to *https://www.ich.org/*).

ICH works by engaging global regulatory and industry experts in a detailed, science-based, and consensus-driven process that results in the development of ICH guidelines. The regulators around the world are committed to consistently adopting these consensus-based guidelines, realizing the benefits for patients and for industry.

As a Founding Regulatory Member of ICH, FDA plays a major role in the development of each of the ICH guidelines, which FDA then adopts and issues as guidance for industry. FDA's guidance documents do not establish legally enforceable responsibilities. Instead, they describe the Agency's current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited.

In the **Federal Register** of March 14, 2024, (89 FR 18644), FDA published a notice announcing the availability of a draft guidance entitled ''E2D(R1) Post-Approval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports.'' The notice gave interested persons an opportunity to submit comments by May 13, 2024.

After consideration of the comments received and revisions to the guideline, a final draft of the guideline was submitted to the ICH Assembly and endorsed by the regulatory agencies in September 2025.

This guidance finalizes the draft guidance issued on March 14, 2024. The guidance provides updated internationally standardized procedures for gathering and reporting safety data. Approximately 450 comments were

received during public consultation. Numerous revisions were made to address public comments and provide greater clarity to key topics. The final guidance includes a new section on noninterventional studies. This section provides guidance on handling adverse event information arising from primary data collection versus the secondary use of data.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''E2D(R1) Postapproval Safety Data: Definitions and Standards for Management and Reporting of Individual Case Safety Reports.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. FDA considered the applicability of Executive Order 14192, per Office of Management and Budget (OMB) guidance in M–25–20, and finds this action to be deregulatory in nature.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information pertaining to postmarketing adverse drug experience reporting have been approved under OMB control number 0910–0230. The collection of information for FDA adverse event reporting and electronic submissions using the Electronic Submission Gateway and the Safety Reporting Portal has been approved under OMB control number 0910–0291. The collections of information pertaining to the issuance of ''Dear Health Care Provider'' letters: improving communication of important safety information have been approved under OMB control number 0910–0754.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances, https://www.fda.gov/regulatory-information/search-fda-guidance-documents* or *https://www.regulations.gov.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–04252 Filed 3–3–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Regular Clearance for the National Institute of Mental Health Data Archive (NDA), (NIMH)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received by May 4, 2026.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Andrew Hooper, National Institute of Mental Health (NIMH) Project Clearance Liaison, Science Policy and Evaluation Branch, Office of Science Policy, Planning and Communications, NIMH, Neuroscience Center, 6001 Executive Boulevard, MSC 9667, Bethesda, Maryland 20892, call (301) 480–8433, or email your request, including your mailing address, to *nimhprapubliccomments@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimizes the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: The National Institute of Mental Health Data Archive (NDA), NIMH, 0925–0667, expiration date 6/30/2026, EXTENSION, National Institute of Mental Health (NIMH), National Institutes of Health (NIH).

Need and Use of Information Collection: The NIMH Data Archive (NDA) is an infrastructure that allows for the submission and storage of human subjects' data from researchers conducting studies related to many scientific domains, regardless of the source of funding. The NIH and the NIMH seek to encourage use of the NDA by investigators in the field of multiple scientific research domains to achieve rapid scientific progress. In order to manage access to this data system, NIMH collects information from two categories of NDA users: (1) Investigators who seek permission to access data from the NDA for the purpose of scientific investigation, scholarship or teaching, or other forms of research and research development, via the Data Use Certification (DUC), and (2) investigators who request permission to submit data to the NDA for the purpose of scientific investigation, scholarship or teaching, or other forms of research and research development, via the Data Submission Agreement (DSA).

OMB approval is requested for three years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 1,875.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of projects per respondent	Average time per response (in hours)	Total burden hours
NDA Data Submission Agreement (DSA).	Researchers submitting data	300	1	90/60	450
NDA Data Use Certification (DUC) ...	Researchers requesting access to data.	950	1	90/60	1,425
Total	.....	1,250	.....	.....	1,875

Dated: February 27, 2026.

Andrew A. Hooper

Project Clearance Liaison, National Institute of Mental Health, National Institutes of Health.

[FR Doc. 2026–04238 Filed 3–3–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[DOI–2025–0104; 25XD4523WS/DS67010000/DWSN00000.000000/DP67012]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Notice of modified systems of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Interior (DOI) is issuing a public notice of its intent to modify certain system of records notices to add a new routine use. This new routine use authorizes the disclosure of records to the U.S. Department of the Treasury for purposes of reviewing payment and award eligibility through the Do Not Pay Working System to identify, prevent, or recoup improper payments, consistent with the Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*), the Privacy Act of 1974 (5 U.S.C. 552a(b)(3)), Executive Order 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse, and OMB Memorandum M–25–32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay.

DATES: This notice will be effective upon publication. The new routine use will be effective April 6, 2026. Submit comments on or before April 6, 2026. DOI will not disclose any records pursuant to this new routine use until after the 30-day comment period has ended and all comments have been reviewed and addressed.

ADDRESSES: You may send comments identified by docket number DOI–2025–0203 by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for sending comments.
- *Email: DOI_Privacy@ios.doi.gov.* Include docket number DOI–2025–0203 in the subject line of the message.
- *U.S. Mail or Hand Delivery:* Walter Clay, Departmental Privacy Officer (Acting), U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240.

Instructions: All submissions received must include the agency name and docket number DOI–2025–0104. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket, visit *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Walter Clay, Departmental Privacy Officer (Acting), U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240, *DOI_Privacy@ios.doi.gov* or (202) 208–1605.

SUPPLEMENTARY INFORMATION:

I. Background

On March 25, 2025, the President signed Executive Order 14249, *Protecting America's Bank Account Against Fraud, Waste, and Abuse,* which establishes a government-wide policy to safeguard against financial fraud and improper payments, enhance transparency and accountability, improve efficiency, reduce costs, and strengthen the security of Federal payments. Section 3(d) of the Executive Order directs Federal agencies to review and modify, as applicable, relevant Privacy Act system of records notices to include a routine use ''that allows disclosure of records to the Department of the Treasury for the purposes of identifying, preventing, or recouping fraud and improper payments, to the extent permissible by law.''

The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 *et seq.*) requires each executive agency to review available databases with relevant information on eligibility and to use the Treasury's Do Not Pay Working System to prevent improper payments. OMB Memorandum M–25–32 provides standardized guidance to implement these requirements while ensuring compliance with the Privacy Act of 1974 (5 U.S.C. 552a) and OMB Circular A–108.

The Department of the Interior administers programs involving trust funds, financial assistance, payroll, grants, procurement, and other financial activities. The systems of records identified below were reviewed under M–25–32 Appendix I, and DOI determined that these systems maintain information relevant and necessary for verifying payment or award eligibility through the Do Not Pay Working System. DOI is adding this new routine use to the systems listed below, pursuant to Executive Order 14249, to support Treasury's role in combating fraud and ensuring the integrity of Federal payments.

This action is consistent with applicable legal authorities and safeguards to ensure that any disclosures to Treasury or its agents are limited to the extent necessary and conducted in accordance with the Privacy Act.

II. Systems Impacted by This Modification

1. INTERIOR/BIA–04, Trust Asset and Accounting Management System (TAAMS), 79 FR 68292 (November 14, 2014); modification published 86 FR 50156 (September 7, 2021).
2. INTERIOR/BIA–7, Tribal Enrollment Reporting and Payment System, 76 FR 59733 (September 27, 2011); modification published 86 FR 50156 (September 7, 2021).
3. INTERIOR/BIA–8, Financial Assistance and Social Services—Case Management System, 76 FR 56787 (September 14, 2011); modification published 86 FR 50156 (September 7, 2021).
4. INTERIOR/BIA–11, Indian Business Development Program (Grants), 48 FR

41104 (September 13, 1983); modification published 86 FR 50156 (September 7, 2021).

5. INTERIOR/BIA–12, Indian Trust Land Mortgages, 48 FR 41105 (September 13, 1983); modification published 86 FR 50156 (September 7, 2021).

6. INTERIOR/BIA–13, Loan Management and Accounting System, 73 FR 40595 (July 15, 2008).

7. INTERIOR/BIA–17, Payroll, 48 FR 41108 (September 13, 1983).

8. INTERIOR/BIA–19, Indian Association Stock Purchase Records, 48 FR 41109 (September 13, 1983).

9. INTERIOR/BIA–22, Native American Student Information System (NASIS), 73 FR 40605 (July 15, 2008); modification published 86 FR 50156 (September 7, 2021).

10. INTERIOR/BIA–23, Employment Assistance Case Files, 55 FR 34087 (August 21, 1990).

11. INTERIOR/BIA–26, Electrical Utility Management System, 79 FR 24002 (April 29, 2014); modification published 86 FR 50156 (September 7, 2021).

12. INTERIOR/BIA–34, National Irrigation Information Management System (NIIMS), 78 FR 7804 (February 4, 2013); modification published 86 FR 50156 (September 7, 2021).

13. INTERIOR/BLM–3, Mineral Lease Management, 47 FR 55317 (December 8, 1982); modification published 73 FR 17376 (April 1, 2008) and 86 FR 50156 (September 7, 2021).

14. INTERIOR/BLM–4, Coal Lease Data System, 47 FR 55317 (December 8, 1982); modification published 73 FR 17376 (April 1, 2008) and 86 FR 50156 (September 7, 2021).

15. INTERIOR/BLM–16, Forest Resources Information System (FRIS), 89 FR 39637 (May 9, 2024).

16. INTERIOR/WBR–39, Water Rights Acquisition, 64 FR 29876 (June 3, 1999); modification published 73 FR 20949 (April 17, 2008) and 86 FR 50156 (September 7, 2021).

17. INTERIOR/WBR–40, Water Sales and Delivery Contracts, 64 FR 29876 (June 3, 1999); modification published 73 FR 20949 (April 17, 2008) and 86 FR 50156 (September 7, 2021).

18. INTERIOR/OS–02, Individual Indian Money (IIM) Trust Funds, 84 FR 44321 (August 23, 2019).

19. INTERIOR/OS–13, Aircraft Administrative Management and Fiscal Records, 74 FR 49002 (September 25, 2009); modification published 86 FR 50156 (September 7, 2021).

20. INTERIOR/OS–26, Youth Conservation Corps (YCC), Enrollee Payroll Recorder File, 56 FR 41700 (August 22, 1991); modification published 86 FR 50156 (September 7, 2021).

21. INTERIOR/OS–30, Minerals Revenue Management Support System (MRMSS), 81 FR 16207 (March 25, 2016); modification published 86 FR 50156 (September 7, 2021).

22. INTERIOR/DOI–01, Interior Child Care Subsidy Program, 66 FR 10309 (February 14, 2001); modification published 73 FR 8342 (February 13, 2008) and 86 FR 50156 (September 7, 2021).

23. INTERIOR/DOI–02, Interior Relocation Assistance Program Records, 3 FR 55125 (September 24, 2008); modification published 86 FR 50156 (September 7, 2021).

24. INTERIOR/DOI–04, Employee Assistance Program Records, 64 FR 20011 (April 23, 1999); modification published 73 FR 8342 (February 13, 2008) and 86 FR 50156 (September 7, 2021).

25. INTERIOR/DOI–85, Payroll, Attendance, Retirement, and Leave Records, 83 FR 34156 (July 19, 2018).

26. INTERIOR/DOI–86, Accounts Receivable: FBMS, 73 FR 43772 (July 28, 2008); modification published 86 FR 50156 (September 7, 2021).

27. INTERIOR/DOI–87, Acquisition of Goods and Services: FBMS, 73 FR 43766 (July 28, 2008); modification published 86 FR 50156 (September 7, 2021).

28. INTERIOR/DOI–89, Grants and Cooperative Agreements: FBMS, 73 FR 43755 (July 28, 2008); modification published 86 FR 50156 (September 7, 2021).

29. INTERIOR/DOI–90, Federal Financial System, 64 FR 46930 (August 27, 1999); modification published 73 FR 8342 (February 13, 2008).

30. INTERIOR/DOI–91, Oracle Federal Financials (OFF), 89 FR 81102 (October 7, 2024).

31. INTERIOR/NPS–2, Land Acquisition, Relocation, and Realty Management Records, 89 FR 16783 (March 8, 2024).

32. INTERIOR/NPS–14, Concessioner Financial Statement and Audit Report Files, 48 FR 51696 (November 10, 1983); modification published 73 FR 63992 (October 28, 2008) and 86 FR 50156 (September 7, 2021).

33. INTERIOR/NPS–17, Employee Financial Irregularities, 48 FR 51702 (November 10, 1983); modification published 73 FR 63992 (October 28, 2008).

34. INTERIOR/NPS–18, Collection, Certifying and Disbursing Officers, and Imprest Fund Cashiers, 48 FR 51696 (November 10, 1983); modification published 73 FR 63992 (October 28, 2008).

35. INTERIOR/OSM–8, Employment and Financial Interests Statements—States and Federal Agencies, 64 FR 17412 (April 9, 1999); modification published 73 FR 45244 (August 4, 2008) and 86 FR 50156 (September 7, 2021).

Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses

To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

Walter Clay,

Departmental Privacy Officer (Acting), U.S. Department of the Interior.

[FR Doc. 2026–04216 Filed 3–3–26; 8:45 am]

BILLING CODE 4334–63–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1487]

Certain Magnetoresistive Random Access Memory (MRAM) Devices, Products Containing Same and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 28, 2026, under section 337 of the Tariff Act of 1930, as amended, on behalf of Avalanche Technology, Inc. of Fremont, California. An amended complaint was filed on February 5, 2026. The amended complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain magnetoresistive random access memory (MRAM) devices, products containing same and components thereof by reason of the infringement of certain claims of U.S. Patent No. 9,318,179 (''the '179 patent''); U.S. Patent No. 9,419,210 (''the '210 patent''); U.S. Patent No. 11,678,586 (''the '586 patent''); and U.S. Patent No. 10,490,737

(''the '737 patent''). The amended complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The amended complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Susan Orndoff, The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2026).

Scope of Investigation: Having considered the amended complaint, the U.S. International Trade Commission, on February 27, 2026, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–4, 6, and 9–14 of the '179 patent; claims 1–4, 6, and 9–14 of the '210 patent; claims 1, 4–7, and 10–12 of the '586 patent; and claims 11–15, 17, and 18 of the '737 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''memory chips utilizing Spin Transfer Torque Magnetic Random Access Memory (''STT–MRAM'') technology including magnetic tunnel junction (MTJ) cells and products containing these MTJ cells, specifically, STT–MRAM devices, CMOS wafers, memory modules, embedded MRAM, evaluation boards, and components thereof, *i.e.,* wafer dies comprising the MTJs of an STT–MRAM device''

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Avalanche Technology, Inc., 3450 West Warren Avenue, Fremont, CA 94538.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Everspin Technologies, Inc., 5670 W Chandler Blvd., Suite 130, Chandler, AZ 85226.

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 27, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–04215 Filed 3–3–26; 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 Pertuzumab Biosimilars, Including Those Made by Certain Methods of Manufacturing, the Active Ingredient Thereof, and Products Containing the Same, DN 3890;* 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 Genentech, Inc. on February 27, 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 pertuzumab biosimilars, including those made by certain methods of manufacturing, the active ingredient thereof, and products containing the same. The complaint names as respondents: Biocon Ltd. of India; Biocon Biologics Ltd. of India; Biocon Biologics Inc. of Cambridge, MA; Biocon Biologics International Ltd. of United Kingdom; and Biocon Biologics UK PLC of United Kingdom. The complainant requests that the Commission 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. 3890'') 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 27, 2026.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2026–04236 Filed 3–3–26; 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.*

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1669]

Importer of Controlled Substances Application: Stepan Company

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Stepan Company has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before April 3, 2026. Such persons may also file a written request for a hearing on the application on or before April 3, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a

Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on February 2, 2026, Stepan Company, 100 West Hunter Avenue, Maywood, New Jersey 07607–1021, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Coca Leaves	9040	II

The company plans to import the listed controlled substance(s) to bulk manufacture other controlled substance(s) for distribution to its customers. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04303 Filed 3–3–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1668]

Importer of Controlled Substances Application: Catalent Greenville, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Catalent Greenville, Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before April 3, 2026. Such persons may also file a written request for a hearing on the application on or before April 3, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on January 19, 2026, Catalent Greenville, Inc., 1240 Sugg Parkway, Greenville, North Carolina 27834–9006, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I

The company plans to import the listed controlled substance for internal research, analytical process development, validation, and regulatory readiness. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04296 Filed 3–3–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1667]

Importer of Controlled Substances Application: Amneal Pharmaceuticals, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Amneal Pharmaceuticals, LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before April 3, 2026. Such persons may also file a written request for a hearing on the application on or before April 3, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement

Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on January 22, 2026, Amneal Pharmaceuticals, LLC, 47 Colonial Drive, Piscataway, New Jersey 08854, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Remifentanil	9739	I

The company plans to import the above listed controlled substance as bulk for internal developmental and research purposes only. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04289 Filed 3–3–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1673]

Importer of Controlled Substances Application: Parexel International, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Parexel International, LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before April 3, 2026. Such persons may also file a written request for a hearing on the application on or before April 3, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on February 3, 2026, Parexel International, LLC, 2710 Milford Square Pike, Quakertown, Pennsylvania 18951, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I

The company plans to import the listed controlled substance as dosage units for clinical trial purposes. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04308 Filed 3–3–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1672]

Bulk Manufacturer of Controlled Substances Application: Restek Corporation

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Restek Corporation has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before May 4, 2026. Such persons may also file a written request for a hearing on the application on or before May 4, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on February 11, 2026, Restek Corporation, 110 Benner Circle, Bellefonte, Pennsylvania 16823–8433, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1naphthoyl)indole)	7118	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole	7200	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexy]-phenol)	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl]-phenol)	7298	I
Lysergic acid diethylamide	7315	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
3,4-Methylenedioxyamphetamine	7400	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
Bufotenine	7433	I
Psilocybin	7437	I
Psilocyn	7438	I
Cyprenorphine	9054	I
Dihydromorphine	9145	I
Heroin	9200	I
Normorphine	9313	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I

The company plans to bulk manufacture the listed controlled substances for the Drug Enforcement Administration-exempted certified reference materials. In-house synthesis gives access to compounds that are difficult to source. In reference to drug codes 7360 (Marihuana), and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetic. No other activities for these drug codes are authorized for this registration.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04306 Filed 3–3–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1674]

Importer of Controlled Substances Application: Maridose LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Maridose LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before April 3, 2026. Such persons may also file a written request for a hearing on the application on or before April 3, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on January 16, 2026, Maridose LLC, 74 Orion Street, Unit 7, Brunswick, Maine 04011–5031, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to import the listed controlled substances for sale to research facilities for drug testing and analysis. In reference to drug codes 7360 (Marihuana) and 7370 (Tetrahydrocannabinols) the company plans to import a synthetic cannabidiol and a synthetic tetrahydrocannabinol. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04307 Filed 3–3–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1671]

Importer of Controlled Substances Application: Patheon API Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Patheon API Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before April 3, 2026. Such persons may also file a written request for a hearing on the application on or before April 3, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on February 9, 2026, Patheon API Inc., 6173 East Old Marion Highway, Florence, South Carolina 29506, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I
Psilocyn	7438	I

The company plans to import the listed controlled substances as reference standards for research and development as part of API Manufacturing. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of the Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04305 Filed 3–3–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1670]

Importer of Controlled Substances Application: Restek Corporation

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Restek Corporation has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before April 3, 2026. Such persons may also file a written request for a hearing on the application on or before April 3, 2026.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on February 11, 2026, Restek Corporation, 110 Benner Circle, Bellefonte, Pennsylvania 16823–8433, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Amineptine	1219	I
Mesocarb	1227	I
3-Fluoro-N-methylcathinone (3-FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC)	1238	I
Para-Methoxymethamphetamine (PMMA), 1-(4-1245 I N methoxyphenyl)-N-methylpropan-2-amine	1245	I
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2- 1478 I N amine)	1478	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
4,4′-Dimethylaminorex	1595	I
Gamma Hydroxybutyric Acid	2010	I

Controlled substance	Drug code	Schedule
Methaqualone	2565	I
Mecloqualone	2572	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR-18 (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) 7008 I N SR-18 and RCS-8 indole) SR-19 (1-P	7008	I
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR-144 and XLR11 ([1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone)	7011	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
1-(4-Fluorobenzyl)-1H-indol-3-yl)(2,2,3,3- 7014 I N FUB-144 tetramethylcyclopropyl)methanone	7014	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB-FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
FUB-AMB, MMB-FUBINACA, AMB-FUBINACA (2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3-methylbutanoate)	7021	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-)3-carboxamide	7023	I
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	7024	I
5F-AB-PINACA (N-(1-amino-3methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7025	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7031	I
MAB-CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F-ADB; 5F-MDMB-PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido) 3,3-dimethylbutanoate)	7036	I
5F-MDMB-PICA	7041	I
MDMB-CHMICA, MMB-CHMINACA	7042	I
Methyl 2-7043 I N (1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3dimethylbutanoate)	7043	I
MMB-CHMICA	7044	I
FUB-AKB48; FUB-APINACA; AKB48 N-(4-FLUOROBENZYL)	7047	I
APINACA and AKB48	7048	I
5F-APINACA, 5F-AKB48	7049	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
1-(5-Fluoropentyl)-1H-indazole-3-carboxamide	7083	I
5F-CUMYL-P7AICA (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide)	7085	I
4-CN-CUMYL-BUTINACA	7089	I
SR-19 (1-Pentyl-3-[(4-methoxy)-benzoyl] indole	7104	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
NM2201, CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7221	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
4-methyl-alpha-ethylaminopentiophenone (4-MEAP)	7245	I
N-ethylhexedrone	7246	I
Alpha-ethyltryptamine	7249	I
Ibogaine	7260	I
2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one 7286 I N MXE, methoxetamine (methoxetamine)	7286	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine	7348	I
Marihuana extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Parahexyl	7374	I
Mescaline	7381	I
2C-T-2, (2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
Peyote	7415	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
4-chloro-alpha-pyrrolidinovalerophenone (4-chloro-a-PVP)	7443	I
4′-methyl-alpha-pyrrolidinohexiophenone (MPHP)	7446	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I

Controlled substance	Drug code	Schedule
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Ethyl-3-piperidyl benzilate	7482	I
N-Methyl-3-piperidyl benzilate	7484	I
N-Benzylpiperazine	7493	I
4-MePPP (4-Methyl-alphapyrrolidinopropiophenone)	7498	I
2C-D (2-(2,5-Dimethoxy-4-methylphenyl) ethanamine)	7508	I
2C-E (2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine)	7509	I
2C-H (2-(2,5-Dimethoxyphenyl) ethanamine)	7517	I
2C-I (2-(4-iodo-2,5-dimethoxyphenyl) ethanamine)	7518	I
2C-C (2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine)	7519	I
2C-N (2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine)	7521	I
2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine)	7524	I
2C-T-4 (2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7536	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7537	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
N-Ethylpentylone, ephylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)	7543	I
Alpha-Pyrrolidinohexanophenone	7544	I
α-PVP (alpha-pyrrolidinopentiophenone)	7545	I
α-PBP (alpha-pyrrolidinobutiophenone)	7546	I
Ethylone	7547	I
PV8, alpha-Pyrrolidinoheptaphenone	7548	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Cyprenorphine	9054	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Brorphine	9098	I
Dihydromorphine	9145	I
Difenoxin	9168	I
Heroin	9200	I
Hydromorphinol	9301	I
Methyldesorphine	9302	I
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Myrophine	9308	I
Nicocodeine	9309	I
Nicomorphine	9312	I
Normorphine	9313	I
Pholcodine	9314	I
Thebacon	9315	I
Acetorphine	9319	I
Drotebanol	9335	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine))	9560	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Benzethidine	9606	I
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I
Clonitazene	9612	I
Dextromoramide	9613	I
Isotonitazene (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitronitro- 1H-benzimidazol-1-yl)ethan-1-amine)	9614	I
Diampromide	9615	I
Diethylthiambutene	9616	I
Dimenoxadol	9617	I
Dimepheptanol	9618	I
Dimethylthiambutene	9619	I
Dioxaphetyl butyrate	9621	I
Dipipanone	9622	I
Ethylmethylthiambutene	9623	I
Etonitazene	9624	I
Etoxeridine	9625	I
Furethidine	9626	I
Hydroxypethidine	9627	I
Ketobemidone	9628	I
Levomoramide	9629	I

Controlled substance	Drug code	Schedule
Levophenacylmorphan	9631	I
Morpheridine	9632	I
Noracymethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Norpipanone	9636	I
Phenadoxone	9637	I
Phenampromide	9638	I
Phenoperidine	9641	I
Piritramide	9642	I
Proheptazine	9643	I
Properidine	9644	I
Racemoramide	9645	I
Trimeperidine	9646	I
Phenomorphan	9647	I
Propiram	9649	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	9663	I
Tilidine	9750	I
Butonitazene	9751	I
Flunitazene	9756	I
METONITAZENE	9757	I
N-PYRROLIDINO ETONITAZENE; ETONITAZEPYNE	9758	I
PROTONITAZENE	9759	I
METODESNITAZENE	9764	I
ETODESNITAZENE; ETAZENE	9765	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-Methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I
Para-Methylfentanyl	9817	I
4′-Methyl Acetyl fentanyl	9819	I
Ortho-Methyl methoxyacetyl fentanyl	9820	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Para-fluorobutyryl fentanyl	9823	I
4-Fluoroisobutyryl fentanyl	9824	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Para-chloroisobutyryl fentanyl	9826	I
Isobutyryl fentanyl	9827	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyryl fentanyl	9837	I
Ocfentanil	9838	I
Thiofuranyl fentanyl	9839	I
Valeryl fentanyl	9840	I
Phenyl fentanyl	9841	I
Beta′-Phenyl fentanyl	9842	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide)	9843	I
Crotonyl fentanyl	9844	I
Cyclopropyl Fentanyl	9845	I
ortho-Fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1- phenethylpiperidin-4-yl)butyramide; also known as 2- fluorobutyryl fentanyl)	9846	I
Cyclopentyl fentanyl	9847	I
Ortho-Methyl acetylfentanyl	9848	I
Fentanyl related-compounds as defined in 21 CFR 1308.11(h)	9850	I
Fentanyl Carbamate	9851	I
ORTHO-FLUOROACRYL FENTANYL	9852	I
ORTHO-FLUOROISOBUTYRYL FENTANYL	9853	I
Para-Fluoro furanyl fentanyl	9854	I
2′-Fluoro ortho-fluorofentanyl	9855	I
Beta-Methyl fentanyl	9856	I
Zipeprol	9873	I
Amphetam	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Dronabinol in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration (FDA)	7365	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
ANPP (4-Anilino-N-phenethyl-4-piperidine)	8333	II

Controlled substance	Drug code	Schedule
Norfentanyl	8366	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Anileridine	9020	II
Coca Leaves	9040	II
Cocaine	9041	II
Codeine	9050	II
Etorphine HCl	9059	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine-intermediate-A	9232	II
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Metazocine	9240	II
Oliceridine	9245	II
Methadone	9250	II
Methadone intermediate	9254	II
Metopon	9260	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Dihydroetorphine	9334	II
Opium, raw	9600	II
Opium extracts	9610	II
Opium fluid extract	9620	II
Opium tincture	9630	II
Opium, powdered	9639	II
Opium, granulated	9640	II
Levo-alphacetylmethadol	9648	II
Opium poppy	9650	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Poppy Straw Concentrate	9670	II
Phenazocine	9715	II
Thiafentanil	9729	II
Piminodine	9730	II
Racemethorphan	9732	II
Racemorphan	9733	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Bezitramide	9800	II
Fentanyl	9801	II
Moramide-intermediate	9802	II

The company plans to import the listed controlled substances to use in the manufacturing of exempted certified reference materials. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of the Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Thomas Prevoznik,

Deputy Assistant Administrator.

[FR Doc. 2026–04299 Filed 3–3–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1123–0NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection; Corporate Whistleblower Awards Pilot Program Online Intake Portal

AGENCY: Criminal Division, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Criminal Division, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for

review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 4, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Patrick Gushue, 1400 New York Avenue NW, Washington, DC 20005, phone (202) 305–0801 or email *patrick.gushue@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Criminal Division, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New collection.

2. *The Title of the Form/Collection:* Corporate Whistleblower Awards Pilot Program Online Intake Portal.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The Department of Justice's Criminal Division is sponsoring this collection. There is no form number. Affected public who will be asked or required to respond, as well as a brief abstract: This collection is entirely voluntary and is only open to individuals, not households. No person will be required to respond.

This collection will assist the Criminal Division in achieving mission-critical law enforcement priorities by collecting voluntary information regarding potential criminal activity. The collection will make the Division faster and more efficient when: (1) responding to tips regarding potential criminal activity submitted by members of the public; (2) issuing monetary awards to individuals whose information has assisted in the investigation and prosecution of such activity; and (3) answering general inquiries from the public regarding the Corporate Whistleblower Awards Pilot Program.

4. *Obligation to Respond:* This submission is entirely voluntary. There is no obligation to respond.

5. *Total Estimated Number of Respondents:* The Corporate Whistleblower Awards Pilot Program officially began in August 2024. Since then, it has generally received approximately 30–60 individual submissions a week (totaling well over 1,000 unique submissions as of December 12, 2025). According to records maintained by CWA Program staff, these submissions have come from over 1,000 individual respondents (some respondents make multiple submissions or send material to add to a previously-filed unique submission). The Division anticipates that the number of respondents will remain approximately the same each year after the collection is published, although the collection will accelerate the Division's ability to respond to these tips in a timely and efficient way.

6. *Estimated Time per Respondent:* Depending on the size of the submission, a submitter's reason for completing the collection, and the level of detail a submitter voluntarily chooses to provide, the Division estimates that completing the collection will take anywhere from five to forty-five minutes. This does not include the time that submitters may voluntarily spend preparing materials to include in the submission.

7. *Frequency:* Individuals may make as many submissions as they choose, as frequently as they choose.

8. *Total Estimated Annual Time Burden:* As noted above, it may take anywhere from five to forty-five minutes to complete the collection on an entirely voluntary basis. This is not obligatory in any way, and there is no requirement to update it. Annual time commitments from members of the public will depend entirely on how many submissions each member of the public chooses to make in one year.

9. *Total Estimated Annual Other Costs Burden:* Limited costs associated with hosting the online form. Program costs have already been expended to provide for staff time reviewing and processing this information. This collection will make staff more efficient.

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: March 2, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–04300 Filed 3–3–26; 8:45 am]

BILLING CODE 4410–14–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–26–0067; NARA–2026–009]

Records Schedules; Notice of Withdrawal

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice; withdrawal.

SUMMARY: When the records schedule notice was published on February 26, 2026, at 91 FR 9658, the link to the URL for the *regulations.gov* docket for the schedules was incorrect. Due to this clerical error, the notice will be withdrawn and the schedules will be reposted as soon as possible in a new notice, allowing the full 45-day comment period for the public to submit comments.

DATES: The document published at 91 FR 9658 on February 26, 2026 is withdrawn as of March 4, 2026.

FOR FURTHER INFORMATION CONTACT: Matthew Eidson, Records Management Operations, by email at *matthew.eidson@nara.gov* or at 301–837–3109. For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301–837–3109.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We publish notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and

subdivision requesting disposition authority.

When the records schedule notice was published on February 26, 2026, at 91 FR 9658, the link to the URL for the *regulations.gov* docket for the schedules was incorrect. Due to this clerical error, the notice will be withdrawn and the schedules will be reposted as soon as possible in a new notice, allowing the full 45-day comment period for the public to submit comments.

Schedules Withdrawn

1. Department of Justice, Private Trustee Oversight Records (DAA–0060–2025–0002).
2. Administration for Children and Families, Office of Child Support Enforcement (OCSE) Debtor File and Related Systems (DAA–0292–2026–0001).
3. Drug Enforcement Administration, Polygraph Examiner's Records (DAA–0170–2025–0006).
4. United States Capitol Police, Policy Records (DAA–0603–2024–0003).
5. Veterans Health Administration, Non-Health Professional Trainees Digital Recordings (DAA–0015–2025–0002).

William P. Fischer,

Acting Chief Records Officer for the U.S. Government.

[FR Doc. 2026–04324 Filed 3–3–26; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2026–008]

National Industrial Security Program Policy Advisory Committee (NISPPAC); Meeting

AGENCY: Information Security Oversight Office (ISOO), National Archives and Records Administration (NARA).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: We are announcing an upcoming National Industrial Security Program Policy Advisory Committee (NISPPAC) meeting in accordance with the Federal Advisory Committee Act and implementing regulations.

DATES: The meeting will be on March 18, 2026, 10am–2pm ET.

ADDRESSES: This meeting will be a hybrid of virtual and in person in Washington, DC in the McGowan Theater at 701 Constitution Ave. NW, Washington, DC 20002. See supplementary procedures below.

FOR FURTHER INFORMATION CONTACT: Heather Harris Pagán, ISOO Program Analyst, by telephone at 202.357.5351 or by email at *ISOO@nara.gov.* Contact ISOO at *ISOO@nara.gov* and the NISPPAC at *NISPPAC@nara.gov.*

SUPPLEMENTARY INFORMATION: This meeting is open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulations at 41 CFR 102–3. The Committee will discuss National Industrial Security Program policy matters.

Procedures: Members of the public must register in advance for the meeting through the Zoom for Gov *https://www.zoomgov.com/webinar/register/WN_gIaepwaCTr6Iki_II9vdjQ#/registration* if they wish to attend.

Merrily Harris,

Committee Management Officer.

[FR Doc. 2026–04214 Filed 3–3–26; 8:45 am]

BILLING CODE 7515–01–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings

TIME AND DATE: 2:15 p.m., Thursday, February 19, 2026.

PLACE: via ZOOM.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Regular Board of Directors meeting.

The General Counsel of the Corporation has certified that in her opinion, one or more of the exemptions set forth in the Government in the Sunshine Act, 5 U.S.C. 552b(c)(2) permit closure of the following portion(s) of this meeting:

- Executive (Closed) Session

Agenda

I. Call to Order
II. Action Item: Resolution to Elect a Temporary Board Chair
III. Sunshine Act Approval of Executive (Closed) Session
IV. Executive Session: CEO Report
V. Executive Session: CFO Report
VI. Action Item: Approval of Meeting Minutes for December 18, 2025 Regular Board Meeting
VII. Action Item: Approval of Changes to the FY2025/2026 Internal Audit Plan
VIII. Discussion Item: Health Insurance Special Delegation
IX. Discussion Item: Salesforce Licensing Contract
X. Discussion Item: Management Program Background and Updates
a. General Counsel Report
b. CIO Report
c. 2026 Board Calendar
d. 2026 Board Agenda Planner
e. CFO Report
i. Financials (through 11/30/25)
ii. Single Invoice Approvals $100K and over
iii. Vendor Payments $350K and over
iv. Exceptions
f. FY25–FY27 SP Scorecard—Q4
g. Network Watchlist Report

PORTIONS OPEN TO THE PUBLIC: Everything except the Executive (Closed) Session.

PORTIONS CLOSED TO THE PUBLIC: Executive (Closed) Session.

CONTACT PERSON FOR MORE INFORMATION: Jenna Sylvester, Paralegal, (202) 568–2560; *jsylvester@nw.org.*

Jenna Sylvester,

Paralegal.

[FR Doc. 2026–04241 Filed 3–2–26; 11:15 am]

BILLING CODE 7570–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–0001]

Sunshine Act Meetings

TIME AND DATE: Week of March 2, 2026.

PLACE: Via Webcast.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Week of March 2, 2026

Wednesday, March 4, 2026.

9:45 a.m. Affirmation Session (Public Meeting) (Tentative) US SFR Owner, LLC (Kemmerer Power Station, Unit 1), Docket No. 50–613–CP, Mandatory Hearing Decision (Contact: Wesley Held: 301–287–3591)

Additional Information: By a vote of 5–0 on February 27 and March 2, 2026, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and 10 CFR 9.107 that this item be affirmed with less than one week notice to the public. The item will be affirmed in the meeting being held on March 4, 2026. The public is invited to watch live via webcast at the Web address—*https://video.nrc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please contact the Reasonable Accommodations Resource by email at *Reasonable_ Accommodations. Resource@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Betty.Thweatt@nrc.gov* or *Samantha.Miklaszewski@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: March 2, 2026.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2026–04336 Filed 3–2–26; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–166 and K2026–166]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 9, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* MC2026–166 and K2026–166; *Filing Title:* USPS Request to Add Priority Mail, USPS Ground Advantage & Parcel Select Contract 9 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* February 27, 2026; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* March 9, 2026.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,

Alternate Federal Register Liaison.

[FR Doc. 2026–04293 Filed 3–3–26; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change–Priority Mail, and USPS Ground Advantage Negotiated Service Agreements & Priority Mail, USPS Ground Advantage, and Parcel Select Negotiated Service Agreements

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 4, 2026.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C.

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

3642 and 3632(b)(3), it filed with the Postal Regulatory Commission the following requests:

Date filed with postal regulatory commission	Negotiated service agreement product category and No.	MC Docket No.	K Docket No.
02/23/26	PM–GA 939	MC2026–165	K2026–165
02/27/26	PM–GA–PS 9	MC2026–166	K2026–166

Documents are available at *www.prc.gov*.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2026–04220 Filed 3–3–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0554]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 6a–4, Form 1–N

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for extension of the proposed collection of information provided for in Rule 6a–4 and Form 1–N, as discussed below. The Code of Federal Regulation citation to this collection of information is 17 CFR 240.6a–4 and 17 CFR 249.10 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (the ''Act'').

Section 6 of the Act [1] sets out a framework for the registration and regulation of national securities exchanges. Under the Commodity Futures Modernization Act of 2000, a futures market may trade security futures products by registering as a national securities exchange. Rule 6a–4 [2] sets forth these registration procedures and directs futures markets to submit a notice registration on Form 1–N.[3] Form 1–N calls for information regarding how the futures market operates, its rules and procedures, corporate governance, its criteria for membership, its subsidiaries and affiliates, and the security futures products it intends to trade. Rule 6a–4 also requires entities that have submitted an initial Form 1–N to file: (1) amendments to Form 1–N in the event of material changes to the information provided in the initial Form 1–N; (2) periodic updates of certain information provided in the initial Form 1–N; (3) certain information that is provided to the futures market's members; and (4) a monthly report summarizing the futures market's trading of security futures products. The information required to be filed with the Commission pursuant to Rule 6a–4 is designed to enable the Commission to carry out its statutorily mandated oversight functions and to ensure that registered and exempt exchanges continue to be in compliance with the Act.

The respondents to the collection of information are futures markets.

The Commission estimates that the total annual burden for all respondents to provide periodic amendments [4] to keep the Form 1–N accurate and up to date as required under Rule 6a–4(b)(1) would be 45 hours (15 hours/respondent per year × 3 respondents [5]) and $327 of miscellaneous clerical expenses. The Commission estimates that the total annual burden for all respondents to provide annual amendments under Rule 6a–4(b)(3) would be 45 hours (15 hours/respondent/year × 3 respondents) and $327 of miscellaneous clerical expenses. The Commission estimates that the total annual burden for all respondents to provide three-year amendments [6] under Rule 6a–4(b)(4) would be 20 hours (20 hours/respondent × 1 respondents per year) and $145 in miscellaneous clerical expenses. The Commission estimates that the total annual burden for the filing of the supplemental information [7] and the monthly reports required under Rule 6a–4(c) would be 18 hours (6 hours/respondent per year × 3 respondents [8]) and $196.20 of miscellaneous clerical expenses. Thus, the Commission estimates the total annual burden for complying with Rule 6a–4 is 128 hours and $995.20 in miscellaneous clerical expenses.

Compliance with Rule 6a–4 is mandatory. Information received in response to Rule 6a–4 shall not be kept confidential; the information collected is public information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202512-3235-021* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by April 6, 2026.

Dated: February 27, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04222 Filed 3–3–26; 8:45 am]

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[1] 15 U.S.C. 78f.

[2] 17 CFR 240.6a–4.

[3] 17 CFR 249.10.

[4] 17 CFR 240.6a–4(b)(1).

[5] The Commission estimates that three exchanges will file amendments with the Commission in order to keep their Form 1–N current.

[6] 17 CFR 240.6a–4(b)(3) and (4).

[7] 17 CFR 240.6a–4(c)

[8] *See supra* footnote 7.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104906; File No. SR–SAPPHIRE–2025–32]

Self-Regulatory Organizations; MIAX Sapphire, LLC; Order Approving Proposed Rule Change, as Modified by Amendment No. 1, To Amend Exchange Rule 527 (Exchange Liability)

February 27, 2026.

I. Introduction

On August 15, 2025, MIAX Sapphire, LLC (''MIAX Sapphire'' 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 amend Exchange Rule 527, Exchange Liability, to provide a one-

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

time accommodation payment to Members [3] for claims arising from the System [4] difficulties that the Exchange experienced on June 3, 2025 as a result of an operational error (hereinafter referred to as the ''Operational Error'').[5] The proposed rule change was published for comment in the **Federal Register** on September 3, 2025.[6]

On September 25, 2025, pursuant to Section 19(b)(2) of the Act,[7] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[8] On September 26, 2025, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change as originally filed and superseded such filing in its entirety. On December 2, 2025, the Commission issued notice of the filing of Amendment No. 1 to the proposed rule change and instituted proceedings pursuant to Section 19(b)(2)(B) of the Act [9] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.[10] The Commission has received no comments regarding the proposed rule change. This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

Currently, Exchange Rule 527(a) sets forth general limitations on the liability of the Exchange and its directors, officers, committee members, limited liability company members, employees, or agents.[11] Exchange Rule 527(b) describes exceptions to the Exchange's general limitation of liability rule to allow for the payment of compensation to Members [12] for claims or losses that arise from a System [13] issue that impacts the use or enjoyment of the facilities or services afforded by the Exchange, subject to certain conditions that limit the maximum amount of Exchange liability.[14] The Exchange proposes to amend Exchange Rule 527 to establish a voluntary one-time payment to Members in excess of the current limitation of liability set forth in Exchange Rule 527(b) for claims arising from the Operational Error on June 3, 2025,[15] in an amount not to exceed $525,000 in the aggregate.[16] The Exchange proposes to implement the proposed payment process upon approval of the proposal and expects to fully compensate all Members that incurred a loss that has been validated by the Exchange and occurred as a result of the Operational Error.[17]

The Exchange proposes to establish new subparagraph (e) to Exchange Rule 527, which will allow for a one-time payment program in excess of Exchange liability limits, notwithstanding subparagraphs (b)(1)-(3) [18] and subparagraph(c) [19] of Exchange Rule 527. Specifically, under proposed subparagraph (e), for the single trading day of June 3, 2025 and the full calendar month of June 2025, the total amount of the Exchange's liability will not exceed $525,000 for the aggregate of all claims alleged by all market participants related to the System difficulties resulting from the Operational Error.[20] Further, proposed subparagraph (e) sets forth the eligibility requirements for such claims for payment, limits compensation to claims previously filed with and validated by the Exchange, and provides that no new additional claims arising out of the Operational Error will be accepted.[21] The Exchange represents that it has received all claims related to the Operational Error and expects that all Members will be fully compensated for their claims arising from the Operational Error.[22]

Proposed subparagraph (e)(1) of Exchange Rule 527 provides that all claims for compensation must arise solely from realized trading losses from executions that occurred on the Exchange on June 3, 2025 between 11:18 a.m. and 11:33 a.m. Eastern Time (the

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[3] *See infra* note 12.

[4] *See infra* note 13.

[5] *See* Section II below (describing the Operational Error).

[6] *See* Securities Exchange Act Release No. 103795 (Aug. 28, 2025), 90 FR 42651.

[7] 15 U.S.C. 78s(b)(2).

[8] *See* Securities Exchange Act Release No. 104050, 90 FR 47008 (Sept. 30, 2025). The Commission designated December 2, 2025, as the date by which the Commission must approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[9] 15 U.S.C. 78s(b)(2)(B).

[10] *See* Securities Exchange Act Release No. 104294, 90 FR 56235 (Dec. 5, 2025) (''Notice of Amendment No. 1 & OIP'').

[11] *See* Exchange Rule 527(a).

[12] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange's Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[13] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[14] *See* Exchange Rule 527(b). *See also* Notice of Amendment No. 1 & OIP, *supra* note 10, at 56236.

[15] The Operational Error caused the Exchange's simulation/testing environment to connect to MIAX Sapphire's production ports and inject data into the Exchange's matching engines in the live trading environment. Upon discovery of the error, the Exchange halted trading in all symbols and, as discussed below, canceled all trades that occurred during the relevant time period. *See* Notice of Amendment No. 1 & OIP, *supra* note 10 at 56235–36 (providing description of the Operational Error and its aftermath).

[16] *See* Notice of Amendment No. 1 & OIP, *supra* note 10, at 56235–36. According to the Exchange, the majority of claims are from customers of Member firms who utilize a Member firm as their introducing broker to access and submit orders to the Exchange for execution. *Id.* at 56236, n.11.

[17] *See id.* at 56235.

[18] Subparagraphs (b)(1) through (b)(3) of Exchange Rule 527 set forth the limitations on liability for claims made by Members, individually and in the aggregate, related to Exchange System issues that impact the use or enjoyment of the facilities of the Exchange. Specifically, the current liability limits are as follows: (1) as to any one or more claims made by a single Member growing out of the use or enjoyment of the facilities afforded by the Exchange on a single trading day, the Exchange shall not be liable in excess of the larger of $100,000 or the amount of any recovery obtained by the Exchange under any applicable insurance maintained by the Exchange; (2) as to the aggregate of all claims made by all Members growing out of the use or enjoyment of the facilities afforded by the Exchange on a single trading day, the Exchange shall not be liable in excess of the larger of $250,000 or the amount of the recovery obtained by the Exchange under any applicable insurance maintained by the Exchange; and (3) as to the aggregate of all claims made by all Members growing out of the use or enjoyment of the facilities afforded by the Exchange during a single calendar month, the Exchange shall not be liable in excess of the larger of $500,000 or the amount of the recovery obtained by the Exchange under any applicable insurance maintained by the Exchange.

[19] Subparagraph (c) of Exchange Rule 527 provides that ''[i]f all of the claims arising out of the use or enjoyment of the facilities afforded by the Exchange cannot be fully satisfied because in the aggregate they exceed the applicable maximum amount of liability provided for in paragraph (b) . . . then such maximum amount shall be allocated among all such claims arising on a single trading day or during a single calendar month, as applicable, written notice of which has been given to the Exchange no later than the opening of trading on the next business day following the day on which the use or enjoyment of Exchange facilities giving rise to the claim occurred, based upon the proportion that each such claim bears to the sum of all such claims.'' Exchange Rule 527(c). Accordingly, the Exchange proposes that the notice requirement of Exchange Rule 527(c) will not apply to claims submitted under proposed paragraph (e) to Exchange Rule 527. *See* Notice of Amendment No. 1 & OIP, *supra* note 10, at 56238, n.21.

[20] *See* proposed Exchange Rule 527(e).

[21] *See* Notice of Amendment No. 1 & OIP, *supra* note 10, at 56238; proposed Exchange Rule 527(e). According to the Exchange, immediately following the Operational Error, the Exchange's Regulatory Operations Department spoke to each Member to discuss the Operational Error, the Exchange's proposed method of remedying trades based on erroneous simulation/testing environment data, and the manner in which Members should submit claims for compensation. *See* Notice of Amendment No. 1 & OIP, *supra* note 10, at 56239. The Exchange further states that it independently verified each Member's claim and confirmed the loss amount with each Member prior to submitting the proposed rule change. *See id.* at 56236–37 (providing detailed explanation regarding the Exchange's verification process).

[22] *See* Notice of Amendment No. 1 & OIP, *supra* note 10, at 56238. According to the Exchange, the total claims received and validated by the Exchange equal approximately $500,000. *See id.* at 56239.

''Timeframe'') that the Exchange subsequently canceled pursuant to Exchange Rule 523, causing Members to execute a new trade on the Exchange or at an away-exchange to replace the canceled trade. Proposed subparagraphs (e)(1)(i)-(ii) describe the process the Exchange used to determine a Member's trading losses. Specifically, for trading losses that resulted from a Member executing the replacement trade [23] on MIAX Sapphire, the Exchange validated: (1) that the canceled trade took place on MIAX Sapphire during the Timeframe of the Operational Error based on the Member's MPID [24]; (2) the execution price of the canceled trade; (3) that the replacement trade took place on MIAX Sapphire; and (4) the execution price of the replacement trade. Further, for trading losses that resulted from a Member executing the replacement trade on an away-exchange, the Exchange validated: (1) that the canceled trade took place on MIAX Sapphire during the Timeframe of the Operational Error based on the Member's MPID; (2) the execution price of the canceled trade; and (3) the execution price of the replacement trade.[25] In either case, the measure of loss was calculated based on the difference between the execution prices of the canceled trade and the replacement trade.[26]

Under the proposal, all payments will be made in cash and will not be made until this proposed rule change becomes effective and final.[27] Further, payments to Members under proposed Exchange Rule 527(e) will be contingent on a Member submitting to the Exchange an attestation within 14 calendar days after the effective date of the proposed rule change (*i.e.,* the date of Commission approval) detailing the following information for each original trade that was canceled by the Exchange that took place during the Timeframe of the Operational Error and each replacement trade: (1) trade date; (2) execution time; (3) symbol; (4) strike price; (5) expiration date; (6) side (buy or sell); (7) quantity; (8) venue (on MIAX Sapphire or an away-exchange); (9) notional value; and (10) claimed loss amount. Failure to provide the required attestation will void the Member's eligibility to receive a payment.[28] Each Member will be required to maintain books and records that detail the nature and amount of their losses.[29]

Finally, all payments to Members will be contingent upon the execution and delivery to the Exchange of a release by the Member of all claims by it or its affiliates [30] against the Exchange or its affiliates for losses that arise out of, are associated with, or relate in any way to the Operational Error or to any actions or omissions related in any way to the Operational Error. Failure to provide the required release within 14 calendar days after the effective date of the proposed rule change will void the Member's eligibility to receive a payment for its claim.[31] The Exchange states that participation in the proposed payment program is voluntary on the part of Members and the program is designed to quantify and provide compensation in an objectively discernable manner for customer losses there were directly attributable to the Operational Error.[32]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[33] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act,[34] which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As discussed above, the Exchange's current limitation of liability rules limit the amount of compensation Members may receive for claims or losses that arise from a System issue that impacts the use or enjoyment of the facilities or services afforded by the Exchange. In particular, under existing Exchange Rules 527(b)(1)–(3), payment for all claims cannot exceed the larger of (1) $100,000 for claims made by a single Member related to a single trading day, $250,000 for the aggregate of all claims made by all Members related to a single trading day, or $500,000 for all claims made by all Members related to a single calendar month, respectively; or (2) the amount of the recovery obtained by the Exchange under any applicable insurance.[35] The Exchange proposes to amend Exchange Rule 527 to provide a one-time voluntary payment program for claims arising from the Operational Error it experienced on June 3, 2025. The proposed rule change would create a means of providing significantly more compensation to compensate Members for eligible claims arising from the Operational Error than would otherwise be permitted under current Exchange Rule 527 and the Exchange expects that the $525,000 aggregate amount would be sufficient to fully compensate Members for losses arising out of the Operational Error. Further, the Exchange states that this type of payment policy is not without precedent.[36]

It is consistent with Section 6(b)(5) of the Act [37] and in the public interest for the Exchange to allow for a one-time accommodation payment in excess of its current limitation of liability rules so that it can fully compensate Members for losses incurred in connection with the Operational Error the Exchange experienced on June 3, 2025. The Exchange's proposal provides clear and objective eligibility criteria and a transparent process for the submission

[23] For purposes of Exchange Rule 527(e), unless stated otherwise, the term ''replacement trade'' is construed to mean the new trade executed by a Member on MIAX Sapphire or at an away-exchange that was executed to replace the original trade that was canceled by MIAX Sapphire during the timeframe of the Operational Error. *See* proposed Exchange Rule 527(e)(1)(iii).

[24] The term ''MPID'' means unique market participant identifier. *See* Exchange Rule 100.

[25] The Exchange validated the execution price of the replacement trade by comparing such price against the closing or opening price of the option, depending on the time of execution, as well as the size of the replacement trade in comparison to the original trade that was canceled. *See* proposed Exchange Rule 527(e)(1)(ii).

[26] *See* proposed Exchange Rule 527(e)(1)(i) and (ii).

[27] *See* proposed Exchange Rule 527(e)(2).

[28] *See* proposed Exchange Rule 527(e)(3).

[29] *See id.*

[30] The term ''affiliate'' of or person ''affiliated with'' another person means a person who, directly, or indirectly, controls, is controlled by, or is under common control with, such other person. *See* Exchange Rule 100.

[31] *See* proposed Exchange Rule 527(e)(4).

[32] *See* Notice of Amendment No. 1 & OIP, *supra* note 10, at 56238–39.

[33] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[34] 15 U.S.C. 78f(b)(5).

[35] *See* Exchange Rule 527(b)(1)–(3).

[36] *See* Notice of Amendment No. 1 & OIP, *supra* note 10, at 56236, n.12 and accompanying text (stating that the Exchange's proposal is substantively similar to the one-time payment plan set forth in SR–NASDAQ–2012–090, which provided compensation in connection with an operational error in excess of Nasdaq's then in effect limitations on liability rules).

[37] 15 U.S.C. 78f(b)(5).

and verification of Member claims. As discussed above, proposed subparagraphs (e)(1)(i)–(ii) of Exchange Rule 527 describe the criteria and process the Exchange used to determine a Member's trading losses, and subparagraphs (e)(3) and (4) set forth the parameters and timing required for proper attestation and release of claims in connection with the Operational Error. The Exchange states that it has received and verified all claims. For the reasons discussed, the Commission finds that the Exchange's proposal to amend existing Exchange Rule 527 to establish a liability limit not to exceed $525,000 so that it can fully compensate Members for claims related to the System difficulties that resulted in connection with the Operational Error on June 3, 2025, and to follow the process set forth herein to provide such compensation, is consistent with the Section 6(b)(5) of the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[38] that the proposed rule change (SR–SAPPHIRE–2025–32), as modified by Amendment No. 1, be and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04219 Filed 3–3–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104904; File No. SR–CBOE–2026–020]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of a Proposed Rule Change to Rules 4.3 (Criteria for Underlying Securities) and 4.4 (Withdrawal of Approval of Underlying Securities) To Establish Listing Criteria and Withdrawal Standards for Options on Commodity-Based Trusts Holding Multiple Crypto Assets

February 27, 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 23, 2026, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (''Cboe'' or the ''Exchange'') is filing with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change to Rules 4.3 (Criteria for Underlying Securities) and 4.4 (Withdrawal of Approval of Underlying Securities) to establish listing criteria and withdrawal standards for options on Commodity-Based Trusts holding multiple crypto assets. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/options/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rules 4.3 (Criteria for Underlying Securities) and 4.4 (Withdrawal of Approval of Underlying Securities) to establish listing criteria and withdrawal standards for options on Commodity-Based Trusts holding single or multiple crypto assets.

On November 14, 2025, the Exchange's proposal to permit certain options on exchange-traded funds (''ETFs'')[3] that represent interests in a Commodity-Based Trust that meet certain generic listing requirements was deemed approved.[4] Currently, Rule 4.3, Interpretation and Policy .06(a)(6) allows the Exchange to list and trade options on ETFs that represent interests in a Commodity-Based Trust that (A) meets the generic criteria of the U.S. exchange that is the primary equities listing market for the Commodity-Based Trust, and (B) holds a single crypto asset that meets certain requirements. Specifically, the Commodity-Based Trust must satisfy the following: (i) the total global supply of the underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least $700 million over the last 12 months; and (ii) the crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group (''ISG'').

Now, the Exchange proposes to amend Rule 4.3, Interpretation and Policy .06(a)(6) to permit the listing and trading of options on a Commodity-Based Trust that holds multiple crypto assets, in addition to a Commodity-Based Trust that holds a single crypto asset. As amended, Rule 4.3, Interpretation and Policy .06(a)(6) would provide that securities deemed appropriate for options trading include Units that:

> represent interests in a Commodity-Based Trust that (A) meets the generic criteria of the U.S. securities exchange that is the primary equities listing market for the Commodity-Based Trust and (B) holds a single crypto asset or multiple crypto assets that meet the following requirements: (i) the total global supply of each underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least $700 million over the last 12 months; and (ii) each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group. For purposes of this subparagraph (6), the term ''crypto asset'' means an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network, including but not limited to, assets known as ''tokens,'' ''digital assets,'' ''virtual

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[38] 15 U.S.C. 78s(b)(2).

[39] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 1.1 (Definitions) for ''Unit'' and ''ETF.''

[4] *See* Securities Exchange Act No. 104210 (November 18, 2025) 90 FR 52727 (November 21, 2025) (SR–CBOE–2025–014) (Notice of Deemed Approval of Various Proposed Rule Changes).

currencies,'' and ''coins'' and that relies on cryptographic protocols.

With the addition of multiple crypto assets, the criteria would require each underlying crypto asset to meet the total global supply figure and to underlie a derivative contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement. The market value for each underlying crypto asset held by a Commodity-Based Trust will be calculated by taking the total global supply of the particular crypto asset multiplied by the token price of that asset.[5] The total supply of a crypto asset includes all crypto assets currently issued and does not include unissued crypto assets.[6]

As a result of this amendment, the proposed listing criteria would permit a Commodity-Based Trust that is generically listed on a primary equities listing market and holds multiple crypto assets to qualify for the listing of options on that ETF, provided Rule 4.3, Interpretation and Policy .06(a)(6) has also been met, as well as the listing criteria in Rule 4.3, Interpretation and Policy (a)(1) and (2) or Rule 4.3, Interpretation and Policy .06(b)(2).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that its proposal to permit Commodity-Based Trusts that hold multiple crypto assets to be listed and traded without the need for additional approvals will enhance operational efficiency, will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because it would allow the Exchange to immediately list and trade qualifying options on Commodity-Based Trusts, provided the initial listing criteria have been met, without any additional approvals from the Commission.

Specifically, the Exchange's proposal to amend Rule 4.3, Interpretation and Policy .06(a)(6) to allow the listing and trading of options on Units that represent interests in Commodity-Based Trusts that are generically listed on a primary equities listing market and hold multiple crypto assets in addition to single crypto assets, is consistent with the Act because it will permit the Exchange to offer options on certain Commodity-Based Trusts soon after the listing of the Unit, provided all listing criteria have been met. Listing these options will avail market participants of the opportunity to hedge their positions in the Commodity-Based Trusts in a timely manner, thereby providing investors with the ability to hedge their exposure to the underlying Commodity-Based Trust. Options on Commodity-Based Trusts benefit investors, similar to the listing of any other option on Unit [sic], by providing investors with a relatively lower-cost risk management tool to manage their positions and associated risk in their portfolios more easily in connection with exposure to the price of a crypto asset. Additionally, listing options on Commodity-Based Trusts provides investors with the ability to transact in such options on a listed market as opposed to the OTC options market, which increases market transparency and enhances the process of price discovery to the benefit of all investors.

Also, this proposal would permit options on certain Commodity-Based Trusts to be listed on the Exchange in the same manner as options on Units that are subject to the current listing criteria in Rule 4.3, Interpretation and Policy .06(a). The Exchange notes that the majority of Units are able to list and trade options once the initial listing criteria have been met without the need for additional approvals. The proposed rule change would allow the Exchange to likewise list options on certain Commodity-Based Trusts that meet the proposed listing criteria without the need for additional approvals.

As proposed, the Exchange would list options on a Commodity-Based Trust that is generically listed on a primary equities listing market, provided the Commodity-Based Trust holds multiple crypto assets. Further, each crypto asset held by the Commodity-Based Trust would also be required to satisfy the conditions in proposed Rule 4.3, Interpretation and Policy .06(a)(6)(B), which requires that (i) the total global supply of each underlying crypto asset held by the Commodity-Based Trust must have an average daily market value of at least $700 million over the last 12 months; and (ii) each crypto asset held by the Commodity-Based Trust must underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG.

These requirements are consistent with the Act and the protection of investors as they provide that each crypto asset held by the underlying Unit has sufficient liquidity prior to listing options, which will serve to prevent disruption in the underlying market. The Exchange believes that market supply serves as a good measure of liquidity to permit options trading in options on Commodity-Based Trusts that hold multiple crypto assets. Requiring each underlying crypto asset to have a requisite amount of deliverable supply, in addition to all the other criteria the Unit is required to have under the applicable primary equities listing market, should provide adequate liquidity prior to listing. Further, providing that each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, will provide the Exchange with information to adequately surveil options on qualifying Commodity-Based Trusts. Today, the Exchange has a comprehensive surveillance sharing agreement in place with both the Chicago Mercantile Exchange (''CME'') and Coinbase Derivatives through its common membership in ISG. This facilitates the sharing of information that is available

[5] The market supply information can be obtained from publicly available sources such as coingecko.com or coinmarketcap.com.

[6] For example, if Bitcoin were the underlying crypto asset, the Exchange would consider the total supply of all Bitcoin currently issued instead of the maximum supply, which would be currently issued as well as unminted Bitcoin. As of February 4, 2026, Bitcoin's total supply was 19,984,462 (the maximum supply is 21,000,000). See *https://www.coingecko.com/en/coins/bitcoin*. The Exchange would calculate market value by utilizing the total supply number multiplied by the Bitcoin price on that day.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

to the CME and Coinbase Derivatives through their surveillance of their respective markets, including their surveillance of their respective digital asset futures markets.

The Exchange also believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, because it is consistent with current Exchange Rules, previously filed with the Commission. Options on qualifying Commodity-Based Trusts must satisfy the initial listing standards and continued listing standards currently in the Exchange Rules, applicable to options on all Units, including Units that hold other crypto assets already deemed appropriate for options trading on the Exchange, together with the proposed criteria.

Further, the proposal adopts new subparagraph (c) to Rule 4.4, Interpretation and Policy .06, which will require each crypto asset held by a Commodity-Based Trust to continue to meet the requirement of Rule 4.3, Interpretation and Policy .06(a)(6)(B)(i) on a monthly basis and for the criteria in Rule 4.3, Interpretation and Policy .06(a)(6)(B)(ii) to be met on a continuous basis. Accordingly, each crypto asset held by a Commodity-Based Trust must continue to have a total global supply with an average daily market value of at least $700 million over the last 12 months, and also must continue to underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG. The Exchange believes that this continued listing standard, in addition to requirements of Rule 4.3, Interpretation and Policy .06(a)(6) would protect investors and the public interest by ensuring that the crypto assets held by the Commodity-Based Trust continue to remain liquid. The Exchange believes that requiring the criteria in Rule 4.3, Interpretation and Policy .06(a)(6)(B)(i) to be met on a monthly basis is consistent with the Act and the protection of investors because the Exchange believes that it is unlikely that a crypto asset with an average daily market value of at least $700 million over the previous twelve months would fail to meet that standard as a resulting [sic] of trading over a relatively short period of time. For example, if a crypto asset has a market capitalization of $900 million and traded at that market capitalization for 15 days in a 20-day trading month, the crypto asset could lose a substantial amount of its value (up to 88%) and still meet the criteria. Similarly, a crypto asset with a market capitalization of $500 million for 15 days in a 20-day trading month, would have to achieve a market capitalization of $1.3 billion (a 160% increase) in the last 5 days to meet the criteria. Given the unlikelihood that there would be a huge movement over a month's period of time and considering the work that would be required to calculate the criteria on a daily basis as compared to each month, the Exchange believes that the proposed continued listing obligation for the average daily market value criteria is sufficient. Further, options on Commodity-Based Trusts that are approved subject to Rule 4.3, Interpretation and Policy .06(a)(6) would continue to be subject to Rule 4.4, Interpretation and Policy .06(e) as re-lettered, which states that the Exchange may consider suspending open [sic] transactions in options on an ETF if, ''such other event occurs or condition exists that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable.'' The Exchange may determine at any point to delist an option on a Commodity-Based Trust that may not have sufficient liquidity or market demand.

Options on qualifying Commodity-Based Trusts would trade in the same manner as any other Unit options—the same Exchange Rules that currently govern the listing and trading of all Unit options, including permissible expirations, strike prices and minimum increments, and applicable position and exercise limits and margin requirements, will govern the listing and trading of options on qualifying Commodity-Based Trusts.

The Exchange represents that it has the necessary systems capacity to support the listing and trading of options on qualifying Commodity-Based Trusts. The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading of these options on Commodity-Based Trust, particularly in light of the additional requirement that each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in ISG.

Finally, today, the Exchange lists and trades options on Units that would qualify for listing as an option on a Commodity-Based Trust under proposed Rule 4.3, Interpretation and Policy .06(a)(6), and it has not identified any issues with the listing and trading of options on those Units.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposal to amend the listing criteria in Rule 4.3, Interpretation and Policy .06 with respect to Units, to adopt new criteria to permit the listing and trading of options on certain Commodity-Based Trusts that are generically listed on a primary equities listing market, without the need for additional approvals, will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All Trading Permit Holders (''TPHs'') will be able to trade options on qualifying Commodity-Based Trusts that hold multiple crypto assets in the same manner. Further, the proposed rules would apply in an equal manner to options on qualifying Commodity-Based Trusts that contain multiple crypto assets. The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios in a timely manner.

The Exchange does not believe that the proposal to amend the listing criteria at Rule 4.3, Interpretation and Policy .06(a)(6), with respect to Units, to adopt new criteria to permit the listing and trading of options on certain Commodity-Based Trusts that are generically listed on a primary equities listing market, without the need for additional approvals, will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on Commodity-Based Trusts that hold multiple crypto assets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2026–020 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2026–020. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CBOE–2026–020 and should be submitted on or before March 25, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04226 Filed 3–3–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104909/February 27, 2026]

Order Making Fiscal Year 2026 Annual Adjustments to Transaction Fee Rates

I. Background

Section 31 of the Securities Exchange Act of 1934 (''Exchange Act'') requires each national securities exchange and national securities association to pay transaction fees to the Commission.[1] Specifically, Section 31(b) requires each national securities exchange to pay to the Commission fees based on the aggregate dollar amount of sales of certain securities (''covered sales'') transacted on the exchange.[2] Section 31(c) requires each national securities association to pay to the Commission fees based on the aggregate dollar amount of covered sales transacted by or through any member of the association other than on an exchange.[3]

Section 31 of the Exchange Act requires the Commission to annually adjust the fee rates applicable under Sections 31(b) and (c) to a uniform adjusted rate.[4] Specifically, the Commission must adjust the fee rates to a uniform adjusted rate that is reasonably likely to produce aggregate fee collections (including assessments on security futures transactions) equal to the regular appropriation to the Commission for the applicable fiscal year.[5]

The Commission is required to publish notice of the new fee rates under Section 31 not later than 30 days after the date on which an Act making a regular appropriation for the applicable fiscal year is enacted.[6] On February 3, 2026, the President signed into law the Consolidated Appropriations Act, 2026, which includes total appropriations of $2,149,000,000 to the SEC for fiscal year 2026.

II. Fiscal Year 2026 Annual Adjustment to the Fee Rate

The new fee rate is determined by (1) subtracting the sum of fees estimated to be collected prior to the effective date of the new fee rate[7] and estimated assessments on security futures transactions to be collected under Section 31(d) of the Exchange Act for all of fiscal year 2026[8] from an amount equal to the regular appropriation to the Commission for fiscal year 2026, and (2) dividing by the estimated aggregate dollar amount of covered sales for the remainder of the fiscal year following the effective date of the new fee rate.[9]

As noted above, the Consolidated Appropriations Act, 2026, includes total appropriations of $2,149,000,000 to the Commission for fiscal year 2026.[10] The Commission estimates that it will collect $0 in fees for the period prior to the effective date of the new fee rate and $0 in assessments on round turn transactions in security futures products during all of fiscal year 2026. Using the methodology described in Appendix A, the Commission estimates that the aggregate dollar amount of covered sales for the remainder of fiscal year 2026 to be $104,121,391,900,000.

The uniform adjusted rate is computed by dividing the residual fees to be collected by the estimated aggregate dollar amount of covered sales for the remainder of fiscal year; this

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78ee.

[2] 15 U.S.C. 78ee(b).

[3] 15 U.S.C. 78ee(c).

[4] In some circumstances, the SEC also must make a mid-year adjustment to the fee rates applicable under Sections 31(b) and (c).

[5] 15 U.S.C. 78ee(j)(1) (the Commission must adjust the rates under Sections 31(b) and (c) to a ''uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under [Section 31] (including assessments collected under [Section 31(d)]) that are equal to the regular appropriation to the Commission by Congress for such fiscal year.'').

[6] 15 U.S.C. 78ee(g).

[7] The sum of fees to be collected prior to the effective date of the new fee rate is determined by applying the current fee rate to the dollar amount of covered sales prior to the effective date of the new fee rate. The exchanges and FINRA have provided data on the dollar amount of covered sales through Dec. 2025. To calculate the dollar amount of covered sales from Jan. 2026 to the effective date of the new fee rate, the Commission is using the same methodology it used in fiscal year 2020. This methodology is described in Appendix A of this order.

[8] Currently, security futures do not trade on any market, therefore the Commission has not collected any assessments for transactions in security futures. Accordingly, the forecast for the assessments for all of fiscal year 2026 for single stock futures is zero.

[9] To estimate the aggregate dollar amount of covered sales for the remainder of fiscal year 2026 following the effective date of the new fee rate, the Commission is using the same methodology it used previously. This methodology is described in Appendix A of this order.

[10] The President signed into law the ''Consolidated Appropriations Act, 2026'' on February 3, 2026. This legislation included an appropriation of $2,149,000,000 to the SEC for fiscal year 2026 operations. Pub. Law. 119–75.

results in a uniform adjusted rate for fiscal year 2026 of $20.60 per million.[11]

III. Effective Date of the Uniform Adjusted Rate

Under Section 31(j)(4)(A) of the Exchange Act, the fiscal year 2026 annual adjustments to the fee rates applicable under Sections 31(b) and (c) of the Exchange Act shall take effect on the later of October 1, 2025, or 60 days after the date on which a regular appropriation to the Commission for fiscal year 2026 is enacted.[12] The regular appropriation to the Commission for fiscal year 2026 was enacted on February 3, 2026, and accordingly, the new fee rates applicable under Sections 31(b) and (c) of the Exchange Act will take effect on April 4, 2026.

IV. Conclusion

Accordingly, pursuant to Section 31 of the Exchange Act,

It is hereby ordered that the fee rates applicable under Sections 31(b) and (c) of the Exchange Act shall be $20.60 per $1,000,000 effective on April 4, 2026.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

Appendix A

This appendix provides the methodology for determining the annual adjustment to the fee rates applicable under Sections 31(b) and (c) of the Exchange Act for fiscal year 2026. Section 31 of the Exchange Act requires the fee rates to be adjusted so that it is reasonably likely that the Commission will collect aggregate fees equal to its regular appropriation for fiscal year 2026.

To make the adjustment, the Commission must project the aggregate dollar amount of covered sales of securities on the securities exchanges and certain over-the-counter (''OTC'') markets over the course of the year. The fee rate equals the ratio of the Commission's regular appropriation for fiscal year 2026 (less the sum of fees to be collected during fiscal year 2026 prior to the effective date of the new fee rate and aggregate assessments on security futures transactions during all of fiscal year 2026) to the estimated aggregate dollar amount of covered sales for the remainder of the fiscal year following the effective date of the new fee rate.

For 2026, the Commission has estimated the aggregate dollar amount of covered sales by projecting forward the trend established in the previous decade. More specifically, the dollar amount of covered sales was forecasted for months subsequent to December, 2025, the last month for which the Commission has data on the dollar volume of covered sales.[13]

The following sections describe this process in detail.

A. Baseline Estimate of the Aggregate Dollar Amount of Covered Sales for Fiscal Year 2026

First, calculate the average daily dollar amount of covered sales (''ADS'') for each month in the sample (April 2015 through December 2025). The monthly total dollar amount of covered sales (exchange plus certain OTC markets) is presented in column C of Table A.

The model forecasts the monthly moving average of the average daily dollar amount of covered sales. Each month's average daily dollar amount of covered sales is calculated by dividing the total covered sales for that month (column C of Table A) by the number of trading days for that month (column B of Table A). These amounts are shown in column D of Table A. The moving average will span the same number of months required to be forecast for the remainder of the fiscal year. The trailing moving average used in the forecast model is presented in column E of Table A.

To capture the recent trends in the monthly changes in the moving averages, calculate the one- and two-month lags of the trailing moving average shown in column E in Table A. These amounts are shown in columns F and G, respectively, of Table A.

Next, model the monthly trailing moving average of ADS as function of a constant term and the two lagged trailing moving averages using the ordinary least squares technique.

Use the estimated model to forecast the trailing moving average of ADS of the first month after the last available monthly data. Estimate the trailing moving average of the second month using the forecasted value of the first month and the actual value of the month before that. Similarly, estimate the trailing moving average of the third month using the forecasted values of the two previous months. Continue in this fashion until the end of the fiscal year.

The estimate of the trailing moving average ADS for the last applicable month in the fiscal year is a prediction of the moving average for those months that need to be predicted. This estimate is used as the predicted value of ADS for each month in the forecast period; to obtain the forecast total covered sales for each month, multiply the predicted ADS by the number of days in each month.

The following is a more formal (mathematical) description of the procedure:

1. Begin with the monthly data for total dollar volume of covered sales (column C). The sample spans ten years, from April 2015 through December 2025.[14] Divide each month's total dollar volume by the number of trading days in that month (column B) to obtain the average daily dollar volume (ADS, column D).

2. For each month *t,* calculate the eight-month trailing moving average of ADS (shown in column E). For example, the value for November 2015 is the average of the eight months ending in November 2015, or April 2015 through November 2015 inclusive.

3. Calculate the one- and two-month lags of the trailing moving average. For example, the one-month lag of the eight-month trailing moving average for December 2015 is equal to the eight-month trailing moving average for November 2015. The two-month lag of the eight-month trailing moving average for January 2016 is equal to the eight-month trailing moving average for November 2015. These are shown in columns F and G.

4. Estimate the model using ordinary least squares:

$$y_t = \alpha + \beta 1\ y_{t-1} + \beta_2\ y_{t-2} + u_t$$

Where y_t, is the eight-month trailing moving average of the average daily sales for month t, and y_{t-1} and y_{t-2} are the one- and two-month lags of y_t, and u_t representing the error term for month t. The model can be estimated using standard commercially available software. The estimated parameter values are $\alpha = +686{,}264{,}830$, $\beta_1 = +1.647148$, $\beta_2 = -0.644620$. The root-mean squared error (RMSE) of the regression is 10,624,793,826.

5. The predicted value of the eight-month trailing moving average of the last month to be forecast represents the final forecast of covered sales for the entire prediction period. This value is shown in column H. This represents the prediction for August 2026. To calculate this value from the model above, one needs the one-month and two-month lag of the eight-month trailing moving average ADS, *i.e.,* the eight-month trailing moving average for June and July. The eight-month trailing moving average for July is obtained by using the one- and two-month lags for July, that is, the eight-month trailing moving averages for June and May. To arrive at all the necessary inputs, one begins with the first month to be forecast, in this case, January 2026, and iterates predictions forward until the last month is predicted. One then multiplies the final predicted eight-month trailing moving average ADS by the number of days in each month to arrive at the forecast total dollar amount of covered sales. This is shown in column I.

6. For example, for January 2026, using the a, b_1, and b_2 parameter estimates shown above, along with the one- and two-month lags in the eight-month trailing moving average ADS (representing the eight-month trailing moving average ADS for November and December 2025, respectively), one can estimate the forecast eight-month trailing moving average ADS for January:

[11] Appendix A shows the process of calculating the fiscal year 2026 annual adjustment and includes the data used by the Commission in making this adjustment.

[12] 15 U.S.C. 78ee(j)(4)(A).

[13] To determine the availability of data, the Commission compares the date of the appropriation with the date the transaction data are due from the exchanges (10 business days after the end of the month). If the business day following the date of the appropriation is equal to or subsequent to the date the data are due from the exchanges, the Commission uses these data. The appropriation was signed on February 3, 2026. The first business day after this date was February 4, 2026. Data for January are not due until February 13. As a result, the Commission used the previous month, December 2025, and earlier data to forecast volume for January 2026 and later months.

[14] Because the model uses a two period lag in the 8-month trailing moving average of average daily covered sales, nine additional months of data are added to the table so that the model is estimated with 120 observations.

+686,264,830 + (1.647148 × 946,221,753,795) + (−0.644620 × 940,759,326,390) = 952,821,918,200.

7. With the estimated eight-month trailing moving average ADS for January 2026 calculated above, one can estimate the eight-month trailing moving average ADS for February 2026. The estimate obtained from January 2026 becomes the one-month lag for February, and the one-month lag used in the January forecast becomes the two-month lag for the February forecast. Thus, the predicted eight-month trailing moving average ADS for February 2026 is calculated as: +686,264,830 + (1.647148 × 952,821,918,200) + (−0.644620× 946,221,753,795) = 960,170,180,025.

8. Using the forecasts for January and February, one can estimate the value for March. Repeat this procedure for subsequent months, until the estimate for August 2026 is obtained. This value is 1,010,887,300,000.[15] This value is then used to calculate the final forecast total monthly covered sales for all eight months from January 2026 through August 2026.

9. To obtain the estimate of total monthly covered sales for each month, multiply the number of trading days in the month, shown in column B in Table A, by the final forecast eight-month trailing moving average ADS, shown in column H of Table A. This product is shown in column I of Table A, and these figures are used to calculate the new fee rate.

B. Using the Forecasts From A To Calculate the new fee Rate

1. Use Table A to estimate fees collected for the period September 1, 2025, through April 3, 2026. The projected aggregate dollar amount of covered sales for this period is $151,563,603,123,198. Actual and projected fee collections at the current fee rate of $0.00 per million are $0.

2. Estimate the amount of assessments on security futures products collected from September 1, 2025, through August 31, 2026. The only entity reporting assessable security futures products ceased operations in September 2020.[16] Consequently, the estimated amount of assessments on security futures products collected from September 2025 through August 2026 is zero.

3. Subtract the amount $0 from the target off-setting collection amount set by Congress of $2,149,000,000, resulting in $2,149,000,000 to be collected on dollar volume for the period April 4, 2026, through August 31, 2026.

4. Use Table A to estimate dollar volume for the period April 4, 2026, through August 31, 2026. The estimate is $104,121,391,900,000. Finally, compute the fee rate required to produce the $2,149,000,000 in revenue. This rate is $2,149,000,000 divided by $104,121,391,900,000 or 0.00002063937.

5. Round the result to the seventh decimal point, yielding a rate of 0.0000206 (or −$20.60 per million).

This table summarizes the estimates of the aggregate dollar amount of covered sales, by time period. The figures in this table can be used to determine the new fee rate.

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TABLE A—BASELINE ESTIMATE OF THE AGGREGATE DOLLAR AMOUNT OF SALES

[Fee rate calculation]

a. Baseline estimate of the aggregate dollar amount of sales, 09/01/2025 to 03/31/2026 ($Millions)	149,541,829
b. Baseline estimate of the aggregate dollar amount of sales, 04/01/2026 to 04/03/2026 ($Millions)	2,021,775
c. Baseline estimate of the aggregate dollar amount of sales, 04/04/2026 to 04/30/2026 ($Millions)	19,206,859
d. Baseline estimate of the aggregate dollar amount of sales, 05/01/2026 to 08/31/2026 ($Millions)	84,914,533
e. Estimated collections in assessments on security futures products in fiscal year 2026 ($Millions)	0.000
f. Implied fee rate (($2,149,000,000 − $0.00 * (a + b) − e) / (c + d)	$20.60

[15] One obtains insignificantly different values using the rounded parameter estimates shown above. The predicted ADS values displayed above represents the full precision estimate.

[16] Currently, security futures do not trade on any market, therefore the Commission has not collected any assessments for transactions in security futures. Accordingly, the forecast for the assessments for all of fiscal year 2026 for single stock futures is zero.

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
Month	Number of trading days in month	Total dollar amount of sales	Average daily dollar amount of sales (ADS)	8-Month trailing moving average ADS	1-Month lag of 8-month trailing moving average ADS	2-Month lag of 8-month trailing moving average ADS	Forecast 8-month trailing moving average ADS	Forecast total dollar amount of sales
Apr-15	21	$5,625,548,298,004	$267,883,252,286					
May-15	20	5,521,351,972,386	276,067,598,619					
Jun-15	22	6,005,521,460,806	272,978,248,218					
Jul-15	22	6,493,670,315,390	295,166,832,518					
Aug-15	21	6,963,901,249,270	331,614,345,203					
Sep-15	21	6,434,496,770,897	306,404,608,138					
Oct-15	22	6,592,594,708,082	299,663,395,822					
Nov-15	20	5,822,824,015,945	291,141,200,797	$292,614,935,200				
Dec-15	22	6,384,337,478,801	290,197,158,127	295,404,173,430	$292,614,935,200			
Jan-16	19	6,696,059,796,055	352,424,199,792	304,948,748,577	295,404,173,430	$292,614,935,200		
Feb-16	20	6,659,878,908,747	332,993,945,437	312,450,710,729	304,948,748,577	295,404,173,430		
Mar-16	22	6,161,943,754,542	280,088,352,479	310,565,900,725	312,450,710,729	304,948,748,577		
Apr-16	21	5,541,076,988,322	263,860,808,968	302,096,708,695	310,565,900,725	312,450,710,729		
May-16	21	5,693,520,415,112	271,120,019,767	297,686,135,149	302,096,708,695	310,565,900,725		
Jun-16	22	6,317,212,852,759	287,146,038,762	296,121,465,516	297,686,135,149	302,096,708,695		
Jul-16	20	5,331,797,261,269	266,589,863,063	293,052,548,300	296,121,465,516	297,686,135,149		
Aug-16	23	5,635,976,607,786	245,042,461,208	287,408,211,185	293,052,548,300	296,121,465,516		
Sep-16	21	5,942,072,286,976	282,955,823,189	278,724,664,109	287,408,211,185	293,052,548,300		
Oct-16	21	5,460,906,573,682	260,043,170,175	269,605,817,202	278,724,664,109	287,408,211,185		
Nov-16	21	6,845,287,809,886	325,966,086,185	275,340,533,915	269,605,817,202	278,724,664,109		
Dec-16	21	6,208,579,880,985	295,646,660,999	279,313,765,419	275,340,533,915	269,605,817,202		
Jan-17	20	5,598,200,907,603	279,910,045,380	280,412,518,620	279,313,765,419	275,340,533,915		
Feb-17	19	5,443,426,609,533	286,496,137,344	280,331,280,943	280,412,518,620	279,313,765,419		
Mar-17	23	6,661,861,914,530	289,646,170,197	283,213,319,335	280,331,280,943	280,412,518,620		
Apr-17	19	5,116,714,033,499	269,300,738,605	286,245,604,009	283,213,319,335	280,331,280,943		
May-17	22	6,305,822,460,672	286,628,293,667	286,704,662,819	286,245,604,009	283,213,319,335		
Jun-17	22	6,854,993,097,601	311,590,595,346	293,148,090,965	286,704,662,819	286,245,604,009		
Jul-17	20	5,394,333,070,522	269,716,653,526	286,116,911,883	293,148,090,965	286,704,662,819		
Aug-17	23	6,206,204,906,864	269,834,995,951	282,890,453,752	286,116,911,883	293,148,090,965		
Sep-17	20	5,939,886,169,525	296,994,308,476	285,025,986,639	282,890,453,752	286,116,911,883		
Oct-17	22	6,134,529,538,894	278,842,251,768	284,069,250,942	285,025,986,639	282,890,453,752		
Nov-17	21	6,289,748,560,897	299,511,836,233	285,302,459,196	284,069,250,942	285,025,986,639		
Dec-17	20	6,672,181,323,001	333,609,066,150	293,341,000,140	285,302,459,196	284,069,250,942		
Jan-18	21	7,672,288,677,308	365,347,079,872	303,180,848,415	293,341,000,140	285,302,459,196		
Feb-18	19	8,725,420,462,639	459,232,655,928	321,636,105,988	303,180,848,415	293,341,000,140		
Mar-18	21	8,264,755,011,030	393,559,762,430	337,116,494,601	321,636,105,988	303,180,848,415		
Apr-18	21	7,490,308,402,446	356,681,352,497	347,972,289,169	337,116,494,601	321,636,105,988		
May-18	22	7,242,077,467,361	329,185,339,426	351,996,168,038	347,972,289,169	337,116,494,601		
Jun-18	21	7,936,783,802,579	377,942,085,837	364,383,647,297	351,996,168,038	347,972,289,169		
Jul-18	21	6,807,593,326,456	324,171,110,784	367,466,056,615	364,383,647,297	351,996,168,038		
Aug-18	23	7,363,115,477,823	320,135,455,558	365,781,855,291	367,466,056,615	364,383,647,297		
Sep-18	19	6,781,988,459,996	356,946,761,052	364,731,815,439	365,781,855,291	367,466,056,615		
Oct-18	23	10,133,514,482,168	440,587,586,181	362,401,181,721	364,731,815,439	365,781,855,291		
Nov-18	21	8,414,847,862,204	400,707,041,057	363,294,591,549	362,401,181,721	364,731,815,439		
Dec-18	19	9,075,221,733,736	477,643,249,144	378,414,828,630	363,294,591,549	362,401,181,721		
Jan-19	21	7,960,664,643,749	379,079,268,750	384,651,569,795	378,414,828,630	363,294,591,549		
Feb-19	19	6,676,391,653,247	351,389,034,381	381,332,438,363	384,651,569,795	378,414,828,630		
Mar-19	21	7,828,979,311,928	372,808,538,663	387,412,116,848	381,332,438,363	384,651,569,795		
Apr-19	21	6,907,923,076,080	328,948,717,909	388,513,774,642	387,412,116,848	381,332,438,363		
May-19	22	7,895,053,976,747	358,866,089,852	388,753,690,742	388,513,774,642	387,412,116,848		
Jun-19	20	7,070,583,442,058	353,529,172,103	377,871,388,982	388,753,690,742	388,513,774,642		
Jul-19	22	6,792,811,319,721	308,764,150,896	366,378,527,712	377,871,388,982	388,753,690,742		
Aug-19	22	8,059,527,400,976	366,342,154,590	352,465,890,893	366,378,527,712	377,871,388,982		
Sep-19	20	6,958,132,871,506	347,906,643,575	348,569,312,746	352,465,890,893	366,378,527,712		
Oct-19	23	7,235,982,824,882	314,607,948,908	343,971,677,062	348,569,312,746	352,465,890,893		
Nov-19	20	6,784,888,230,209	339,244,411,510	339,776,161,168	343,971,677,062	348,569,312,746		
Dec-19	21	7,252,856,724,647	345,374,129,745	341,829,337,648	339,776,161,168	343,971,677,062		
Jan-20	21	8,178,172,797,805	389,436,799,895	345,650,676,403	341,829,337,648	339,776,161,168		
Feb-20	19	8,951,554,790,521	471,134,462,659	360,351,337,722	345,650,676,403	341,829,337,648		

Mar-20	22	16,218,726,536,159	737,214,842,553	413,907,674,179	360,351,337,722	345,650,676,403					
Apr-20	21	10,289,596,902,933	489,980,804,902	429,362,505,468	413,907,674,179	360,351,337,722					
May-20	20	9,435,524,799,540	471,776,239,977	444,846,205,019	429,362,505,468	413,907,674,179					
Jun-20	22	12,093,857,552,130	549,720,797,824	474,235,311,133	444,846,205,019	429,362,505,468					
Jul-20	22	10,355,334,352,448	470,697,016,020	490,666,886,697	474,235,311,133	444,846,205,019					
Aug-20	21	9,763,364,099,611	464,922,099,981	505,610,382,976	490,666,886,697	474,235,311,133					
Sep-20	21	11,545,564,207,158	549,788,771,769	525,654,379,461	505,610,382,976	490,666,886,697					
Oct-20	22	10,052,383,314,951	456,926,514,316	523,878,385,918	525,654,379,461	505,610,382,976					
Nov-20	20	11,039,477,432,965	551,973,871,648	500,723,264,555	523,878,385,918	525,654,379,461					
Dec-20	22	12,172,302,216,779	553,286,464,399	508,636,471,992	500,723,264,555	523,878,385,918					
Jan-21	19	12,396,479,814,996	652,446,306,052	531,220,230,251	508,636,471,992	500,723,264,555					
Feb-21	19	12,103,659,666,497	637,034,719,289	542,134,470,435	531,220,230,251	508,636,471,992					
Mar-21	23	16,485,012,205,966	716,739,661,129	572,889,801,073	542,134,470,435	531,220,230,251					
Apr-21	21	11,602,282,119,601	552,489,624,743	583,835,741,668	572,889,801,073	542,134,470,435					
May-21	20	11,729,455,630,914	586,472,781,546	588,421,242,890	583,835,741,668	572,889,801,073					
Jun-21	22	13,038,812,281,463	592,673,285,521	605,389,589,291	588,421,242,890	583,835,741,668					
Jul-21	21	11,623,478,100,180	553,498,957,151	605,580,224,979	605,389,589,291	588,421,242,890					
Aug-21	22	11,493,350,851,643	522,425,038,711	601,722,546,768	605,580,224,979	605,389,589,291					
Sep-21	21	12,312,072,157,576	586,289,150,361	593,452,902,306	601,722,546,768	605,580,224,979					
Oct-21	21	12,011,570,888,110	571,979,566,100	585,321,008,158	593,452,902,306	601,722,546,768					
Nov-21	21	13,996,377,941,116	666,494,187,672	579,040,323,976	585,321,008,158	593,452,902,306					
Dec-21	22	15,494,373,840,971	704,289,720,044	598,015,335,888	579,040,323,976	585,321,008,158					
Jan-22	20	16,002,717,162,409	800,135,858,120	624,723,220,460	598,015,335,888	579,040,323,976					
Feb-22	19	14,483,452,476,259	762,286,972,435	645,924,931,324	624,723,220,460	598,015,335,888					
Mar-22	23	17,089,275,084,128	743,011,960,179	669,614,056,703	645,924,931,324	624,723,220,460					
Apr-22	20	13,123,148,685,917	656,157,434,296	686,330,606,151	669,614,056,703	645,924,931,324					
May-22	21	15,039,352,606,836	716,159,647,945	702,564,418,349	686,330,606,151	669,614,056,703					
Jun-22	21	13,021,062,095,851	620,050,575,993	708,573,294,586	702,564,418,349	686,330,606,151					
Jul-22	20	10,112,087,348,637	505,604,367,432	688,462,067,055	708,573,294,586	702,564,418,349					
Aug-22	23	11,593,039,396,644	504,045,191,158	663,431,500,945	688,462,067,055	708,573,294,586					
Sep-22	21	12,052,452,021,792	573,926,286,752	635,155,304,524	663,431,500,945	688,462,067,055					
Oct-22	21	11,962,224,366,908	569,629,731,758	611,073,149,439	635,155,304,524	663,431,500,945					
Nov-22	21	11,900,801,868,077	566,704,850,861	589,034,760,774	611,073,149,439	635,155,304,524					
Dec-22	21	11,980,859,826,961	570,517,134,617	578,329,723,314	589,034,760,774	611,073,149,439					
Jan-23	20	11,045,225,185,619	552,261,259,281	557,842,424,731	578,329,723,314	589,034,760,774					
Feb-23	19	10,787,317,510,620	567,753,553,191	551,305,296,881	557,842,424,731	578,329,723,314					
Mar-23	23	13,985,409,202,169	608,061,269,660	564,112,409,660	551,305,296,881	557,842,424,731					
Apr-23	19	9,399,552,596,651	494,713,294,561	562,945,922,585	564,112,409,660	551,305,296,881					
May-23	22	11,791,806,548,751	535,991,206,761	558,204,037,586	562,945,922,585	564,112,409,660					
Jun-23	21	13,061,036,476,029	621,954,117,906	564,744,585,855	558,204,037,586	562,945,922,585					
Jul-23	20	11,366,116,854,082	568,305,842,704	564,944,709,835	564,744,585,855	558,204,037,586					
Aug-23	23	12,671,358,964,418	550,928,650,627	562,496,149,336	564,944,709,835	564,744,585,855					
Sep-23	20	11,205,898,765,006	560,294,938,250	563,500,359,207	562,496,149,336	564,944,709,835					
Oct-23	22	13,188,976,620,062	599,498,937,276	567,468,532,218	563,500,359,207	562,496,149,336					
Nov-23	21	11,988,333,174,115	570,873,008,291	562,819,999,547	567,468,532,218	563,500,359,207					
Dec-23	20	13,128,847,387,720	656,442,369,386	583,036,133,900	562,819,999,547	567,468,532,218					
Jan-24	21	13,601,328,853,198	647,682,326,343	596,997,523,848	583,036,133,900	562,819,999,547					
Feb-24	20	13,773,538,263,581	688,676,913,179	605,337,873,257	596,997,523,848	583,036,133,900					
Mar-24	20	14,842,839,760,845	742,141,988,042	627,067,391,424	605,337,873,257	596,997,523,848					
Apr-24	22	14,638,651,655,508	665,393,257,069	641,375,467,229	627,067,391,424	605,337,873,257					
May-24	22	13,826,082,480,569	628,458,294,571	649,895,886,770	641,375,467,229	627,067,391,424					
Jun-24	19	12,831,940,323,239	675,365,280,170	659,379,179,631	649,895,886,770	641,375,467,229					
Jul-24	22	14,104,512,115,506	641,114,187,068	668,159,326,979	659,379,179,631	649,895,886,770					
Aug-24	22	13,948,316,899,330	634,014,404,515	665,355,831,370	668,159,326,979	659,379,179,631					
Sep-24	20	13,073,651,577,918	653,682,578,896	666,105,862,939	665,355,831,370	668,159,326,979					
Oct-24	23	13,738,447,402,519	597,323,800,110	654,686,723,805	666,105,862,939	665,355,831,370					
Nov-24	20	15,117,645,718,320	755,882,285,916	656,404,261,039	654,686,723,805	666,105,862,939					
Dec-24	21	15,704,624,168,553	747,839,246,122	666,710,009,671	656,404,261,039	654,686,723,805					
Jan-25	20	15,298,115,468,255	764,905,773,413	683,765,944,526	666,710,009,671	656,404,261,039					
Feb-25	19	14,975,273,939,488	788,172,312,605	697,866,823,580	683,765,944,526	666,710,009,671					
Mar-25	21	18,093,127,738,971	861,577,511,380	725,424,739,119	697,866,823,580	683,765,944,526					
Apr-25	21	19,822,747,389,726	943,940,351,892	764,165,482,541	725,424,739,119	697,866,823,580					
May-25	21	16,983,642,177,865	808,744,865,613	783,548,268,381	764,165,482,541	725,424,739,119					
Jun-25	20	17,964,511,164,856	898,225,558,243	821,160,988,148	783,548,268,381	764,165,482,541					
Jul-25	22	18,565,691,120,241	843,895,050,920	832,162,583,773	821,160,988,148	783,548,268,381					
Aug-25	21	18,361,048,773,892	874,335,655,900	847,974,634,995	832,162,583,773	821,160,988,148					

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
Month	Number of trading days in month	Total dollar amount of sales	Average daily dollar amount of sales (ADS)	8-Month trailing moving average ADS	1-Month lag of 8-month trailing moving average ADS	2-Month lag of 8-month trailing moving average ADS	Forecast 8-month trailing moving average ADS	Forecast total dollar amount of sales
Sep-25	21	21,261,215,063,850	1,012,438,812,564	878,916,264,889	847,974,634,995	832,162,583,773		
Oct-25	23	23,822,371,846,734	1,035,755,297,684	909,864,138,024	878,916,264,889	847,974,634,995		
Nov-25	19	21,066,041,347,783	1,108,739,018,304	940,759,326,390	909,864,138,024	878,916,264,889		
Dec-25	22	21,728,074,964,832	987,639,771,129	946,221,753,795	940,759,326,390	909,864,138,024		
Jan-26	20				946,221,753,795	940,759,326,390	$1,010,887,300,000	$20,217,746,000,000
Feb-26	19					946,221,753,795	1,010,887,300,000	19,206,858,700,000
Mar-26	22						1,010,887,300,000	22,239,520,600,000
Apr-26	21						1,010,887,300,000	21,228,633,300,000
May-26	20						1,010,887,300,000	20,217,746,000,000
Jun-26	21						1,010,887,300,000	21,228,633,300,000
Jul-26	22						1,010,887,300,000	22,239,520,600,000
Aug-26	21						1,010,887,300,000	21,228,633,300,000

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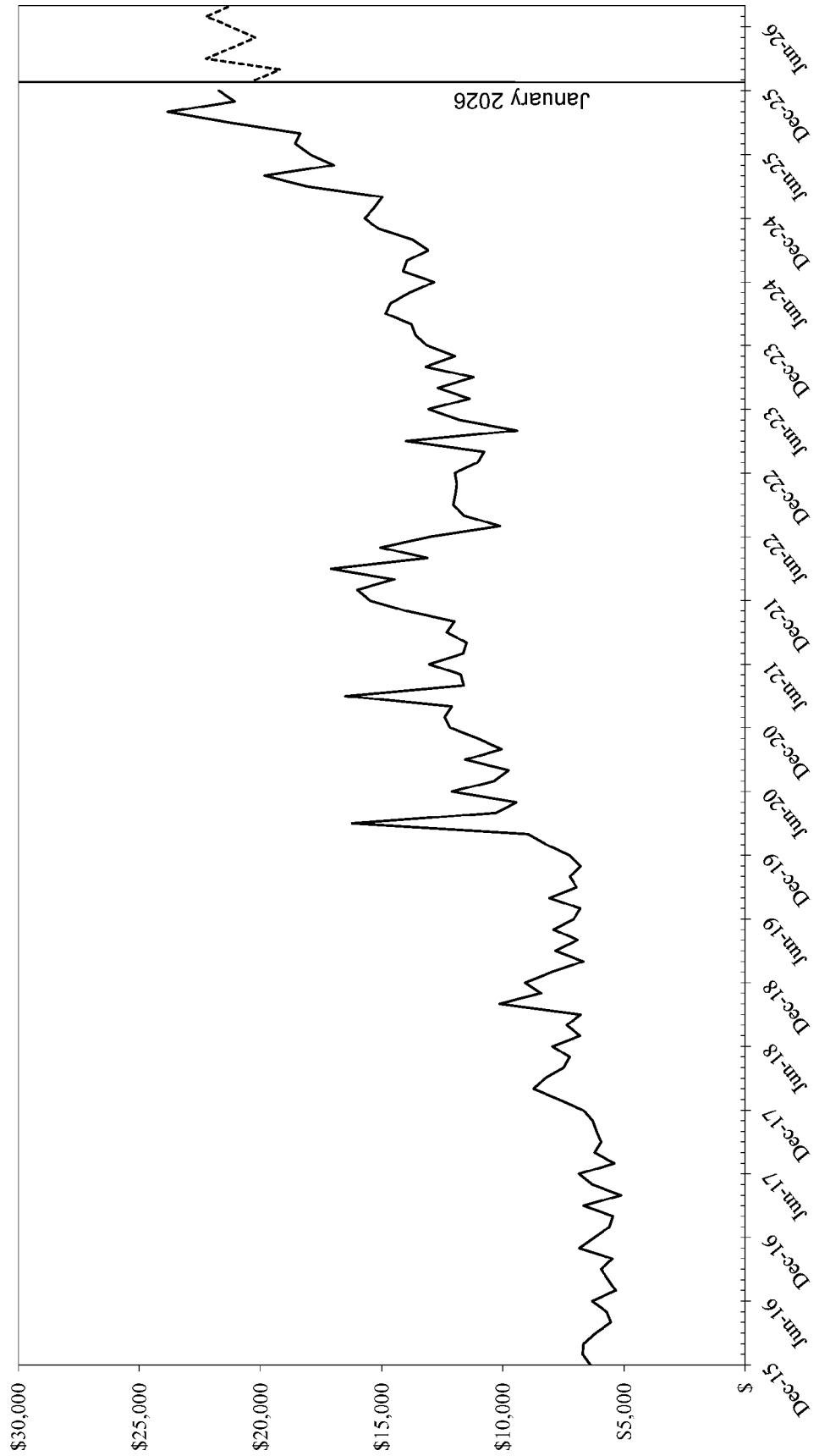
Figure A.
Aggregate Dollar Amount of Sales Subject to Exchange Act Sections 31(b) and 31(c)[1]
Methodology Developed in Consultation With OMB and CBO
(Dashed Line Indicates Forecast Values)



[1] Forecasted line is not smooth because the number of trading days varies by month.

[FR Doc. 2026-04233 Filed 3-3-26; 8:45 am]

BILLING CODE 8011–01–C

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0507]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 19b–5 and Form PILOT

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for extension of the proposed collection of information provided for in Rule 19b–5 (17 CFR 240.19b–5) and Form PILOT (17 CFR 249.821) under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*).

Rule 19b–5 provides a temporary exemption from the rule-filing requirements of Section 19(b) of the Exchange Act (15 U.S.C. 78s(b)) to self-regulatory organizations (''SROs'') wishing to establish and operate pilot trading systems. Rule 19b–5 permits an SRO to develop a pilot trading system and to begin operation of such system shortly after submitting an initial report on Form PILOT to the SEC. During operation of any such pilot trading system, the SRO must submit quarterly reports of the system's operation to the SEC, as well as timely amendments describing any material changes to the system. Within two years of operating such pilot trading system under the exemption afforded by Rule 19b–5, the SRO must submit a rule filing pursuant to Section 19(b)(2) of the Exchange Act (15 U.S.C. 78s(b)(2)) to obtain permanent approval of the pilot trading system from the SEC.

The collection of information is designed to allow the SEC to maintain an accurate record of all new pilot trading systems operated by SROs and to determine whether an SRO has properly availed itself of the exemption afforded by Rule 19b–5, is operating a pilot trading system in compliance with the Exchange Act, and is carrying out its statutory oversight obligations under the Exchange Act.

The respondents to the collection of information are national securities exchanges and national securities associations.

There are 29 SROs which could avail themselves of the exemption under Rule 19b–5 and the use of Form PILOT. The SEC estimates that approximately one of these SROs each year will file on Form PILOT one initial report (*i.e.,* 1 report total, for an estimated annual burden of 24 hours total), four quarterly reports (*i.e.,* 4 reports total, for an estimated annual burden of 12 hours total (3 hours per report)), and two amendments (*i.e.,* 2 reports total, for an estimated annual burden of 6 hours total (3 hours per report)). Thus, the estimated annual time burden resulting from Form PILOT is 42 hours for the estimated sole SRO respondent. The SEC estimates that the aggregate annual internal cost of compliance for the sole SRO respondent is approximately $15,890 (42 hours at an average of $378.33 per hour). In addition, the SEC estimates that the sole SRO respondent will incur, in the aggregate, printing, supplies, copying, and postage expenses of $2,516 per year for filing initial reports, $1,256 per year for filing quarterly reports, and $628 per year for filing notices of material systems changes, for a total annual cost burden of $4,400.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202512-3235-026* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by April 6, 2026.

Dated: February 27, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04228 Filed 3–3–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0256]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form F–3 Registration Statement

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form F–3 (17 CFR 239.33) is used by foreign issuers to register securities pursuant to the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The information collected is intended to ensure the adequacy of information available to investors in connection with securities offerings. The information required by Form F–3 is mandatory, and Form F–3 is publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. We estimate that Form F–3 takes approximately 153.42 hours per response and is filed once per year by approximately 236 issuers, for a total of approximately 236 responses annually. We estimate that 25% of the 153.42 hours per response is carried internally by the issuer for annual reporting burden of 9,052 hours ((25% × 153.42 hours per response) × 236 responses). We estimate that 75% of the 153.42 hours per response is carried externally by outside professionals retained by the issuer at an estimated rate of $600 per hour for a total annual cost burden of $16,293,204 ((75% × 153.42 hours per response) × $600 per hour × 236 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202508-3235-007* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by April 6, 2026.

Dated: February 27, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04231 Filed 3–3–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0278]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 204–2

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for extension of the previously approved collection of information discussed below.

The title for the collection of information is ''Rule 204–2'' (17 CFR 275.204–2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–4). Rule 204–2 requires SEC-registered investment advisers to maintain copies of certain books and records relating to their advisory business. The collection of information under rule 204–2 is necessary for the Commission staff to use in its examination and oversight program. This collection of information is mandatory. Responses provided to the Commission in the context of its examination and oversight program are generally kept confidential. The records that an adviser must keep in accordance with rule 204–2 must generally be retained for not less than five years.

The respondents to the collection of information are investment advisers registered with the Commission. The Commission has estimated that compliance with the requirements of the rule imposes a total burden of approximately 184.9298 hours for an adviser. As of December 31, 2024, there were 15,906 SEC registered advisers. Based on this figure, the Commission staff estimates a total annual burden of 2,941,493.40 hours for the collection of this information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202512-3235-015* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by April 6, 2026.

Dated: February 27, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04235 Filed 3–3–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35999]

Deregistration under Section 8(f) of the Investment Company Act of 1940

February 27, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice of Applications for Deregistration under Section 8(f) of the Investment Company Act of 1940.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of February 2026. A copy of each application may be obtained via the Commission's website by searching for the applicable file number listed below, or for an applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/search-filings.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below. The email should include the file number referenced above. Hearing requests should be received by the SEC by 5:30 p.m., Eastern time, on March 24, 2026, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.*

FOR FURTHER INFORMATION CONTACT: Shane Duggan, Acting Assistant Director, at (202) 551–6367 or Chief Counsel's Office at (202) 551–6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549–8010.

CSME Fund I [File No. 811–24069]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On September 22, 2025, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $10,000 incurred in connection with the liquidation were paid by applicant investment adviser.

Filing Date: The application was filed on January 20, 2026.

Applicant's Address: 527 Madison Avenue, 12th Floor, New York, New York 10022.

Invesco Prime Income Trust [File No. 811–05898]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Invesco Senior Loan Fund (formerly known as Invesco Van Kampen Senior Loan Fund), and on December 19, 2011, made a final distribution to its shareholders based on net asset value. Expenses of $193,240 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Capital Growth Fund [File No. 811–01792]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Sector Funds (Invesco Sector Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Comstock Fund [File No. 811–01570]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Sector Funds (Invesco Sector Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Corporate Bond Fund [File No. 811–02423]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Investment Securities Funds (Invesco Investment Securities Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Enterprise Fund [File No. 811–00630]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Sector Funds (Invesco Sector Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Equity and Income Fund [File No. 811–00919]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Counselor Series Trust (Invesco Counselor Series Trust), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Equity Trust [File No. 811–04805]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Counselor Series Trust (Invesco Counselor Series Trust), AIM Growth Series (Invesco Growth Series) and AIM Sector Funds (Invesco Sector Funds) and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $2,882,356.64 were incurred in connection with the reorganization and were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Equity Trust II [File No. 811–09279]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Sector Funds (Invesco Sector Funds), AIM Investment Funds (Invesco Investment Funds), and AIM Counselor Series Trust (Invesco Counselor Series Trust), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $1,441,178.32 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Government Securities Fund [File No. 811–04003]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Investment Securities Funds (Invesco Investment Securities Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Growth & Income Fund [File No. 811–01228]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets AIM Counselor Series Trust (Invesco Counselor Series Trust), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Harbor Fund [File No. 811–00734]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Growth Series (Invesco Growth Series), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen High Yield Fund [File No. 811–02851]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Investment Securities Funds (Invesco Investment Securities Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Life Investment Trust [File No. 811–04424]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Variable Insurance Funds (Invesco Variable Insurance Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $1,729,413.98 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Ltd Duration Fund [File No. 811–04491]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Investment Securities Fund (Invesco Investment Securities Fund), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Pennsylvania Tax Free Income Fund [File No. 811–04983]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Counselor Series Trust (Invesco Counselor Series Trust), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Real Estate Securities Fund [File No. 811–08480]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Growth Series (Invesco Growth Series), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Series Fund, Inc. [File No. 811–07140]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Sector Funds (Invesco Sector Funds) and AIM Investment Funds (Invesco Investment Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $1,152,942.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Tax-Exempt Trust [File No. 811–04746]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Tax-Exempt Funds (Invesco Tax-Exempt Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Tax Free Money Fund [File No. 811–04718]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Tax-Exempt Funds (Invesco Tax-Exempt Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Tax Free Trust [File No. 811–04386]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Tax-Exempt Funds (Invesco Tax-Exempt Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $864,706.99 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Trust [File No. 811–04629]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Investment Securities Funds (Invesco Investment Securities Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen U.S. Government Trust [File No. 811–03950]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Growth Series (Invesco Growth Series), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $288,235.66 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Van Kampen Trust II [File No. 811–22242]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to AIM Investment Funds (Invesco Investment Funds), and on June 1, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $576,471.33 incurred in connection with the reorganization were paid by the applicant investment adviser and the acquiring fund's investment adviser, and/or their affiliate.

Filing Date: The application was filed on February 11, 2026.

Applicant's Address: 522 Fifth Avenue, New York, New York 10036.

Federated Hermes International Series, Inc. [File No. 811–03984]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On January 24, 2025, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $2,606.41 incurred in connection with the liquidation were paid by the applicant.

Filing Date: February 12, 2026.

Applicant's Address: Federated Hermes Funds, 4000 Ericsson Drive, Warrendale, PA 15086–7561.

Tax Free Fund for Puerto Rico Residents, Inc. [File No. 811–23672]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On December 16, 2025, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of $88,438 incurred in connection with the liquidation were paid by Tax Free Fund for Puerto Rico Residents, Inc. Applicant also has retained approximately $1,600,000 in cash for the purpose of paying outstanding liabilities and accrued expenses.

Filing Date: The application was filed on December 17, 2025, and amended on January 27, 2026.

Applicant's Address: Buchanan Office Center, 40 Carretera 165, Suite 201, Guaynabo, Puerto Rico 00968–8022.

Puerto Rico Residents Tax-Free Fund, Inc. [File No. 811–23688]

Summary: Applicant is a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On October 14, 2025, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $90,122 incurred in connection with the liquidation were paid by the applicant.

Filing Date: The application was filed on December 5, 2025, and amended on January 27, 2026.

Applicant's Address: Buchanan Office Center 40 Carr. 165, Suite 201, Guaynabo, Puerto Rico 00968–8022.

The China Fund, Inc. [File No. 811–05749]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On October 31, 2025, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of $86,500 incurred in connection with the liquidation were paid by the applicant. Applicant also has retained approximately $360,000 for the purpose of paying outstanding liabilities.

Filing Date: The application was filed on December 19, 2025.

Applicant's Address: 50 Post Office Square, Boston, Massachusetts 02110.

PIMCO California Municipal Income Fund II [File No. 811–21077]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to PIMCO California Municipal Income Fund, and on August 1, 2025 made a final distribution to its shareholders based on net asset value. Expenses of $255,038 incurred in connection with the reorganization were paid by the applicant's investment adviser.

Filing Dates: The application was filed on September 23, 2025, and amended on February 25, 2026.

Applicant's Address: 1633 Broadway New York, New York 10019.

PIMCO California Municipal Income Fund III [File No. 811–21188]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to PIMCO California Municipal Income Fund, and on August 1, 2025 made a final distribution to its shareholders based on net asset value. Expenses of $243,912 incurred in connection with the reorganization were paid by the applicant's investment adviser.

Filing Dates: The application was filed on September 23, 2025, and amended on February 25, 2026.

Applicant's Address: 1633 Broadway New York, New York 10019.

PIMCO Municipal Income Fund [File No. 811–10377]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to PIMCO Municipal Income Fund II, and on August 1, 2025 made a final distribution to its shareholders based on net asset value. Expenses of $250,369 incurred in connection with the reorganization were paid by the applicant's investment adviser.

Filing Dates: The application was filed on September 23, 2025, and amended on February 25, 2026.

Applicant's Address: 1633 Broadway New York, New York 10019.

PIMCO Municipal Income Fund III [File No. 811–21187]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to PIMCO Municipal Income Fund II, and on August 1, 2025 made a final distribution to its shareholders based on net asset value. Expenses of $258,962 incurred in connection with the reorganization were paid by the applicant's investment adviser.

Filing Dates: The application was filed on September 23, 2025, and amended on February 25, 2026.

Applicant's Address: 1633 Broadway New York, New York 10019.

PIMCO Municipal Credit Income Fund [File No. 811–23828]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on October 6, 2025, and amended on January 13, 2026.

Applicant's Address: 1633 Broadway New York, New York 10019.

PIMCO New York Municipal Income Fund [File No. 811–10381]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to PIMCO New York Municipal Income Fund II, and on August 1, 2025 made a final distribution to its shareholders based on net asset value. Expenses of $227,689 incurred in connection with the reorganization were paid by the applicant's investment adviser.

Filing Dates: The application was filed on September 23, 2025, and amended on February 25, 2026.

Applicant's Address: 1633 Broadway New York, New York 10019.

PIMCO New York Municipal Income Fund III [File No. 811–21189]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to PIMCO New York Municipal Income Fund II, and on August 1, 2025 made a final distribution to its shareholders based on net asset value. Expenses of $225,169 incurred in connection with the reorganization were paid by the applicant's investment adviser.

Filing Dates: The application was filed on September 23, 2025, and amended on February 25, 2026.

Applicant's Address: 1633 Broadway New York, New York 10019.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04229 Filed 3–3–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0247]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form N–8B–4

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') this request for extension of the previously approved collection of information discussed below.

Form N–8B–4 (17 CFR 274.14) is the form used by face-amount certificate companies to comply with the filing and disclosure requirements imposed by Section 8(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–8(b)). Among other items, Form N–8B–4 requires disclosure of the following information about the face-amount certificate company: date and form of organization; controlling persons; current business and contemplated changes to the company's business; investment, borrowing, and lending policies, as well as other fundamental policies; securities issued by the company; investment adviser; depositaries; management personnel; compensation paid to directors, officers, and certain employees; and financial statements. The Commission uses the information provided in the collection of information to determine compliance with Section 8(b) of the Investment Company Act of 1940.

Each registrant files Form N–8B–4 for its initial filing and does not file post-effective- amendments to Form N–8B–4.[1] There are currently only two existing face-amount certificate companies, and only one face-amount certificate company has filed a Form N–8B–4 since the last OMB information collection approval for this form. Prior to that filing, no face-amount certificate company had filed a Form N–8B–4 in the last ten years. Based on the foregoing, for purposes of estimating the average burden hours and cost of this information collection, Commission staff estimates that one respondent will file Form N–8B–4 each year.

Based on our experience with Form N–8B–4 and disclosure documents in general, we estimate the burden hours for preparing and filing registration statements on Form N–8B–4 is approximately 10 hours per respondent. The number of burden hours may vary depending on, among other things, the complexity of the filing and whether preparation of the registration statement is performed internally or by outside counsel. Based on the foregoing, the Commission staff estimates the total annual burden for this form to be 10 hours (10 burden hours per respondent × 1 respondent × 1 response = 10 total annual burden hours). The total estimated annual cost of the burden hours is $5,800. This figure is based on an hourly rate figure of $580/hour. Estimates of the burden hours are made solely for the purposes of the PRA and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

The information provided on Form N–8B–4 is mandatory. The information provided on Form N–8B–4 will not be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202512-3235-016* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by April 6, 2026.

Dated: February 27, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04221 Filed 3–3–26; 8:45 am]

BILLING CODE 8011–01–P

[1] Pursuant to Section 30(b)(1) of the Act (15 U.S.C. 80a–29), each respondent keeps its registration statement current through the filing of periodic reports as required by Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) and the rules thereunder; post-effective amendments are filed with the Commission on the face-amount certificate company's Form S–1; hence, respondents only file Form N–8B–4 for their initial registration statement and not for post-effective amendments.

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0461]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 602

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for extension of the proposed collection of information provided for in Rule 602 of Regulation NMS (17 CFR 240.602), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 602 of Regulation NMS, Dissemination of Quotations in NMS securities, contains two related collections. The first collection of information is found in Rule 602(a).[1] This third-party disclosure requirement obligates each national securities exchange and national securities association to make available to quotation vendors for dissemination to the public the best bid, best offer, and aggregate quotation size for each ''subject security,'' as defined under the Rule. The second collection of information is found in Rule 602(b).[2] This disclosure requirement obligates any exchange member and over-the-counter (''OTC'') market maker that is a ''responsible broker or dealer,'' as defined under the Rule, to communicate

[1] 17 CFR 242.602(a).

[2] 17 CFR 242.602(b).

to an exchange or association their best bids, best offers, and quotation sizes for subject securities.[3]

It is anticipated that 30 respondents, consisting of 29 national securities exchanges and one national securities association, will collectively respond approximately 1,543,667,886,538 times per year pursuant to Rule 602(a) at 16.20 microseconds per response, resulting in a total annual burden of approximately 208,410 hours. It is anticipated that no respondents will have a reporting burden pursuant to Rule 602(b).[4]

Thus, the aggregate third-party disclosure burden under Rule 602 is approximately 208,410 hours annually which is comprised of 208,410 hours relating to Rule 602(a) and 0 hours relating to Rule 602(b).

Compliance with Rule 602 of Regulation NMS is mandatory and the information collected is made available to the public.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202512-3235-023* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by April 6, 2026.

Dated: February 27, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04232 Filed 3–3–26; 8:45 am]

BILLING CODE 8011–01–P

[3] Under Rule 602(b)(5), electronic communications networks (''ECNs'') have the option of reporting to an exchange or association for public dissemination, on behalf of customers that are OTC market makers or exchange market makers, the best-priced orders and the full size for such orders entered by market makers on the ECN, to satisfy such market makers' reporting obligation under Rule 602(b). Since this reporting requirement is an alternative method of meeting the market makers' reporting obligation, and because it is directed to nine or fewer persons (ECNs), this collection of information is not subject to OMB review under the Paperwork Reduction Act (''PRA'').

[4] For the reporting obligation under Rule 602(b), the respondents are exchange members and OTC market makers. The Commission believes that communication of quotations through an exchange's electronic trading system effectively means that exchange members currently have no reporting burden under Rule 602(b) for these quotations. The Commission also believes that there are presently no OTC market makers that quote other than on an exchange.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104905; File No. SR–MIAX–2026–10]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay Implementation of the Change To Provide Origin Code in the Liquidity Seeking Event Notification Messages on the Administrative Information Subscriber (''AIS'') Feed

February 27, 2026.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 20, 2026, Miami International Securities Exchange, LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to delay implementation of the proposed change to provide origin code in the liquidity seeking event notification messages on the Administrative Information Subscriber (''AIS'') feed.

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings* and at MIAX's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On September 11, 2025, the Exchange filed a proposal to amend the Administrative Information Subscriber market data feed (''AIS Feed'') to include origin code in the liquidity seeking event notification message.[3] The proposal indicated that the Exchange would announce the implementation date of the proposal in a Regulatory Circular to be published no later than 90 days after the publication of the approval order in the **Federal Register**. Further, the Exchange proposed that the implementation date would be no later than 90 days following the publication of the Regulatory Circular announcing publication of the approval order in the **Federal Register**.[4] The Exchange has not issued a Regulatory Circular as described above and now proposes to delay the implementation of this functionality until Q4 2026.

The Exchange proposes this delay in order to allow the Exchange and its Members [5] ample time to complete the necessary technical changes prior to the implementation of the change. The Exchange proposes to issue a Regulatory Circular notifying market participants at least 30 days prior to implementing this functionality.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act [6] in general, and furthers the objectives of Section 6(b)(5) of the Act [7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in, securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in

[3] *See* Securities Exchange Act Release No. 1104011 (September 11, 2025), 90 FR 46295 (September 22, 2025) (SR–MIAX–2025–43).

[4] The original proposal (SR–MIAX–2025–43) was submitted as a 19(b)(3)(A) filing and as such the filing was deemed immediately effective upon filing subject to a 30 day operative delay and would not have received an approval order.

[5] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

general, to protect investors and the public interest by allowing the Exchange and its Members additional time to implement the proposed change.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal to delay the implementation of the proposed functionality does not impose an undue burden on competition. Delaying the implementation will simply allow the Exchange and its Members additional time to properly prepare for, and implement, the proposed functionality.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition as the delay will apply equally to all Members of the Exchange.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition as the proposal is to delay the implementation of approved functionality and does not impact intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] thereunder, the Exchange has designated this proposal as one that effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.

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.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MIAX–2026–10 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–MIAX–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 also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MIAX–2026–10 and should be submitted on or before March 25, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04230 Filed 3–3–26; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104907; File No. SR–BX–2026–004]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing of Amendment Nos. 1 and 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Remove Existing Listing Rules and Establish New Listing Standards

February 27, 2026.

I. Introduction

On January 21, 2026, Nasdaq BX, Inc. (''Exchange'' or ''BX'') 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 remove existing listing rules and establish new listing standards. The proposed rule change was published for comment in the **Federal Register** on February 2, 2026.[3] On January 30, 2026, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original proposed rule change in its entirety.[4] On February 20, 2026, the Exchange filed Amendment No. 2 to the proposed rule change, which replaced and superseded the original proposed rule change, as modified by Amendment No. 1, in its entirety.[5] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment Nos. 1 and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 104712 (Jan. 28, 2026), 91 FR 4697 (''Notice''). The Commission has received no comment letters on the proposed rule change.

[4] Amendment No. 1 to the proposed rule change revised the proposal by: (1) clarifying that a subsequent proposal to adopt listing fees for Exchange Traded Products listed under Equity 3A could be filed under Section 19(b) of the Act; (2) removing proposed changes that would have eliminated or replaced listing rules for certain Exchange Traded Products and generally reverting to existing listing rules for those Exchange Traded Products; (3) adding a definition of ''Regular Market Session''; (4) providing additional explanation of certain aspects of the proposal; and (5) making other technical and non-substantive changes for readability. The full text of Amendment No. 1 can be found on the Commission's website at: *https://www.sec.gov/comments/sr-bx-2026-004/srbx2026004-698787-2189214.pdf.*

[5] Amendment No. 2 to the proposed rule change revised the proposal by: (1) removing the proposed definition of ''Regular Market Session'' because the term was not used in the proposed rules; and (2) making other technical and non-substantive changes for readability. The full text of Amendment No. 2 can be found on the Commission's website at: *https://www.sec.gov/comments/sr-bx-2026-004/srbx2026004-707427-2226136.pdf.*

2, from interested persons and is approving the proposed rule change, as modified by Amendment Nos. 1 and 2, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment Nos. 1 and 2 [6]

As described further in the Notice,[7] Nasdaq BX, Inc. was recently reorganized into a limited liability corporation that is operated under and governed by Texas state laws and renamed as Nasdaq Texas, LLC (''Nasdaq Texas'').[8] In connection with this conversion, the Exchange proposes to remove its current listing standards,[9] and adopt proposed Rule 5000 Series (consisting of Rules 5000–5999), which contains rules related to qualification, listing and delisting of companies on Nasdaq Texas.[10] Except where noted below, the proposed initial and continued listing standards are substantially similar to the current rules of The Nasdaq Stock Market LLC (''Nasdaq'') and, more specifically, those rules that pertain to the Nasdaq Global Market (''Global Market'') listing tier.[11]

The Exchange proposes to establish Rule IM–5220–1, which provides that all companies listing on Nasdaq Texas must be listed on another national securities exchange.[12] The Exchange states that, initially, the Exchange will dually list companies and will transition to a primary listing exchange in the future.[13]

The Exchange is not proposing to incorporate rules similar to the Nasdaq Rule 5300 or 5500 Series, relating to the Global Select and Capital Market listing tiers (except as discussed below),[14] or Nasdaq Rule IM–5405–1, relating to direct listings.[15] As such, the Exchange is not proposing to incorporate definitions of and references to the Global Select or Capital Market.[16] Further, the Exchange is proposing initial and continued listing requirements for convertible debt and subscription receipts on Nasdaq Texas that are substantially similar to the listing requirements for convertible debt and subscription receipts on the Nasdaq Capital Market.[17]

The Exchange is also not proposing to incorporate rules similar to the Nasdaq Rule 5700 Series (Other Securities),[18] or the Nasdaq Rule 5900 Series (Company Listing Fees).[19] The Exchange states that the Rule 5700 Series is reserved for future listing rules related to special listing requirements for securities other than common or preferred stock and warrants, such as Exchange Trade Products.[20] The Exchange also states that the Rule 5900 Series is reserved for future rules pertaining to company listing fees, which will be filed before the Exchange begins to list companies.[21]

Currently, Equity 3A establishes the Exchange's authority to trade securities on a UTP basis and sets forth quantitative listing standards applicable to certain Exchange Traded Products.[22] Equity 3A, Section 1 currently states that the rules under Equity 3A will not be operative until the Exchange files under Section 19(b)(2) under the Act to adopt listing fees for these securities, and such proposed rule change is approved by the Commission.[23] The Exchange proposes to amend Equity 3A, Section 1 to reference Section 19(b) under the Act generally, and to remove the reference to Commission approval.[24] The Exchange also proposes to amend Equity 3A, Section 2 to remove language that states that the Rule 5000 Series is contained within Equity 3; and to amend Equity 3A, Section 2(a) to remove the list of securities that may list on the Exchange.[25] The Exchange states that the list of securities under current Equity 3A, Section 2(a) is not comprehensive and the Exchange does not believe the provision is necessary.[26]

Finally, the Exchange proposes to amend Rule 4120(b)(1)(A)(iv) to provide that the Exchange will declare a regulatory halt of a Nasdaq Texas-listed security to permit the dissemination of material news or when the Exchange requests certain information from the issuer.[27]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1 and 2, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[28] Specifically, the Commission finds that the Exchange's proposed rule change, as modified by Amendment Nos. 1 and 2, is consistent with Section 6(b)(5) of the Act,[29] which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions

[6] All capitalized terms not otherwise defined in this order shall have the meanings set forth in the Nasdaq Texas Listing Rules.

[7] *See* Notice, *supra* note 3.

[8] *See* Notice, *supra* note 3, at 4698. *See also* Securities Exchange Act Release No. 104739 (Jan. 29, 2026), 91 FR 4989 (Feb. 3, 2026). The Exchange is also referred to as Nasdaq Texas in this order.

[9] *See* Notice, *supra* note 3, at 4698. The Exchange proposes to remove all rules in Equity 3. *See id.*

[10] *See id.* at 4698–99.

[11] *See id. See* Nasdaq Rules 5000 through 5900 Series. Unlike Nasdaq, which has three listing tiers, the Exchange will only have a single set of listing requirements and therefore the proposed listing requirements will not incorporate the Series 5300 Nasdaq Global Select Market (''Global Select'') or Series 5500 Nasdaq Capital Market (''Capital Market'') listing tiers, except for initial and continued listing requirements for convertible debt and subscription receipts. *See* Notice, *supra* note 3, at 4698 n.8. *See also infra* note 17 and accompanying text.

[12] *See* Notice, *supra* note 3, at 4699. The Exchange is proposing a slightly different definition for the term ''dually-listed security'' than the definition utilized by Nasdaq to allow for the possibility of listing on primary listing exchanges other than the New York Stock Exchange. *See* Nasdaq Rule 5005(a)(11). *See also* proposed Nasdaq Texas Rule 5005. In addition, the Exchange is proposing Rule IM–5220 (Impact of Designation of Dually-Listed Securities), which the Exchange states is substantially similar to Texas Stock Exchange (''TXSE'') Rule 16.205, Supplementary Material .01. *See* Notice, *supra* note 3, at 4699. The Exchange states that proposed Rule IM–5220 more closely aligns with the TXSE rule because securities listed on Nasdaq Texas will report quotations and transactions to the consolidated Tape B of the securities information processors. *See* Amendment No. 2, supra note 5, at 11.

[13] *See* Notice, *supra* note 3, at 4699. The Exchange states that it will submit a future filing to incorporate the necessary rules to operate as a primary listing exchange. *See id.* at 4699 n. 23.

[14] *See supra* note 11.

[15] *See* Notice, *supra* note 3, at 4699–4700. The Exchange states that it will submit a future filing to incorporate Nasdaq Texas Rule IM–5405–1, and proposes to include cross-references to the rule in the proposed listing rules. *See* Amendment No. 2, *supra* note 5, at 7–8.

[16] *See* Notice, *supra* note 3, at 4699–4700.

[17] *See id.* at 4700. *See* proposed Rules 5410(b), 5420, 5455(b) and 5465. Nasdaq does not list convertible debt or subscription receipts on the Global Market and does not have rules for such listing in the Nasdaq Rule 5400 Series. Companies listed on the Global Market may list convertible debt on the Capital Market under Nasdaq Rules 5515(b) and 5560(b). *See* Notice, *supra* note 3, at 4700. Similarly, companies listed on the Global Market may list subscription receipts on the Capital Market pursuant to Nasdaq Rules 5520 and 5565. *See* Amendment No. 2, *supra* note 5, at 12.

[18] *See* Notice, *supra* note 3, at 4698.

[19] *See id.* at 4699. The Exchange states it will submit future filings to incorporate the Rule 5700 and 5900 Series, and proposes to include cross-references to these rules in the proposed listing rules. *See* Amendment No. 2, *supra* note 5, at 7–8.

[20] *See* Notice, *supra* note 3, 4698.

[21] *See id.* at 4699.

[22] *See* Equity 3A.

[23] *See* Equity 3A, Section 1.

[24] *See* Amendment No. 2, *supra* note 5, at 14–15.

[25] *See id.* at 15.

[26] *See id.*

[27] The Exchange states that the revised provision is substantially similar to Nasdaq Rules 4120(a)(1) and 4120(a)(5). *See* Amendment No. 2, *supra* note 5, at 15–16.

[28] In approving this proposed rule change, as modified by Amendment Nos. 1 and 2, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[29] 15 U.S.C. 78f(b)(5).

in securities, and 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 not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Commission also finds that the proposed rule change, as modified by Amendments No. 1 and 2, is consistent with Section 6(b)(7) of the Act,[30] which requires, among other things, that the rules of an exchange provide fair procedure for the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange.

The development and enforcement of meaningful listing standards [31] for an exchange is of critical importance to financial markets and the investing public. Among other things, such listing standards help ensure that exchange-listed companies will have sufficient public float, investor base, and trading interest to provide the depth and liquidity to promote fair and orderly markets. Meaningful listing standards also are important given investor expectations regarding the nature of securities that have achieved an exchange listing, and the role of an exchange in overseeing its market and assuring compliance with its listing standards.[32] Further, the corporate governance standards embodied in the listing rules of national securities exchanges, in particular, play an important role in assuring that companies listed for trading on the exchanges' markets observe good governance practices including safeguarding the interests of shareholders.[33]

As discussed above, the Exchange proposes to adopt new initial and continued listing standards for companies to be listed on Nasdaq Texas that generally are substantially similar to the current rules of Nasdaq and, in most instances, the Global Market listing tier. In addition, proposed Rule IM–5220 is substantially similar to a TXSE rule that was approved by the Commission.[34] These proposed listing standards relate to the listing and delisting of companies, including procedures and prerequisites for initial and continued listing on Nasdaq Texas, obligations of issuers with securities listed on Nasdaq Texas, rules describing the suspension and delisting process, and procedures for review of the Exchange's listing determinations.[35] The Exchange also proposes to require all companies listing on Nasdaq Texas to already be listed on another national securities exchange and states that it will transition to allowing primary listings in the future.[36] The Commission has previously found that the initial and continued listing standards of Nasdaq are consistent with the Act.[37]

The Exchange proposes to retain its existing rules that contain initial and continued listing requirements for Exchange Traded Products and provide authority for the Exchange to trade securities on a UTP basis, while making certain non-substantive changes to those rules that will add clarity to the Exchange's listing rules.[38] In addition, the Exchange proposes to broaden the statutory provision under which the Exchange may file future fee filings in a manner that is consistent with the current statutory requirements for such filings.[39]

Finally, proposed Rule 4120(b)(1)(A)(iv) is substantially similar to a Nasdaq rule and would provide the Exchange with appropriate authority to declare a regulatory halt for its listed securities.[40]

IV. Solicitation of Comments on Amendment Nos. 1 and 2 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether the proposed rule change, as modified by Amendment Nos. 1 and 2, is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–BX–2026–004 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–BX–2026–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–BX–2026–004 and should be submitted on or before March 25, 2026.

V. Accelerated Approval of the Proposed Rule Change, as Modified by Amendment Nos. 1 and 2

The Commission finds good cause to approve the proposed rule change, as modified by Amendment Nos. 1 and 2,

[30] 15 U.S.C. 78f(b)(7).

[31] The Commission notes that this reference to ''listing standards'' is referring to both initial and continued listing standards.

[32] *See, e.g.,* Securities Exchange Act Release Nos. 88716 (Apr. 21, 2020), 85 FR 23393 (Apr. 27, 2020) (SR–NASDAQ–2020–001) (Order Approving a Proposed Rule Change To Modify the Delisting Process for Securities With a Bid Price at or Below $0.10 and for Securities That Have Had One or More Reverse Stock Splits With a Cumulative Ratio of 250 Shares or More to One Over the Prior Two-Year Period); 88389 (Mar. 16, 2020), 85 FR 16163 (Mar. 20, 2020) (SR–NASDAQ–2019–089) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Rule 5815 To Preclude Stay During Hearing Panel Review of Staff Delisting Determinations in Certain Circumstances). *See also* Securities Exchange Act Release No. 81856 (Oct. 11, 2017), 82 FR 48296, 48298 (Oct. 17, 2017) (SR–NYSE–2017–31) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend the Listed Company Manual To Adopt Initial and Continued Listing Standards for Subscription Receipts) (stating that ''[a]dequate standards are especially important given the expectations of investors regarding exchange trading and the imprimatur of listing on a particular market'' and that ''[o]nce a security has been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue . . . so that fair and orderly markets can be maintained.'').

[33] *See, e.g.,* Securities Exchange Act Release Nos. 85374 (Mar. 20, 2019), 84 FR 11354, 11356 (Mar. 26, 2019) (SR–NYSE–2018–54); 91567 (Apr. 14, 2021), 86 FR 20556, 20559 (Apr. 20, 2021) (SR–NASDAQ–2020–100).

[34] *See* Securities Exchange Act Release No. 104146 (Sept. 30, 2025), 90 FR 47880 (Oct. 2, 2025) (File No. 10–249) (approving the application of TXSE to become a registered national securities exchange).

[35] *See* proposed Rule 5000 Series. The proposed initial and continued listing requirements encompass quantitative and qualitative requirements, including corporate governance standards.

[36] *See supra* notes 12–13 and accompanying text.

[37] *See, e.g.,* Securities Exchange Act Release No. 53128 (Jan. 13, 2006), 71 FR 3550 (Jan. 23, 2006) (File No. 10–131) (approving the application of Nasdaq to become a registered national securities exchange).

[38] *See supra* notes 22–26 and accompanying text.

[39] *See* 15 U.S.C. 78s(b). *See also supra* note 23–24.

[40] *See supra* note 27 and accompanying text.

prior to the thirtieth day after the dates of publication of notice of the original filing, and of the filing of Amendment Nos. 1 and 2, in the **Federal Register**. The proposed rule change, as modified by Amendment Nos. 1 and 2, generally is substantially similar to the current rules of Nasdaq and, in most instances, the Global Market listing tier. The Commission has previously found that the initial and continued listing standards of Nasdaq are consistent with the Act.[41] In addition, one aspect of the proposal is substantially similar to the current rules of TXSE. Furthermore, the original proposal has been subject to public comment [42] and no comment has been received. Amendment Nos. 1 and 2 provide additional clarity to the proposal by making certain technical and non-substantive changes and provide additional explanation relating to the proposal. Amendment Nos. 1 and 2 also remove certain changes regarding initial and continued listing requirements for Exchange Traded Products that effectively eliminate this aspect of the initial proposal.

The proposed rule change, as modified by Amendment Nos. 1 and 2, does not raise any novel regulatory issues that have not previously been subject to comment. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[43] to approve the proposed rule change, as modified by Amendment Nos. 1 and 2, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[44] that the proposed rule change (SR–BX–2026–004), as modified by Amendment Nos. 1 and 2, be and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[45]

Sherry R. Haywood,

Assistant Secretary.

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[41] *See supra* note 37 and accompanying text.

[42] *See* Notice, *supra* note 3.

[43] 15 U.S.C. 78s(b)(2).

[44] *Id.*

[45] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0510]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 302

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''SEC'' or ''Commission'') is submitting to the Office of Management and Budget (''OMB'') this request for extension of the proposed collection of information provided for in Rule 302 (17 CFR 242.302) of Regulation ATS (17 CFR 242.302 *et seq.*) under the Securities and Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*).

Regulation ATS sets forth a regulatory regime for ''alternative trading systems'' (''ATSs'').[1] An entity that meets the definition of an exchange must register, pursuant to section 5 of the Exchange Act, as a national securities exchange under section 6 of the Exchange Act [2] or operate pursuant to an appropriate exemption.[3] One of the available exemptions is for ATSs.[4] Exchange Act Rule 3a1–1(a)(2) exempts from the definition of ''exchange'' under section 3(a)(1) an organization, association, or group of persons that complies with Regulation ATS.[5] Regulation ATS requires an ATS to, among other things, register as a broker-dealer with the Commission, file a Form ATS or Form ATS–N with the Commission to notice its operations, and establish written safeguards and procedures to protect subscribers' confidential trading information. An ATS that complies with Regulation ATS and operates pursuant to the Rule 3a1–1(a)(2) exemption would not be required by section 5 to register as a national securities exchange.

To comply with the condition set forth in Rule 301(b)(8) of Regulation ATS (17 CFR 242.301(b)(8)), an ATS must make and keep current certain records relating to trading activity set forth in Rule 302 of Regulation ATS (17 CFR 242.302).[6] Under Rule 302, ATSs are required to, among other things, make a record of subscribers to the ATS, daily summaries of trading in the ATS, and time-sequenced records of order information in the ATS.

The information required to be collected under Rule 302 should increase the abilities of the Commission, state securities regulatory authorities, and the self-regulatory organizations (''SROs'') to ensure that ATSs are in compliance with Regulation ATS as well as other applicable rules and regulations. If the information is not collected or collected less frequently, the regulators would be limited in their ability to comply with their statutory obligations, provide for the protection of investors, and promote the maintenance of fair and orderly markets.

Respondents consist of ATSs that choose to operate pursuant to the exemption provided by Regulation ATS from registration as national securities exchanges. There are currently 111 respondents. These respondents will spend a total of approximately 4,773 hours per year (111 respondents at 43 burden hours/respondent) to comply with the recordkeeping requirements of Rule 302. At an average cost per burden hour of $89, the resultant total related internal cost of compliance for these respondents is approximately $424,797 per year (4,773 burden hours multiplied by $89/hour).

Compliance with Rule 302 is mandatory. The information required by Rule 302 is available only for the examination of the Commission staff, state securities authorities, and the SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 522 (''FOIA''), and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports,

[1] Regulation ATS consists of 17 CFR 242.300 through 242.304 (Rules 300 through 304 under the Exchange Act).

[2] *See* 15 U.S.C. 78e and 78f. A ''national securities exchange'' is an exchange registered as such under section 6 of the Exchange Act.

[3] 15 U.S.C. 78a *et seq.*

[4] Rule 300(a) of Regulation ATS provides that an ATS is ''any organization, association, person, group of persons, or system: (1) [t]hat constitutes, maintains, or provides a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange within the meaning of [Exchange Act Rule 3b–16]; and (2) [t]hat does not: (i) [s]et rules governing the conduct of subscribers other than the conduct of subscribers' trading on such [ATS]; or (ii) [d]iscipline subscribers other than by exclusion from trading.''

[5] *See* 17 CFR 240.3a1–1(a)(2).

[6] Rule 301(b)(8)(i) of Regulation ATS provides that an ATS shall ''make and keep current the records'' specified in Rule 302 of Regulation ATS. Further, Rule 301(b)(8)(ii) provides that an ATS shall preserve the records specified in Rule 303 of Regulation ATS. Rule 303 requires an ATS to preserve, among other things, all records required to be made pursuant to Rule 302 for a period of not less than three years, the first two years in an easily accessible place. 17 CFR 242.303.

summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

ATSs are required to preserve, for at least three years, any records made in the process of complying with the requirements set out in Rule 302.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202512-3235-022* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by April 6, 2026.

Dated: February 27, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04234 Filed 3–3–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0713]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 15Fi–2

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for an extension of the previously approved collection of information in Rule 15Fi–2 (17 CFR 240.15Fi–2) under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*).

Rule 15Fi–2 requires security-based swaps (''SBS'') dealers and major SBS participants (collectively, ''SBS Entities'') to provide to their counterparties a trade acknowledgment, to provide prompt verification of the terms provided in a trade acknowledgment of transactions from other SBS Entities, and to have written policies and procedures that are reasonably designed to obtain prompt verification of the terms provided in a trade acknowledgment. The Rule promotes the efficient operation of the SBS market and facilitates market participants' management of their SBS-related risk.

The Commission estimates that approximately 48 entities fit within the definition of SBS dealer, and zero entities fit within the definition of major SBS participant. Thus, we expect that approximately 48 entities will be required to register with the Commission as SBS Entities and will be subject to the trade acknowledgment provision and verification requirements of Rule 15Fi–2. The total estimated annual time burden of Rule 15Fi–2 is 22,848 hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202512-3235-014* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by April 6, 2026.

February 27, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04225 Filed 3–3–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0717]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Exchange Act Rule 3a71–3

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for an extension of the proposed collection of information.

The representations contemplated by Rule 3a71–3 will be relied upon by counterparties to determine whether such transaction is a ''transaction conducted through a foreign branch'' of a U.S. bank counterparty, as defined in Rule 3a71–3(a)(3)(i), as well as to verify whether a security-based swap counterparty is a ''U.S. person.'' Counterparties to security-based swap transactions may voluntarily give such representations to one another to reduce operational costs and allow each party to ascertain whether such transaction is subject to certain Title VII requirements. Because any representations provided to counterparties under Rule 3a71–3 will constitute voluntary third-party disclosures, the Commission will not typically receive these disclosures.

The Commission believes that the representations contemplated by Rule 3a71–3 will, in most cases, be made through representation letters or amendments to the parties' existing trading documentation (*e.g.,* the schedule to a master agreement). The Commission believes that, because trading relationship documentation is established between two counterparties, whether a counterparty is able to represent that it is entering into a ''transaction conducted through a foreign branch'' or that it does not meet the criteria of the ''U.S. person'' definition will not change with each transaction and, therefore, such representations generally need only be made once per relationship, as opposed to on a transaction-by-transaction basis.. The Commission anticipates that counterparties may elect to develop and incorporate these representations in trading documentation following the effective date of the Commission's security-based swap regulations or prior to entering into in-scope transactions. In either case, the regulatorily-compliant language would be incorporated on a relationship basis, as opposed to on a transactional basis. In 2022, the Commission anticipated that standardized language would be developed by individual respondents or through a combination of trade associations and industry working groups and that it would be applied across all of an entity's security-based swap trading relationships.[1]

a. Representations regarding a ''transaction conducted through a foreign branch'':

Pursuant to Rule 3a71–3, parties to security-based swaps are permitted to rely on certain representations from their counterparties when determining whether a transaction falls within the

[1] It is the Commission's understanding that the ISDA U.S. Self-Disclosure Letter is one such example of the anticipated standardized language that the industry has developed. However, the Commission lacks information regarding the scope of reliance upon this representation letter and thus hesitates to presume that standardization has been fully achieved.

definition of a ''transaction conducted through a foreign branch.'' Based on its understanding of the current state of the security-based swap market, the Commission staff estimates that nine entities will incur burdens under this collection of information, whether solely in connection with the business conduct requirements or also in connection with the application of the *de minimis* exception.

In 2022, the Commission estimated the one-time third-party disclosure burden associated with developing representations under this collection of information to be, for each U.S. bank counterparty that would make such representations, no more than five hours, and up to $2,000 for the services of outside professionals. Across the nine respondents, this amounted to approximately 45 hours, or 15 hours per year when annualized over three years.

The number of U.S. banks that are registered as security-based swap dealers has not changed since 2022. The Commission believes that the majority of the burden associated with the new disclosure requirements was experienced during the first year as language was being developed and trading documentation was being amended.

For PRA purposes, in 2022, the Commission assumed that all nine respondents would seek outside counsel to assist in developing the representations contemplated by Rule 3a71–3 and that they would, on average, consult with outside counsel for up to five hours. The Commission further assumed that the services of outside counsel would be sought for the first year only and that none of the nine respondents would seek outside legal services for year two or year three. In 2022, the Commission estimated the cost for each respondent who incurred this initial burden to be up to $2,000. Over the three-year period, this amounted to $18,000, or $6,000 per year when annualized over three years.

The Commission believes that this initial burden is no longer applicable to these entities. However, the Commission believes that there is an ongoing third-party disclosure burden associated with these requirements. The Commission further believes that the ongoing burden associated with this requirement will be 10 hours per U.S. bank counterparty for verifying representations with existing counterparties, for a total of approximately 90 hours across the nine respondents.[2]

b. Representations regarding U.S.-person status:

Pursuant to Rule 3a71–3(a)(4)(iv), persons may rely on representations from a counterparty that the counterparty does not satisfy the criteria defining U.S. person set forth in Rule 3a71–3(a)(4)(i), unless such person knows or has reason to know that the representation is not accurate. Commission staff estimates, based on current security-based swap data repository (''SBSDR'') reporting[3] and its understanding of OTC derivatives markets, including the domiciles of counterparties that are active in the market, that approximately 4,200 entities will provide representations that they do not meet the criteria necessary to be U.S. persons.

In 2022, the Commission estimated that 3,000 non-U.S. persons were active in the security-based swap market. As with representations regarding whether a transaction is conducted through a foreign branch, the Commission estimated the maximum total third-party disclosure burden associated with developing new representations to be, for each counterparty that will make such representations, no more than five hours and up to $2,000 for the services of outside professionals. Across the 3,000 respondents, this amounted to a maximum of approximately 15,000 hours, or 5,000 hours per year when annualized over three years.

The Commission's current estimate of the number of persons who would be making non-U.S. person status disclosures is 4,200 persons, which is 1,200 more than the estimate in 2022. The Commission lacks visibility into exactly how many of the 4,200 persons are new entrant counterparties into the security-based swap market (and thus likely to incur the initial burden associated with compliance) versus counterparties who were present in the market in 2022 and already incurred the burden. Thus, the Commission will assume that all of the 4,200 non-U.S. persons will incur the initial disclosure burden.

The Commission continues to believe that the maximum total third-party disclosure burden will be no more than five hours. The current cost of employing the services of outside professionals is estimated to be approximately $2,715 (five hours at $543 per hour).[4] As the Commission's current estimate of non-U.S. persons who would be making such representations is 4,200 persons, the approximate number of hours would total approximately 21,000 hours (five hours for each) or 7,000 hours per year when annualized over three years. This estimate assumes little or no reliance on standardized disclosure language.

The Commission expects that most of the burden associated with the disclosure requirements will be experienced during the first year as language is developed and trading documentation is amended. After the new representations are developed and incorporated into trading documentation, the Commission believes that the annual third-party disclosure burden associated with this requirement will be no more than approximately 10 hours per counterparty for verifying representations with existing counterparties and onboarding new counterparties. In 2022, across the 3,000 respondents, this amounted to a maximum of approximately 30,000 hours. The Commission's current estimate, across 4,200 counterparties, is 42,000 hours.

The Commission believes that some of the entities that comply with Rule 3a71–3 will seek outside counsel to help them develop new representations. For PRA purposes, the Commission assumes that all 4,200 respondents will seek outside legal services for the first year only and will, on average, consult with outside counsel for up to five hours. The Commission also assumes that none of those 4,200 respondents will seek outside legal services for year two or year three. In 2022, the Commission estimated the aggregate cost for 3,000 respondents over the three-year period to be $6 million, or $2 million per year when annualized over three years; the total labor cost per respondent was estimated to be approximately $666.67 when annualized over three years. The Commission's current estimate of the annualized labor cost per respondent is $905 ($2,715 spread across three years). The Commission's current estimate for the 4,200 respondents is $11.4 million or $3.8 million per year when annualized over three years.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

[2] The Commission staff estimates that this burden will consist of 10 hours of in-house counsel time for each security-based swap market participant that will make such representations. *See* Business Conduct Adopting Release, 81 FR 30097 n.1581.

[3] The estimate is as of December 31, 2024 and is based upon security-based swap position data derived by each SBSDR from the transaction reports made to the SBSDR.

[4] *See* Business Conduct Adopting Release, 81 FR 30096 n.1577 (estimating a cost of $400 per hour for outside legal services). The Commission's current estimated hourly rate for outside legal services, reflecting adjustments for inflation, is $543.

unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202512-3235-003* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by April 6, 2026.

Dated: February 27, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–04227 Filed 3–3–26; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires Federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before May 4, 2026.

ADDRESSES: Send all comments via email to, Robert Camacho, Small Business Administration, Office of Financial Assistance, at *robert.camacho@sba.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Camacho, Small Business Administration, Office of Financial Assistance by email at *robert.camacho@sba.gov,* or Shauniece Carter, Interim Agency Clearance Officer, by email at *shauniece.carter@sba.gov.*

SUPPLEMENTARY INFORMATION: The Disaster Loan Program is an SBA financing program authorized under the Small Business Act of 1953, 15 U.S.C. 636 *et seq.* SBA provides low-interest disaster loans to help businesses and homeowners recover from declared disasters. The information collection that is approved under OMB Control Number 3245–0017 facilitates the ongoing administration of the Disaster Loan Program. This information collection currently consists of SBA Form 5 titled Disaster Business Loan Application. SBA recognizes that this information collection needs to be revised due to regulatory changes and to align with Executive Order 14168. These form revisions will result in greater clarity and understanding for victims applying for assistance. Questions on SBA Form 5 will be simplified. Other questions may be added based on efficiencies of the MySBA loan portal.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

PRA Number: 3245–0017.

(1) Title: Disaster Business Loan Application.

Description of Respondents: Disaster survivors seeking disaster loan assistance.

Form Number: SBA Form 5.

Total Estimated Annual Responses: 23,833.

Total Estimated Annual Hour Burden: 29,791.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2026–04310 Filed 3–3–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

AGENCY: U.S. Small Business Administration.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before May 4, 2026.

ADDRESSES: Send all comments via email to, Robert Camacho, Small Business Administration, Office of Financial Assistance, at *robert.camacho@sba.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Camacho, Small Business Administration, Office of Financial Assistance by email at *robert.camacho@sba.gov,* or Shauniece Carter, Interim Agency Clearance Officer by email at *shauniece.carter@sba.gov.*

SUPPLEMENTARY INFORMATION: The Disaster Loan Program is an SBA financing program authorized under the Small Business Act of 1953, 15 U.S.C. 636 *et seq.* SBA provides low-interest disaster loans to help businesses and homeowners recover from declared disasters. The information collection that is approved under OMB Control Number 3245–0018 facilitates the ongoing administration of the Disaster Loan Program. This information collection currently consists of SBA Form 5C titled Disaster Home Loan Application. SBA recognizes that this information collection needs to be revised due to regulatory changes, to align with Executive Order 14168, and to provide additional clarity for SBA Disaster Home Loan Applicants. Questions on SBA Form 5C will also be reorganized and simplified, and as needed, other questions may be added to align the paper and online versions of the application.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

PRA Number: 3245–0018.

(1) Title: Disaster Home Loan Application.

Description of Respondents: Disaster survivors seeking disaster loan assistance.

Form Number: SBA Form 5C.

Total Estimated Annual Responses: 101,319.

Total Estimated Annual Hour Burden: 126,649.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2026–04309 Filed 3–3–26; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires Federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before May 4, 2026.

ADDRESSES: Send all comments via email to, Robert Camacho, Small Business Administration, Office of Financial Assistance, at *robert.camacho@sba.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Camacho, Small Business Administration, Office of Financial Assistance by email at *robert.camacho@sba.gov,* or Shauniece Carter, Interim Agency Clearance Officer, by email at *shauniece.carter@sba.gov.*

SUPPLEMENTARY INFORMATION: The Disaster Loan Program is an SBA financing program authorized under the Small Business Act of 1953, 15 U.S.C. 636 *et seq.* SBA provides low-interest disaster loans to help businesses and homeowners recover from declared disasters. The information collection that is approved under OMB Control Number 3245–0432 facilitates the ongoing administration of the Disaster Loan Program.

This information collection currently consists of SBA Form 3520, titled Builder's Certification. The form is for disaster survivors experiencing substantive delays with obtaining state and local permitting requirements and other approvals. The disaster survivor may proceed with real property repairs, rehabilitations, replacements, or any associated activities after submitting this form.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

OMB Control Number: 3245–0432.

(1) Title: Builder's Certification.

Description of Respondents: Disaster loan borrowers and any contractors, subcontractors, or agents of such borrower.

Form Number: SBA Form 3520.

Total Estimated Annual Responses: 6,000.

Total Estimated Annual Hour Burden: 3,000.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2026–04265 Filed 3–3–26; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

SBIC License Issuance

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Small Business Investment Company (SBIC) Licenses.

SUMMARY: Pursuant to the authority granted to the United States Small Business Administration under section 301(c) of the Small Business Investment Act of 1958, as amended, to grant Small Business Investment Company licenses under the Small Business Investment Company Program, this notice satisfies the requirement effective August 17, 2023 under 13 CFR 107.501(a) to publish in the **Federal Register** the names of SBICs with date of licensure and Total Intended Leverage Commitments. The following SBICs received SBIC licenses as of the date indicated below:

SBIC Fund name	Date of licensure	Leverage tiers [1]
Milton Street Capital Fund III, L.P	1/6/2026	1.25x.
First In Ventures Fund 3 SBIC Critical Technologies, L.P	1/6/2026	1.25x.
Everside Direct III, L.P	1/7/2026	2.00x.
RFE Investment Partners X, L.P	1/8/2026	1.00x.
Fin Capital Flagship III—SBIC, L.P	1/12/2026	Non-leveraged.
True West Capital Partners Fund IV, L.P	1/15/2026	2.00x.
NorthCoast Mezzanine SBIC IV, L.P	1/15/2026	2.00x.
Convergent Capital Partners V, L.P	1/20/2026	2.00x.
Concentric Partners II, L.P	1/20/2026	2.00x.
Resolute Capital Partners Fund VI–A, L.P	1/29/2026	2.00x.
Resolute Capital Partners Fund VI–B, L.P	1/29/2026	2.00x.
BY Capital 3 (US), L.P	2/11/2026	1.00x
Catalyst Investors VI SBIC, L.P	2/17/2026	1.25x.
Z2 SBIC I, L.P	2/19/2026	2.00x.

[1] Maximum amount of Leverage expressed as a multiple of Leverageable Capital pursuant to 13 CFR 107.1150.

Paul Van Eyl,

Director of Policy, Office of Investment and Innovation, U.S. Small Business Administration.

[FR Doc. 2026–04294 Filed 3–3–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice:12953]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Rising Up: Rocky and the Making of Monuments'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition ''Rising Up: Rocky and the Making of Monuments'' at the Philadelphia Museum of Art, Philadelphia, Pennsylvania, 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. 2026–04250 Filed 3–3–26; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Continuation and Request for Nominations for the Intergovernmental Policy Advisory Committee on Trade

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of renewal of the charter and request for nominations.

SUMMARY: The Office of the United States Trade Representative (USTR) expects to establish a new four-year charter term and is accepting applications from qualified individuals interested in serving as a member of the Intergovernmental Policy Advisory Committee on Trade (IGPAC). The IGPAC is a trade advisory committee that provides general policy advice and guidance to the U.S. Trade Representative on trade policy and development matters that have a significant impact on the affairs of U.S. state and local governments.

DATES: In order to receive full consideration, applications should be received no later than three weeks from this filing. Nominations will be accepted after that date on a rolling basis as vacancies arise until the expiration of the charter term, which is four years from the date of filing.

ADDRESSES: Submissions should be sent as one PDF document to the Office of the U.S. Trade Representative, Office of Intergovernmental Affairs and Public Engagement at *MBX.USTR.IAPE@USTR.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Jennifer Bang, Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement, Office of the U.S. Trade Representative, at *Jennifer.D.Bang@ustr.eop.gov;* and Marshall Stallings, Director for Intergovernmental Affairs and Public Engagement, *Ethan.M.Stallings@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 135(c)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2155(c)(1)), authorizes the President to establish individual general trade policy advisory committees for industry, labor, agriculture, services, investment, defense, small business, and other interests, as appropriate, to provide general policy advice. Section 135(c)(3) authorizes the President to establish policy advisory committees representing non-Federal governmental interests to provide policy advice. The President delegated that authority to the U.S. Trade Representative in Executive Order 11846, section 4(d), issued on March 27, 1975. With limited statutory exceptions, the IGPAC is subject to the provisions of the Federal Advisory Committee Act. Pursuant to these authorities, the U.S. Trade Representative intends to establish a new four-year charter term for the IGPAC.

The IGPAC is a discretionary trade advisory committee established to provide general policy advice to the U.S. Trade Representative on trade policy and development matters that have a significant impact on the affairs of U.S. state and local governments. More specifically, the IGPAC provides general policy advice on issues that may affect U.S. state and local governments including: (1) negotiating objectives and bargaining positions before entering into trade agreements; (2) the impact of the implementation of trade agreements; (3) matters concerning the operation of any trade agreement once entered into; and (4) other matters arising in connection with the development, implementation, and administration of the trade policy of the United States.

The IGPAC meets as needed, at the call of the U.S. Trade Representative or their designee, or two-thirds of the IGPAC members, depending on various factors such as the level of activity of trade negotiations and the needs of the U.S. Trade Representative.

II. Membership

The IGPAC is composed of not more than 35 members who have expertise in general trade, investment, and development issues, and are appointed from U.S. states and localities, and other non-Federal governmental entities. Members represent the executive and legislative branches of state, county, and municipal governments and may hold elective or appointive office.

The U.S. Trade Representative appoints IGPAC members for a term that will not exceed the duration of this charter. IGPAC members must be able to obtain and maintain a security clearance, or complete a background investigation and non-disclosure agreement, in order to serve and have access to classified and trade sensitive documents. They must meet the eligibility requirements described below at the time of appointment and at all times during their term of service. Members serve at the discretion of the U.S. Trade Representative. Individuals can be reappointed for any number of terms.

The U.S. Trade Representative is committed to an agenda that advances fair and reciprocal trading practices and will seek advice and recommendations on policies that will support long-term American prosperity and national security. The U.S. Trade Representative strongly encourages diverse backgrounds and perspectives and makes appointments to the IGPAC without regard to political affiliation and in accordance with equal opportunity practices. IGPAC members serve without either compensation or reimbursement of expenses. Members are responsible for all expenses they incur to attend meetings or otherwise participate in IGPAC activities.

The U.S. Trade Representative appoints IGPAC members to represent the executive and legislative branches of state, county, and municipal governments. USTR's foremost consideration for applicants is their ability to carry out the goals of section 135(c) of the Trade Act of 1974, as amended. Other criteria include the applicant's knowledge of and expertise in international trade issues relevant to the work of the IGPAC and USTR.

III. Request for Nominations

USTR is soliciting nominations for membership on the IGPAC. To apply for membership, an applicant must meet the following eligibility criteria at the time of application and at all times during their term of service as an IGPAC member:

1. The applicant must be a U.S. citizen.

2. The applicant cannot be a full-time employee of a U.S. governmental entity.

3. The applicant cannot be registered with the U.S. Department of Justice under the Foreign Agents Registration Act.

4. The applicant must be able to obtain and maintain a security clearance or complete a background investigation and a non-disclosure agreement.

5. The applicant must represent the executive or legislative branch of a state, county, or municipal government or an organization composed of or representing these entities.

In order to be considered for IGPAC membership, interested persons should submit the following as one PDF document to *MBX.USTR.IAPE@USTR.eop.gov.*

Name, title, affiliation, and contact information of the individual requesting consideration.

- A letter on the entity's letterhead from the sponsoring executive or legislative branch of a state, county, or municipal government, containing a brief description of the manner in which international trade affects the state, county, or municipality and why USTR should consider the applicant for membership.
- The applicant's personal resume or comprehensive biography.
- An affirmative statement that the applicant and the entity they represent meet all eligibility requirements.

USTR will consider applicants who meet the eligibility criteria in accordance with equal opportunity practices, based on the following factors:

- Ability to represent the sponsoring executive or legislative branch of a state, county, or municipal government interests on international trade matters.
- Knowledge of and experience in trade matters relevant to the work of the IGPAC and USTR.
- How they will contribute to America First trade policies that create new opportunities and higher living standards for American families, farmers, manufacturers, workers, and businesses.

IV. Public Interest Determination

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a q discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariate to demonstrate that renewing the committee is in the public interest:

1. *Annual Budget:* $20,000.

a. *Federal Personnel on a Full-Time Equivalent (FTE) Basis:* 0.17.

b. *Other Federal Internal Costs:* Security clearance and background investigations facilitated by the DOJ for committee members that do not have a clearance. This would cost around $370 per clearance for the DOJ. We do not anticipate every committee member will need a security clearance; thus, it will be difficult to estimate the cost.

c. *Proposed Payments to Members:* None.

d. *Proposed Number of Members:* Up to 30.

e. *Reimbursable Costs:* None.

2. *If Applicable, the Total Dollar Value of Grants Expected to be Recommended During the Fiscal Year:* None.

3. *Criteria for Selecting Members To Ensure the Committee has the Necessary Expertise and Fairly Balance Membership:*

USTR will consider applicants who meet all the eligibility criteria based on the following factors:

a. Ability to represent the sponsoring U.S. entity's or U.S. organization's and its subsector's interests on trade matters.

b. Knowledge of and experience in trade matters relevant to the work of the committee and USTR.

c. How they will contribute to America First trade policies that create new opportunities and higher living standards for families, farmers, manufacturers, workers, and businesses.

The U.S. Trade Representative strongly encourages diverse backgrounds and perspectives and makes recommendations for members to serve on the committee without regard to political affiliation and in accordance with equal opportunity practices. USTR strives to ensure balance in terms of sectors, expertise, and other factors relevant to USTR's needs.

4. *List of All Other Federal Advisory Committees of the Agency:* Advisory Committee for Trade Policy and Negotiations (ACTPN), Agricultural Policy Advisory Committee (APAC) with USDA, Agricultural Technical Advisory Committees for Trade (ATAC) with USDA, Industry Trade Advisory Committees (ITAC) with DOC, Labor Advisory Committee (LAC) with DOL, Seasonal and Perishable Agricultural Products Advisory Committee with USDA, Trade Advisory Committee on Africa (TACA), and Trade and Environment Policy Advisory Committee (TEPAC).

5. *Justification That the Information or Advice Provided by the Federal Advisory Committee or Subcommittee Is Not Available From Another Federal Advisory Committee, Another Federal Government Source, or Any Other More Cost-Effective and Less Burdensome Source:* The trade advisory committees are an integral link between diverse stakeholders and the U.S. Government and empowers the United States to display a united front when it negotiates trade agreements with other nations. The committee offers both consensus advice and input from knowledgeable and experienced representatives of all sectors of the U.S. economy that are affected by trade, which is not otherwise available. Other means of obtaining these vital contributions, such as other Federal advisory committees or sources, would not include the full range of views represented by the trade advisory committees.

6. *If the Consultation is a Committee Renewal, a Summary of the Previous Accomplishments of the Committee and the Reasons It Needs To Continue:*

Congress established the Trade Advisory Committee system through Section 135 of the Trade Act of 1974 (Trade Act), as amended (19 U.S.C. 2155) to ensure that U.S. trade policy and trade negotiating objectives adequately reflect U.S. public and private sector interests.

The trade advisory committees provide information and advice on U.S. negotiating objectives, the operation of trade agreements, and other matters arising in connection with the development, implementation, and administration of U.S. trade policy. At the conclusion of certain trade negotiations, appropriate committees must report on the effects of the proposed agreement (19 U.S.C. 2155(e)).

This committee was integral to the development of proposals related to the Agreements on Reciprocal Trade

negotiations, especially with respect to trading partners in Sub-Saharan Africa. The committee members help USTR to identify market-access problems, non-tariff barriers, discriminatory foreign practices, import restrictions, currency valuation issues, and notable others trade issues that disadvantage U.S. exporters in international markets. Their advice and counsel remain imperative as USTR continues to advance the reciprocal trade negotiations.

7. *Explanation of Why the Committee Is Essential to the Conduct of Agency Business:*

The committee includes a broad swath of representatives of industry, agriculture, small business, labor, service industries, retailers, non-federal governments, nongovernmental organizations, and consumer interests who have expertise in general trade, investment, and development issues. This committee is a crucial resource for the United States Trade Representative to hear stakeholder feedback and to build support for a robust trade agenda that promotes investment and productivity, enhances our Nation's industrial and technological advantages, defends our economic and national security, and—above all—benefits American workers, manufacturers, farmers, ranchers, entrepreneurs, and businesses.

This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Jennifer Bang,

Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement, Office of the United States Trade Representative.

[FR Doc. 2026–04245 Filed 3–3–26; 8:45 am]

BILLING CODE 3390–F4–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Continuation and Request for Nominations for the Trade and Environment Policy Advisory Committee

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of renewal of the charter and request for nominations.

SUMMARY: The Office of the United States Trade Representative (USTR), pursuant to Section 135 of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)) as amended, and the Federal Advisory Committee Act (5 U.S.C. App. II), expects to establish a new two-year charter term and is accepting applications from qualified individuals interested in serving as a member of the Trade and Environment Policy Advisory Committee (TEPAC). The TEPAC is a trade advisory committee that provides general policy advice and guidance to the U.S. Trade Representative on trade policy matters that have a significant impact on the environment.

DATES: In order to receive full consideration, applications should be received no later than three weeks from this filing. Nominations will be accepted after that date on a rolling basis as vacancies arise until the expiration of the charter term, which is on September 30, 2027.

ADDRESSES: Submissions should be sent as one PDF document to the Office of the U.S. Trade Representative, Office of Intergovernmental Affairs and Public Engagement at *MBX.USTR.IAPE@USTR.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Bang, Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement, *Jennifer.D.Bang@ustr.eop.gov,* and Amanda Mayhew, Deputy Assistant U.S. Trade Representative for Environment and Natural Resources, *Amanda.B.Mayhew@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION:

1. Background

Section 135(c)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2155(c)(1)), authorizes the President to establish individual general trade policy advisory committees for industry, labor, agriculture, services, investment, defense, small business, and other interests, as appropriate, to provide general policy advice. The President delegated that authority to the U.S. Trade Representative in Executive Order 11846, section 4(d), issued on March 27, 1975. Pursuant to these authorities, the United States Trade Representative intends to establish a new two-year charter term for the TEPAC which will end on September 30, 2027.

The TEPAC is a trade advisory committee established to provide policy advice to the United States Trade Representative on trade policy matters that have an impact on the environment. More specifically, the TEPAC provides policy advice on issues including: (1) negotiating objectives and bargaining positions before entering into trade agreements; (2) the environmental impact of the implementation of trade agreements; (3) matters concerning the operation of any trade agreement once entered into; (4) other matters arising in connection with the development, implementation, and administration of an America First Trade Policy.

The TEPAC meets as needed, at the call of the United States Trade Representative or his designee, or two-thirds of the TEPAC members, depending on various factors such as the level of activity of trade negotiations and the needs of the United States Trade Representative.

II. Membership

The TEPAC is composed of not more than 35 members, including, but not limited to, representatives from environmental interest groups, industry, agriculture, consumer groups, services, non-governmental organizations, and others with expertise in trade and environmental matters. The United States Trade Representative appoints all TEPAC members for a term of two years or until the TEPAC charter expires, and they serve at his discretion. Individuals can be reappointed for any number of terms. The United States Trade Representative makes appointments without regard to political affiliation. The USTR intends for the TEPAC to be broadly representative of key sectors and groups of the economy with an interest in trade and environmental policy issues.

TEPAC members serve without either compensation or reimbursement of expenses. Members are responsible for all expenses they incur to attend meetings or otherwise participate in TEPAC activities. Committee members must be able to obtain and maintain a security clearance or complete a background investigation and non-disclosure agreement in order to serve and have access to classified and trade sensitive documents. They must meet the eligibility requirements at the time of appointment and at all times during their term of service.

The United States Trade Representative appoints TEPAC members to represent their sponsoring U.S. entity's interests on trade and the environment, and thus USTR's foremost consideration for applicants is their ability to carry out the goals of section 135(c) of the Trade Act of 1974, as amended. Other criteria include the applicant's knowledge and expertise in international trade issues as relevant to the work of the TEPAC and USTR. USTR anticipates that almost all TEPAC members will serve in a representative capacity with a limited number serving in an individual capacity as subject matter expert. These members, known as special government employees, are subject to conflict-of-interest rules and

will have to complete a financial disclosure report.

III. Request for Nominations

USTR is soliciting nominations for membership of the TEPAC. To apply for membership, an applicant must meet the following eligibility criteria:

1. The applicant must be a U.S. citizen.
2. The applicant cannot be a full-time employee of a U.S. governmental agency.
3. If serving in an individual capacity, the applicant cannot be a federally registered lobbyist.
4. The applicant cannot be registered with the U.S. Department of Justice under the Foreign Agents Registration Act.
5. The applicant must be able to obtain and maintain a security clearance or complete a background investigation and a non-disclosure agreement.
6. For representative members, who will comprise the overwhelming majority of the TEPAC, the applicant must represent a U.S. organization whose members (or funders) have a demonstrated interest in issues relevant to trade and the environment or have personal experience or expertise in trade and the environment.
7. For eligibility purposes, a ''U.S. organization'' is an organization established under the laws of the United States, that is controlled by U.S. citizens, by another U.S. organization (or organizations), or by a U.S. entity (or entities), determined based on its board of directors (or comparable governing body), membership, and funding sources, as applicable. To qualify as a U.S. organization, more than 50 percent of the board of directors (or comparable governing body) and more than 50 percent of the membership of the organization to be represented must be U.S. citizens, U.S. organizations, or U.S. entities. Additionally, at least 50 percent of the organization's annual revenue must be attributable to nongovernmental U.S. sources.
8. For members who will serve in an individual capacity, the applicant must possess subject matter expertise regarding international trade and environmental issues.

In order to be considered for TEPAC membership, interested persons should submit the following in one PDF document to *MBX.USTR.IAPE@USTR.eop.gov.*

- Name, title, affiliation, and contact information of the individual requesting consideration.
- A sponsor letter on the organization's letterhead containing a brief description of the manner in which international trade affects the organization and why USTR should consider the applicant for membership.
- The applicant's personal resume or comprehensive biography.
- An affirmative statement that the applicant and the organization he or she represents meet all eligibility criteria.

USTR will consider applicants who meet all the eligibility criteria based on the following factors:

- Ability to represent the sponsoring U.S. entity's or U.S. organization's and its subsector's interests on trade and environmental matters.
- Knowledge of and experience in trade and environmental matters relevant to the work of the TEPAC and USTR.
- How they will contribute to America First trade policies that create new opportunities and higher living standards for families, farmers, manufacturers, workers, and businesses.

Jennifer Bang,

Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement, Office of the United States Trade Representative.

[FR Doc. 2026–04246 Filed 3–3–26; 8:45 am]

BILLING CODE 3390–F4–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Continuation and Request for Nominations for the Trade Advisory Committee on Africa

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of renewal of the charter and request for nominations.

SUMMARY: The Office of the United States Trade Representative (USTR) expects to establish a new four-year charter term and is accepting applications from qualified individuals interested in serving as a member of the Trade Advisory Committee on Africa (TACA). The TACA is a trade advisory committee that provides general policy advice and guidance to the U.S. Trade Representative on trade policy and development matters that have a significant impact on the countries of sub-Saharan Africa.

DATES: In order to receive full consideration, applications should be received no later than three weeks from this filing. Nominations will be accepted after that date on a rolling basis as vacancies arise until the expiration of the charter term, which is four years from the date of filing.

ADDRESSES: Submissions should be sent as one PDF document to the Office of the U.S. Trade Representative, Office of Intergovernmental Affairs and Public Engagement at *MBX.USTR.IAPE@USTR.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Bang, Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement, Office of the U.S. Trade Representative, at *Jennifer.D.Bang@ustr.eop.gov,* and Robert Telchin, Director for African Affairs, *Robert.D.Telchin@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 135(c)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2155(c)(1)), authorizes the President to establish individual general trade policy advisory committees for industry, labor, agriculture, services, investment, defense, small business, and other interests, as appropriate, to provide general policy advice. The President delegated that authority to the U.S. Trade Representative in Executive Order 11846, section 4(d), issued on March 27, 1975. In addition, section 14 of the AGOA Acceleration Act of 2004, Public Law 108–274, 118 Stat. 829–830 (19 U.S.C. 3701 note) specifically acknowledges the TACA, which USTR established under these authorities. With limited statutory exceptions, the TACA is subject to the provisions of the Federal Advisory Committee Act. Pursuant to these authorities, the United States Trade Representative intends to establish a new four-year charter term for the TACA.

The TACA is a discretionary trade advisory committee established to provide general policy advice to the U.S. Trade Representative on trade policy and development matters that have a significant impact on the countries of sub-Saharan Africa. More specifically, the TACA provides general policy advice on issues that may affect the countries of sub-Saharan Africa including: (1) negotiating objectives and bargaining positions before entering into trade agreements; (2) the impact of the implementation of trade agreements; (3) matters concerning the operation of any trade agreement once entered into; and (4) other matters arising in connection with the development, implementation, and administration of the trade policy of the United States. The TACA has also traditionally advised on the implementation of the African Growth and Opportunity Act (AGOA). It also assists in maintaining ongoing discussions with sub-Saharan Africa trade and agriculture ministries and private sector organizations on issues of mutual concern, including regional and

international trade concerns and World Trade Organization issues. The TACA meets as needed, at the call of the U.S. Trade Representative or their designee, or two-thirds of the TACA members, depending on various factors such as the level of activity of trade negotiations and the needs of the U.S. Trade Representative.

II. Membership

The TACA is composed of not more than 30 members who have expertise in general trade, investment and development issues and specific knowledge of United States-Africa trade and investment trends including trade under the AGOA; constraints to trade and investment (including infrastructure, energy and financing); trade facilitation measures; sanitary and phytosanitary measures and technical barriers to trade; trade capacity building; investment treaty negotiations; United States-Africa investment and private sector partnerships; and implementation of World Trade Organization agreements. Members may represent industry, organized labor, investment, agriculture, services, non-profit development organizations, academia, and small businesses.

The U.S. Trade Representative appoints TACA members for a term that will not exceed the duration of this charter. Members serve at the discretion of the U.S. Trade Representative. Individuals can be reappointed for any number of terms.

TACA members serve without either compensation or reimbursement of expenses. Members are responsible for all expenses they incur to attend meetings or otherwise participate in TACA activities.

The U.S. Trade Representative appoints TACA members to represent their sponsoring U.S. entity's interests on sub-Saharan Africa trade, and thus USTR's foremost consideration for applicants is their ability to carry out the goals of section 135(c) of the Trade Act of 1974, as amended. Other criteria include the applicant's knowledge of and expertise in international trade issues as relevant to the work of the TACA and USTR. USTR anticipates that almost all TACA members will serve in a representative capacity with a very limited number serving in an individual capacity as a subject matter expert. These members, known as special government employees or SGEs, are subject to conflict-of-interest rules and may have to complete a financial disclosure report.

III. Request for Nominations

USTR is soliciting nominations for membership of the TACA. To apply for membership, an applicant must meet the following eligibility criteria:

1. The applicant must be a U.S. citizen.
2. The applicant cannot be a full-time employee of a U.S. governmental agency.
3. If serving in an individual capacity, the applicant cannot be a federally registered lobbyist.
4. The applicant cannot be registered with the U.S. Department of Justice under the Foreign Agents Registration Act.
5. The applicant must be able to obtain and maintain a security clearance or complete a background investigation and a non-disclosure agreement.
6. For representative members, who will comprise the overwhelming majority of the TACA, the applicant must represent a U.S. organization whose members (or funders) have a demonstrated interest in issues relevant to U.S. trade with Africa or have personal experience or expertise in U.S.-sub-Saharan Africa trade.
7. For eligibility purposes, a ''U.S. organization'' is an organization established under the laws of the United States, that is controlled by U.S. citizens, by another U.S. organization (or organizations), or by a U.S. entity (or entities), determined based on its board of directors (or comparable governing body), membership, and funding sources, as applicable. To qualify as a U.S. organization, more than 50 percent of the board of directors (or comparable governing body) and more than 50 percent of the membership of the organization to be represented must be U.S. citizens, U.S. organizations, or U.S. entities. Additionally, at least 50 percent of the organization's annual revenue must be attributable to nongovernmental U.S. sources.
8. For members who will serve in an individual capacity, the applicant must possess subject matter expertise regarding sub-Saharan Africa trade issues.

In order to be considered for TACA membership, interested persons should submit the following in one PDF document to *MBX.USTR.IAPE@USTR.eop.gov*.

- Name, title, affiliation, and contact information of the individual requesting consideration.
- A sponsor letter on the organization's letterhead containing a brief description of the manner in which international trade affects the organization and why USTR should consider the applicant for membership.
- The applicant's personal resume or comprehensive biography.
- An affirmative statement that the applicant and the organization he or she represents meet all eligibility criteria.

USTR will consider applicants who meet the eligibility criteria in accordance with equal opportunity practices, based on the following factors:

- Ability to represent the sponsoring U.S. entity's or U.S. organization's interests on international trade matters.
- Knowledge of and experience in trade matters relevant to the work of the TACA and USTR.
- How they will contribute to America First trade policies that create new opportunities and higher living standards for American families, farmers, manufacturers, workers, and businesses.

IV. Public Interest Determination

Pursuant to 41 U.S.C. 102–3.60(a), to establish, renew, reestablish, or merge a q discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 U.S.C. 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariate to demonstrate that renewing the committee is in the public interest:

1. Annual Budget

$20,000.

a. Federal Personnel on a Full-Time Equivalent (FTE) Basis

0.17.

b. Other Federal Internal Costs

Security clearance and background investigations facilitated by the DOJ for committee members that do not have a clearance. This would cost around $370 per clearance for the DOJ. We do not anticipate every committee member will need a security clearance; thus, it will be difficult to estimate the cost.

c. Proposed Payments to Members

None.

d. Proposed Number of Members

Up to 30.

e. Reimbursable Costs

None.

2. If Applicable, the Total Dollar Value of Grants Expected To Be Recommended During the Fiscal Year

None.

3. Criteria for Selecting Members To Ensure the Committee Has the Necessary Expertise and Fairly Balance Membership

USTR will consider applicants who meet all the eligibility criteria based on the following factors:

a. Ability to represent the sponsoring U.S. entity's or U.S. organization's and its subsector's interests on trade matters.

b. Knowledge of and experience in trade matters relevant to the work of the committee and USTR.

c. How they will contribute to America First trade policies that create new opportunities and higher living standards for families, farmers, manufacturers, workers, and businesses.

The U.S. Trade Representative strongly encourages diverse backgrounds and perspectives and makes recommendations for members to serve on the committee without regard to political affiliation and in accordance with equal opportunity practices. USTR strives to ensure balance in terms of sectors, expertise, and other factors relevant to USTR's needs

4. List of All Other Federal Advisory Committees of the Agency

Advisory Committee for Trade Policy and Negotiations (ACTPN), Agricultural Policy Advisory Committee (APAC) with USDA, Agricultural Technical Advisory Committees for Trade (ATAC) with USDA, Industry Trade Advisory Committees (ITAC) with DOC, Intergovernmental Policy Advisory Committee (IGPAC), Labor Advisory Committee (LAC) with DOL, Seasonal and Perishable Agricultural Products Advisory Committee with USDA, and Trade and Environment Policy Advisory Committee (TEPAC).

5. Justification That the Information or Advice Provided by the Federal Advisory Committee or Subcommittee Is Not Available From Another Federal Advisory Committee, Another Federal Government Source, or Any Other More Cost-Effective and Less Burdensome Source

The trade advisory committees are an integral link between diverse stakeholders and the U.S. Government and empowers the United States to display a united front when it negotiates trade agreements with other nations. The committee offers both consensus advice and input from knowledgeable and experienced representatives of all sectors of the U.S. economy that are affected by trade, which is not otherwise available. Other means of obtaining these vital contributions, such as other Federal advisory committees or sources, would not include the full range of views represented by the trade advisory committees.

6. If the Consultation Is a Committee Renewal, a Summary of the Previous Accomplishments of the Committee and the Reasons It Needs To Continue

Congress established the Trade Advisory Committee system through Section 135 of the Trade Act of 1974 (Trade Act), as amended (19 U.S.C. 2155) to ensure that U.S. trade policy and trade negotiating objectives adequately reflect U.S. public and private sector interests.

The trade advisory committees provide information and advice on U.S. negotiating objectives, the operation of trade agreements, and other matters arising in connection with the development, implementation, and administration of U.S. trade policy. At the conclusion of certain trade negotiations, appropriate committees must report on the effects of the proposed agreement (19 U.S.C. 2155(e)).

This committee was integral to the development of proposals related to the Agreements on Reciprocal Trade negotiations, especially with respect to trading partners in Sub-Saharan Africa. The committee members help USTR to identify market-access problems, non-tariff barriers, discriminatory foreign practices, import restrictions, currency valuation issues, and notable others trade issues that disadvantage U.S. exporters in international markets. Their advice and counsel remain imperative as USTR continues to advance the reciprocal trade negotiations.

7. Explanation of Why the Committee Is Essential to the Conduct of Agency Business

The committee includes a broad swath of representatives of industry, agriculture, small business, labor, service industries, retailers, non-federal governments, nongovernmental organizations, and consumer interests who have expertise in general trade, investment, and development issues. This committee is a crucial resource for the United States Trade Representative to hear stakeholder feedback and to build support for a robust trade agenda that promotes investment and productivity, enhances our Nation's industrial and technological advantages, defends our economic and national security, and—above all—benefits American workers, manufacturers, farmers, ranchers, entrepreneurs, and businesses.

This public interest determination documents that renewing the committee is essential to the conduct of agency business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Jennifer Bang,

Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement, Office of the United States Trade Representative.

[FR Doc. 2026–04243 Filed 3–3–26; 8:45 am]

BILLING CODE 3390–F4–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Continuation and Request for Nominations for the Advisory Committee for Trade Policy and Negotiations

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of renewal of the charter and request for nominations.

SUMMARY: The Office of the United States Trade Representative (USTR), pursuant to section 4(d) of Executive Order 11846 of March 27, 1975, section 135(b) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)) as amended, and the Federal Advisory Committee Act (5 U.S.C. App. II), expects to establish a new four-year charter term and is accepting applications from qualified individuals interested in serving as a member of the Advisory Committee for Trade Policy and Negotiations (ACTPN). The ACTPN is a trade advisory committee that provides general policy advice and guidance to the U.S. Trade Representative on trade policy.

DATES: In order to receive full consideration, applications should be received no later than three weeks from this filing. Nominations will be accepted after that date on a rolling basis as vacancies arise until the expiration of the charter term, which is four years from the date of filing.

ADDRESSES: Submissions should be sent as one PDF document to the Office of the U.S. Trade Representative, Office of Intergovernmental Affairs and Public Engagement at *MBX.USTR.IAPE@USTR.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Bang, Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement, Office of the U.S. Trade Representative, at *Jennifer.D.Bang@ustr.eop.gov;* and Marshall Stallings, Director for Intergovernmental Affairs and Public Engagement, Office of the U.S. Trade Representative, at *Ethan.M.Stallings@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION:

1. Background

Sections 135(b)(1) and 135(c)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2155(b)(1) and (c)(1)), provide that the President shall establish an Advisory Committee for Trade Policy and Negotiations, and authorize the President to establish individual general trade policy advisory committees for industry, labor, agriculture, services, investment, defense, small business, and other interests, as appropriate, to provide general policy advice. The President delegated the functions under section 135 to the U.S. Trade Representative in Executive Order 11846, section 4(d), issued on March 27, 1975. Pursuant to these authorities, the United States Trade Representative intends to establish a new four-year charter term for the ACTPN.

The ACTPN is a statutory non-discretionary trade advisory committee established to provide general advice to the U.S. Trade Representative on trade policy. More specifically, the ACTPN provides general policy advice on issues including: (1) negotiating objectives and bargaining positions before entering into trade agreements; (2) the impact of the implementation of trade agreements; (3) matters concerning the operation of any trade agreement once entered into; and (4) other matters arising in connection with the development, implementation, and administration of the trade policy of the United States.

The ACTPN meets as needed, at the call of the U.S. Trade Representative or their designee, or two-thirds of the ACTPN members, depending on various factors such as the level of activity of trade negotiations and the needs of the U.S. Trade Representative.

II. Membership

The ACTPN is composed of not more than 45 members who have expertise in general trade, investment, and development issues including representatives of labor, industry, agriculture, small business, service industries, retailers, nongovernmental organizations, and non-federal governments. ACTPN membership will be broadly representative of the key sectors and groups of the economy affected by trade.

The United States Trade Representative recommends individuals to serve on the ACTPN. Members are appointed by and serve at the discretion of the President, for a term that will not exceed the duration of this charter. Individuals can be reappointed for any number of terms.

The U.S. Trade Representative strongly encourages diverse backgrounds and perspectives and makes recommendations for members to serve on the ACTPN without regard to political affiliation and in accordance with equal opportunity practices. USTR strives to ensure balance in terms of sectors, expertise, and other factors relevant to USTR's needs.

ACTPN members serve without either compensation or reimbursement of expenses. Members are responsible for all expenses they incur to attend meetings or otherwise participate in ACTPN activities.

ACTPN members are expected to represent their sponsoring U.S. entity's interests on trade, and thus USTR's foremost consideration for applicants is their ability to carry out the goals of section 135 of the Trade Act of 1974, as amended. Other criteria include the applicant's knowledge of and expertise in international trade issues as relevant to the work of the ACTPN and USTR. USTR anticipates that almost all ACTPN members will serve in a representative capacity with a very limited number serving in an individual capacity as a subject matter expert. These members, known as special government employees or SGEs, are subject to conflict-of-interest rules and may have to complete a financial disclosure report.

III. Request for Nominations

USTR is soliciting nominations for membership of the ACTPN. To apply for membership, an applicant must meet the following eligibility criteria:

1. The applicant must be a U.S. citizen.

2. The applicant cannot be a full-time employee of a U.S. governmental agency.

3. If serving in an individual capacity, the applicant cannot be a federally registered lobbyist.

4. The applicant cannot be registered with the U.S. Department of Justice under the Foreign Agents Registration Act.

5. For representative members, who will comprise the overwhelming majority of the ACTPN, the applicant must represent a U.S. organization whose members (or funders) have a demonstrated interest in issues relevant to U.S. trade policy.

6. For eligibility purposes, a ''U.S. organization'' is an organization established under the laws of the United States, that is controlled by U.S. citizens, by another U.S. organization (or organizations), or by a U.S. entity (or entities), determined based on its board of directors (or comparable governing body), membership, and funding sources, as applicable. To qualify as a U.S. organization, more than 50 percent of the board of directors (or comparable governing body) and more than 50 percent of the membership of the organization to be represented must be U.S. citizens, U.S. organizations, or U.S. entities. Additionally, at least 50 percent of the organization's annual revenue must be attributable to nongovernmental U.S. sources.

7. For members who will serve in an individual capacity, the applicant must possess subject matter expertise on trade policy.

In order to be considered for ACTPN membership, interested persons should submit the following in one PDF document to *MBX.USTR.IAPE@USTR.eop.gov.*

- Name, title, affiliation, and contact information of the individual requesting consideration.
- A sponsor letter on the organization's letterhead containing a brief description of the manner in which international trade affects the organization and why USTR should consider the applicant for membership.
- The applicant's personal resume or comprehensive biography.
- An affirmative statement that the applicant and the organization he or she represents meet all eligibility criteria.

USTR will consider applicants who meet all the eligibility criteria in accordance with equal opportunity practices, based on the following factors:

- Ability to represent the sponsoring U.S. entity's or U.S. organization's and its subsector's interests on trade matters.
- Knowledge of and experience in trade matters relevant to the work of the ACTPN and USTR.
- How they will contribute to America First trade policies that create new opportunities and higher living standards for families, farmers, manufacturers, workers, and businesses.

Jennifer Bang,

Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement Office of the United States Trade Representative.

[FR Doc. 2026–04242 Filed 3–3–26; 8:45 am]

BILLING CODE 3390–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2024–1448]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Reporting of Information Using Special Airworthiness Information Bulletin and Airworthiness Concern Sheet

AGENCY: Federal aviation administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 23, 2024. The collection involves a voluntary request for information on a specific safety concern. The information to be collected will be used to help the FAA in an ongoing investigation to determine the cause of a specific condition, or whether the condition is likely to exist or develop on other aircraft, aircraft engines, propellers, or appliances of the same type design.

DATES: Written comments should be submitted by April 3, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michelle Janollari by email at: *michelle.k.janollari@faa.gov;* phone: (216) 546–4421.

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.

OMB Control Number: 2120–0731.

Title: Reporting of Information Using Special Airworthiness Information Bulletin and Airworthiness Concern Sheet.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 23, 2024 (89 FR 59797) and a 30-day comment period soliciting comments was published on October 10, 2024 (89 FR 82286). Since then, the FAA has included another document type with similar characteristics including a voluntary request for information on a specific safety concern. A Special Airworthiness Information Bulletin (SAIB) and Airworthiness Concern Sheet (ACS) are information tools the FAA uses to alert, educate, and make recommendations to the aviation community about ways to improve the safety of a product. SAIBs and ACSs contain non-regulatory, non-mandatory information and guidance for safety issues that do not meet the criteria for Airworthiness Directive (AD) action under Title 14 of the Code of Federal Regulations (14 CFR) part 39. SAIBs and ACSs may include recommended actions or inspections with a request for voluntary reporting of inspection results.

Respondents: Respondents may include mechanics, type clubs, owners, and operators of aircraft.

Frequency: Information is collected as needed to acquire additional information on a specific condition.

Estimated Average Burden per Response: 30 minutes.

Estimated Total Annual Burden: 225 hours.

Issued on February 27, 2026.

David A. Lee,

Acting Manager, Airworthiness Products Section, Operational Safety Branch, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2026–04244 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2026–1396; Summary Notice No. 2026–08]

Petition for Exemption; Summary of Petition Received; The Boeing Company

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before March 24, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–1396 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kara White, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202–267–9677.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2026–1396.
Petitioner: The Boeing Company.
Section(s) of 14 CFR Affected: §§ 91.105(a) and 91.703(a)(3).
Description of Relief Sought: Requesting relief from 91.105(a) and 91.703(a)(3) to allow foreign licensed pilots to occupy one of the two required pilot seats and manipulate the controls of a US-registered Boeing airplane operated under a Special Airworthiness Certificates in the category of Experimental for the purposes of Market Survey.

[FR Doc. 2026–04251 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–0092]

Notice of Availability of FAA Notice N 8100.20 Regarding Organization Designation Authorization (ODA) Holder Ethics Training

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: FAA Notice N 8100.20, Organization Designation Authorization (ODA) Holder Ethics Training for Unit Members (UM) and Administrators, provides initial implementation of a requirement of the FAA Reauthorization Act of 2024, that FAA ensure that each ODA holder has in effect a recurrent training program for all ODA unit personnel.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Geddie, Policy and Oversight Integration Section, AVS–64, AVS ODA Office, Federal Aviation Administration, by telephone at 405–954–6897 or by email at *Scott.Geddie@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA Reauthorization Act of 2024, Public Law 118–63 (2024) (the Act), amended Title 49 United States Code (U.S.C.) section 44736 by imposing several requirements specific to the FAA's oversight of ODA holders. Section 304 of the Act added one such requirement to 49 U.S.C. 44736; paragraph (g), Ethics Training Requirement for ODA Holders. Paragraph (g) requires the FAA to ensure that each ODA holder has in effect a recurrent training program, reviewed by the FAA, for all ODA unit personnel. Paragraph (g) also requires all ODA unit personnel to complete such ethics training within 60 days of appointment and annually thereafter, and requires the FAA to establish the necessary processes to ensure that this training occurs. Notice N 8100.20 provides initial implementation of the statutory requirement for ODA holders to develop and provide, and for all ODA unit personnel to complete, initial and recurrent ethics training. The FAA intends to incorporate the policies established in this Notice into a future revision of FAA Order 8100.15, Organization Designation Authorization Procedures.

Comments

A proposed version of Notice N 8100.20 was published in the **Federal Register** and made available for public comment from June 17, 2025, through July 17, 2025 (90 FR 25530, June 17, 2025). The FAA received 62 public comments from a range of stakeholders, including industry associations and 12 of the 75 current ODA holders. Organizations submitting comments included AeroMech Inc., the Air Line Pilots Association, Airlines for America, American Airlines Inc., Textron Aviation Inc., The Boeing Company, Delta Airlines, Garmin International Inc., General Aviation Manufacturers Association, Gulfstream Aerospace Corporation, Heico Aerospace Corporation, Kilroy Aviation LLC, Lycoming Engines, Mammoth Freighters LLC, and Rolls-Royce Corporation. Most commenters suggested relatively minor changes to facilitate the implementation of the statutory requirement of 49 U.S.C. 44736(g).

FAA Developed Training and UMs Employed by Multiple ODAs

Several commenters recommended that the FAA develop a standardized ethics training program for ODA UMs and administrators. Some commenters further suggested that completion of ethics training by a UM at one ODA holder should satisfy the ethics training requirement for any other ODA holder employing the same UM.

The FAA does not agree with the requests. The Act requires each ODA holder to have a recurrent training program in effect that covers its own processes and procedures as described in its approved procedures manual. The FAA acknowledges there may be common elements among ODA holders' ethics training programs. However, variations in ODA holders' operations and organizational structures preclude the establishment of a single, standardized ethics training program applicable to all ODA holders. The FAA considers ethics training to be a holistic approach intended to instill professionalism among ODA UMs and administrators and to support the safety culture of each organization. The FAA does not intend to develop a standardized ethics training program or to permit the transferability of ethics training between ODA holders. Each ODA holder remains responsible for (1) providing ethics training to its UMs in accordance with its own procedures and (2) ensuring continued compliance with statutory requirements.

Delay Implementation and Duplication of Training

Multiple commenters expressed concern that the timeline for developing and delivering the required training is insufficient. Commenters also recommended delaying implementation of Notice N 8100.20 to coincide with the next revision of FAA Order 8100.15. One commenter stated that the Notice is unnecessary due to overlap with existing training requirements.

The FAA does not agree with the requests. The Act established the timeline to implement the required ethics training and the FAA determined an extension of the training delivery period is not warranted. Notice N 8100.20 authorizes Organizational Management Team (OMT) managers to grant extensions to ODA holders, as necessary, for the development of ethics training. If a UM does not complete the required training within 60 business days after the OMT's approval of the ethics training, that UM may not exercise the functions delegated and responsibilities under the ODA until the training is completed. The FAA recognizes that there may be some overlap with existing training requirements. The training requirements outlined in paragraph 5.a.(4) and (5) of the Notice were previously mandated to be completed once every two years by FAA Order 8100.15B and Notice N 8100.19. Notice N 8100.20 changes the frequency of these requirements to an annual basis, as required by the Act.

Required Language in ODA Procedures Manuals

One commenter questioned the necessity for ODA procedures manuals to include the specific language found in paragraph 5.b.(1) of draft Notice N 8100.20, which requires ODA procedures manuals to specify ''existing

ODA Unit Members (UMs) and administrators must complete the required ethics training within 60 business days after the Organizational Management Team (OMT) approves the ODA's revised Procedures Manual incorporating ethics training, and annually thereafter, in order to continue exercising the functions and responsibilities delegated under the ODA.'' The FAA agrees to clarify this requirement. The FAA restructured paragraphs 5.b.(1) through (3) to state that an ODA holder's revised procedures manual must specify when existing ODA UMs and administrators must complete initial ethics training, when newly appointed ODA UMs and administrators must complete initial ethics training, and that the ODA UM or administrator must have completed the ethics training in the previous 12 months to meet the annual ethics training requirements. The ODA holder's revised procedures manual must also specify that the initial and annual ethics training requirements must be completed prior to exercising authorized functions and responsibilities under the ODA. This requirement is mandated to ensure compliance with the accountability provisions set forth in the Act.

Terms To Identify Training Requirements

A commenter suggested that FAA use terms such as initial qualification, recurrent qualification, requalification, or transition training to designate ethics training.

The FAA does not agree with the request. Integrating new terms to designate ODA holder training requirements is beyond the scope of Notice N 8100.20.

Clarifications and Consistency

Multiple commenters requested that FAA clarify the meaning of ''annually'' as it relates to training intervals. The FAA agrees to clarify the language. The FAA revised the relevant language to specify ''in the previous 12 months prior'' rather than ''annually thereafter'' to clarify the intended interval for recurring training requirements.

One commenter requested that FAA clarify the term ''code of ethics.'' The FAA agrees and has revised the language to specify that the code of ethics must specify that safety is of the highest priority.

Multiple commenters requested that FAA clarify the requirements for training on professionalism and for promoting a clear understanding among ODA UMs and administrators of the purpose and procedures associated with Safety Management Systems (SMS). The commenters noted that training on ''professionalism'' is duplicated in Notice N 8100.20. Commenters also sought to distinguish the training requirements as they relate to an ODA holder's SMS. The commenters requested that FAA clarify whether training should address the requirements of Title 14, Code of Federal Regulations (CFR) Part 5, for ODA holders required to have an SMS, or the provisions of the International Civil Aviation Organization (ICAO) Safety Management Manual (SMM) (Doc 9859), or any successor edition, for ODA holders not required to have an SMS.

The FAA agrees to clarify. The FAA revised the Notice to remove the duplicate reference to ''professionalism'' and to clarify the training requirements. The revised language requires that training promotes a clear understanding among ODA UMs and administrators regarding the purpose and procedures associated with SMS. Additionally, the training must also address the provisions of the third edition of the ICAO Safety Management Manual (Doc 9859), or any successor edition.

Several commenters requested that FAA clarify training requirements for reporting safety concerns. The FAA agrees to provide clarification and, in response, has revised Notice N 8100.20 to reference the applicable requirements of 14 CFR 183.63 and 14 CFR 183.65.

One commenter observed that the requirement for ODAs to report training completion for existing ODA UMs and administrators is redundant. The commenter reasoned that training completion is already addressed through standard OMT surveillance in FAA Order 8100.15. The FAA agrees and has revised Notice N 8100.20 to remove the seventh bullet from paragraph 8 that would have required the completion date of ODA holder training to be submitted to the ODA Office via the OMT Data Portal.

SMS Resources

One commenter requested additional resources to assist in developing the SMS components of the ethics training. Technical content is available on *www.faa.gov* to support ODA holders in the development of their training programs.

Editorial Change

FAA corrected a clerical error relating to the implementation timeline in paragraph 7.b of the Notice. The correction changes the number of calendar days from 180 to 194.

This Notice is available to the public at *http://www.faa.gov/regulations_policies/orders_notices,* on the Dynamic Regulatory System website at *https://drs.faa.gov,* and in the docket.

Scott A. Geddie,

Manager, AVS–64, Policy and Oversight Integration Section, AVS ODA Office.

[FR Doc. 2026–04297 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–0100]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Grote Industries, LLC

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of application for exemption; extension of comment period.

SUMMARY: FMCSA extends the comment period for its February 9, 2026, notice requesting public comment on an application from Grote Industries, LLC (Grote) for an exemption from the requirement that exterior lighting devices on commercial motor vehicles (CMVs) be steady-burning. The exemption would allow motor carriers to operate CMVs equipped with auxiliary rear or side lamps that flash or strobe when controlled by Grote's Rear-End Collision Warning system. The Agency finds it is appropriate to extend the comment period to provide interested parties additional time to submit their responses to the notice. Therefore, FMCSA extends the deadline for the submission of comments by 60 days.

DATES: The comment period for the notice published February 9, 2026, at 91 FR 5798 is extended by 60 days. Comments must be received on or before May 10, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2026–0100 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the Public Participation and Request for Comments section below for further information.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, West Building, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, W58–213, West Building, Washington, DC 20590–0001,

between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* (202) 493–2251.

Each submission must include the Agency name and the docket number (FMCSA–2026–0100) for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its processes. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. David Sutula, Chief, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 961–1373; *david.sutula@dot.gov.* If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2026–0100), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/document/FMCSA-2026-0100-0002,* click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin *brian.g.dahlin@dot.gov,* Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* insert FMCSA–2026–0100 in the keyword box, select the document tab and choose the document to review. To view comments, click this notice, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket 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., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Background

On February 9, 2026, FMCSA published in the **Federal Register** a notice requesting public comment on an application from Grote for an exemption from the requirement that exterior lighting devices on CMVs be steady-burning, with a comment deadline of March 11, 2026 (91 FR 5798). The Commercial Vehicle Safety Alliance (CVSA) filed a comment to the public docket requesting that the comment period be extended by 60 days. CVSA stated that the extension of time would allow its membership to discuss the proposed exemption request during CVSA's 2026 Workshop, which is scheduled for April 19–23, 2026.

The Agency finds it is appropriate to extend the comment period to provide interested parties additional time to submit their responses to the notice. Accordingly, FMCSA extends the comment period until May 10, 2026.

Larry W. Minor,

Associate Administrator of Policy.

[FR Doc. 2026–04314 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2026–0232]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that the National Railroad Passenger Corporation (Amtrak) petitioned FRA seeking approval to discontinue or modify a signal system.

DATES: FRA must receive comments on the petition by April 3, 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 235 of title 49 Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that by letter received January 26, 2026, Amtrak petitioned FRA seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2026–0232.

Specifically, Amtrak requests to remove all automatic block signals on its New York Division and Main Line Hard to CP216, from Gate Interlocking (milepost (MP) 5.1) to Manor Interlocking (MP 18.2) in New York, New York. On Tracks 1 and 2, Amtrak proposes to add 4 new interlockings and additional tracks. In its petition, Amtrak states that the ''existing cab with wayside signal configuration will be replaced with renewed block points without wayside signals[,] relocated to maximize train capacity.''

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 3, 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 better 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. 2026–04273 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2026–0496]

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 Union Pacific Railroad (UPRR) petitioned FRA for relief from certain regulations concerning cab signals.

DATES: FRA must receive comments on the petition by April 3, 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 February 10, 2026, UPRR petitioned FRA for 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–2026–0496.

Specifically, UPRR seeks relief from the requirements of § 236.566, *Locomotive of each train operating in train stop, train control or cab signal territory; equipped,* to operate historic steam locomotive Big Boy No. 4014 on portions of Norfolk Southern Railway (NS) property during a one-time tour. UPRR explains that it has discontinued cab signal systems after the implementation of positive train control (PTC), and locomotive No. 4014 cannot accommodate cab signal equipment because PTC components now occupy the locomotive cab space that previously housed the cab signal equipment. The petition states that the locomotive will operate per NS's operating procedures, instructions, and rules to maintain the ''safety and regulatory compliance framework already available'' on NS.

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 3, 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. 2026–04274 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2026–0497]

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 Norfolk Southern Railway (NS) petitioned FRA for relief from certain regulations concerning cab signals.

DATES: FRA must receive comments on the petition by April 3, 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 February 10, 2026, NS petitioned FRA for 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–2026–0497.

Specifically, NS seeks relief from the requirements of § 236.566, *Locomotive of each train operating in train stop, train control or cab signal territory; equipped,* to operate historic steam locomotive Big Boy No. 4014 on the Heritage Excursion Tour train. NS explains that locomotive No. 4014 lacks a cab signal apparatus and ''cannot be practically outfitted [with a cab signal apparatus] without significant and irreversible modifications'' due to current space limitations in the locomotive cab and insufficient time before the planned excursion. In addition, the petition describes the temporary changes that NS intends to make to its operating practices to ensure safety in lieu of equipping the locomotive with cab signal equipment.

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 3, 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. 2026–04271 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2000–7275]

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 Pennsylvania Northeast Regional Railroad Authority, Lackawanna County, and Delaware-Lackawanna Railroad Company (the Petitioners) petitioned FRA for an extension of relief from certain regulations related to its shared use property.

DATES: FRA must receive comments on the petition by April 3, 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: John Mardente, Railroad Safety Specialist, FRA Engineering & Technology Division, telephone: 202–493–1335, email: *john.mardente@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 February 4, 2026, the Petitioners petitioned FRA for an extension of a waiver of compliance or concurrence of exemption from certain provisions of the Federal railroad safety regulations contained at multiple parts of 49 CFR: part 221 (Rear End Marking Device—Passenger, Commuter and Freight Trains); part 223 (Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses); section 229.129, *Locomotive horn;* part 231 (Railroad Safety Appliance Standards); part 238 (Passenger Equipment Safety Standards); part 239 (Passenger Train Emergency Preparedness); and part 240 (Qualification and Certification of Locomotive Engineers). FRA assigned the petition Docket Number FRA–2000–7275.

Specifically, the Petitioners request extended relief from § 229.129, part 231, and part 240 concerning shared use track with the Lackawanna County Historical Trolley Excursion. Further, the Petitioners seek concurrence that exemptions in parts 221, 223, 238, and 239 apply to the operations. In the request, the Petitioners explain that the historic trolley is operated as a functional ''living history'' exhibit, and not for transportation purposes, and uses temporal separation ''that guarantees exclusive use of the shared trackage during the excursion period.''

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 3, 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. 2026–04272 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0333]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V SAPPHIRE

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 3, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0333 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 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. 2026–04255 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0201]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V BODACIOUS

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 3, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0201 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

[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.

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 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. 2026–04258 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–81–P

[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.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0332]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V REELAXIN

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 3, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0332 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 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. 2026–04259 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–81–P

[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.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0331]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V BLUE STAR

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 3, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0331 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 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. 2026–04257 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–81–P

[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.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2026–0529]

Agency Information Collection Activities; Notice and Request for Comment; Incident Reporting for Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS)

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for extension of a currently approved information collection with modifications.

SUMMARY: NHTSA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for an extension of a currently approved information collection with modifications. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. This document describes NHTSA's information collection for incident reporting requirements for Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS). NHTSA previously requested and received a three-year approval of this information collection. NHTSA now requests OMB's approval for a three-year extension of this currently approved information collection with modifications. These modifications streamlined reporting requirements to reduce burdens compared to the prior version of this information collection and sharpening the focus on safety critical information.

DATES: Comments must be submitted on or before May 4, 2026.

ADDRESSES: You may submit comments identified by the Docket No. NHTSA–2021–0070 through any of the following methods:

- *Electronic Submissions:* Go to the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail or Hand Delivery:* Docket Management, 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. To be sure someone is there to help you, please call (202) 366–9826 or (202) 366–9317 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to 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.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *https://www.transportation.gov/privacy.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Michael Kuppersmith, Office of Chief Counsel, at *michael.kuppersmith@dot.gov,* Telephone: (202) 366–9957; Mailing address: U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval (including a request for an extension of a currently approved collection), it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (5 CFR 1320.8(d)), an agency must ask for public comment on the following: (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) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed extension, for which the agency is seeking approval from OMB, of a currently approved collection of information with modifications.

Title: Incident Reporting for Automated Driving Systems (ADS) and Level 2 Advanced Driver Assistance Systems (ADAS).

OMB Control Number: 2127–0754.

Form Number(s): Form 1612.

Type of Request: Approval of an extension of a currently approved collection of information with modifications.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information: The currently approved information collection request (ICR) for which NHTSA intends to request an extension requires certain manufacturers of motor vehicles and equipment and operators of motor vehicles to submit incident reports for certain crashes involving ADS and Level 2 ADAS. These crash reporting obligations are set forth in NHTSA's Standing General Order 2021–01 (General Order), which requires those manufacturers and operators named in and served with the General Order to report crashes that meet specified criteria to NHTSA.[1]

Specifically, the General Order requires the named manufacturers and operators (the reporting entities) to submit reports if they receive notice of certain crashes involving an ADS or Level 2 ADAS equipped vehicle that occur on publicly accessible roads in the United States. To be reportable, the vehicle, the ADS, or the Level 2 ADAS must have been manufactured by the reporting entity or the vehicle must have been operated by an ADS reporting entity at the time of the crash, and the ADS or Level 2 ADAS must have been engaged at the time of or immediately before (≤30 seconds) the crash. The reporting obligations are limited to those entities served with the General Order. The General Order imposes no reporting obligations on any other companies and likewise imposes no reporting obligations on any individual consumers.

In the event of a reportable crash, the General Order requires the reporting entity to submit an incident report electronically to NHTSA. The required report includes basic information sufficient for NHTSA to identify those crashes warranting follow-up. Crashes involving ADS or Level 2 ADAS equipped vehicles that meet specified criteria must be reported within five calendar days after the reporting entity receives notice of the crash, and other crashes involving ADS equipped vehicles must be reported on a monthly basis. The reporting obligations in the General Order are specific to these crashes, which are a primary source of information regarding potential defects in ADS or Level 2 ADAS.

The agency has been receiving incident reports under its existing approval. Based on the agency's experience in reviewing these reports and on the public comments it has received previously, NHTSA has amended the General Order. These amendments streamlined the reporting requirements of prior versions of the General Order to reduce burdens and more efficiently collect actionable information. These amendments refined the focus of reporting on critical safety information while removing unnecessary and duplicative requirements. The specific requirements are detailed later in this notice. In general, they streamline the reporting requirements in several key ways: (1) making reports of the most severe types of crashes due within five days and reports of less severe crashes due monthly; (2) refining the scope of crashes that are reportable for ADS and ADAS, such as by adding a property damage threshold for less severe crashes involving ADS; (3) eliminating the requirement in prior versions of the General Order that multiple entities report the same crash, except in situations where entities have different information from one another; (4) eliminating requirements that entities must update reports at designated intervals even if no new information exists; (5) eliminating the requirement that entities submit reports to NHTSA each month even if they have no crashes to report for that month; and (6) streamlining the electronic form used for reporting by eliminating data elements that are not safety critical.

More specifically, under Request No. 1 of the General Order, a reporting entity must report any crash involving an ADS or Level 2 ADAS equipped vehicle that results in any individual being transported to a hospital for medical treatment, a fatality, an air bag deployment, or that involves a strike of a vulnerable road user. If the crash involved a subject vehicle equipped with an ADS, a reporting entity must also report any crash resulting in a vehicle tow-away. Under any of these circumstances, the reporting entity must submit a report within five days after the reporting entity receives notice of the crash. Under Request No. 3, reporting entities must submit an updated report if they receive notice of any materially new or materially different information for specified fields: VIN, engagement status, source, highest severity alleged, subject vehicle damage, subject vehicle pre-crash movement, air bags deployment status for any vehicle involved, data availability, and narrative. This updated report is due on the fifteenth day of the month following the month in which they received notice of the new or different information.

Separately, under Request No. 2 of the General Order, a reporting entity must report any crash involving an ADS equipped vehicle that does not meet the

[1] A copy of the General Order is available on NHTSA's website at *https://www.nhtsa.gov/laws-regulations/standing-general-order-crash-reporting.*

previous criteria but nonetheless involves property damage. These reports are due on the fifteenth day of the month after the reporting entity receives notice of the crash. Specifically, Request No. 2 requires reports for crashes in which the property damage is reasonably expected to exceed $1,000, the subject vehicle was the only vehicle involved in the crash, or the subject vehicle struck another vehicle or object (as opposed to being struck). The reports required under Request No. 2 and Request No. 3 utilize the same form and request the same information as the five-day reports required under Request No. 1.

This information collection provides NHTSA with information it needs to carry out its statutory mandate to protect the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident.

On March 6, 2023, OMB approved NHTSA's three-year extension of its information collection for the previous version of the General Order (OMB Control No. 2127–0754). NHTSA is publishing this document to seek an extension of this information collection with modifications.

NHTSA significantly reduced the burden of this information collection through its changes to streamline the General Order. Specifically, the changes eliminated some categories of burden addressed in the prior Paperwork Reduction Act analysis, saving 5,639 burden hours annually. For other categories, NHTSA significantly reduced the burdens by eliminating unnecessary and duplicative reporting requirements. NHTSA also expects reporting to be more efficient now that most of the reporting entities have more than five years of experience and established internal processes. With these changes, along with NHTSA's improved ability to estimate burdens after more than five years of reporting under the General Order, NHTSA now estimates an annual burden of 19,208 hours—a substantial reduction from the estimated burden associated with the prior versions of the General Order. NHTSA requests comment on these estimates.

Description of the Need for the Information and Proposed Use of the Information: Under the National Traffic and Motor Vehicle Safety Act, as amended (the Safety Act), 49 U.S.C. Chapter 301, NHTSA is charged with authority ''to reduce traffic accidents and deaths and injuries resulting from traffic accidents.'' To carry out this statutory mandate, NHTSA has broad information gathering authority, including authority to obtain information on vehicle crashes, potential defects related to motor vehicle safety, and compliance with legal requirements to timely identify and conduct recalls for safety defects. 49 U.S.C. 30166(e), (g), 30118–30120; 49 CFR part 510.

Both ADS and ADAS are ''motor vehicle equipment'' subject to the requirements of the Safety Act. Given the rapid evolution of these technologies and increasing testing of new technologies and features on publicly accessible roads, it is critical for NHTSA to exercise its oversight over potential safety defects in vehicles operating with ADS and Level 2 ADAS.

NHTSA uses the information to evaluate whether specific manufacturers (including manufacturers of prototype vehicles and equipment) are meeting their statutory obligations to ensure that their vehicles and equipment are free of defects that pose an unreasonable risk to motor vehicle safety or are recalled if such a safety defect is identified. NHTSA's oversight of potential safety defects in vehicles operating on publicly accessible roads using ADS or Level 2 ADAS requires that NHTSA have timely information on incidents involving those vehicles. In carrying out the Safety Act, NHTSA may ''require, by general or special order, any person to file reports or answers to specific questions.'' 49 U.S.C. 30166(g)(1)(A).

Affected Public: Vehicle and equipment manufacturers and operators of ADS or Level 2 ADAS equipped vehicles.

Estimated Number of Respondents: 110 entities.

Estimated Number of Annual Responses: 9,574 responses.

Frequency: Monthly and on occasion.

Estimated Total Annual Burden Hours: 19,208 hours.

To estimate the burden associated with this information collection, NHTSA separated the requirements of the General Order into seven components: (1) incident reports involving Level 2 ADAS that must be submitted within five days; (2) updates to incident reports involving Level 2 ADAS that must be submitted in the following month; (3) incident reports involving ADS that must be submitted within five days; (4) updates to incident reports involving ADS that must be submitted in the following month; (5) initial incident reports involving ADS that must be submitted in the following month; (6) training employees on the requirements; and (7) time to set up an account to submit the reports. The burden associated with categories (6) and (7) are one-time start-up burdens that will be incurred during the proposed extension only for new reporting entities that were added to the General Order during this period. For the approximately 114 reporting entities named in the previous General Order, this burden has already been and was accounted for under the currently approved information collection request.

The estimated number of respondents consists of the number of reporting entities. NHTSA estimates that there will be an average of 110 reporting entities during each year of the proposed extension. Currently, there are 106 reporting entities named in the General Order. NHTSA believes that additional reporting entities may be added to the General Order during the proposed extension as new companies enter the market and begin developing and manufacturing ADS and ADAS technology and vehicles equipped with these technologies. NHTSA also believes that some existing reporting entities may be removed from the General Order due to the cessation of operations or market consolidation.

Incident reports involving Level 2 ADAS that must be submitted within five days. To estimate the burden associated with submitting Level 2 ADAS crash reports, NHTSA first looked to the category of crashes that must be reported. As explained above, the General Order only requires reporting of Level 2 ADAS crashes when (1) the crash occurred on a publicly accessible road in the United States (including any of its territories); (2) the Level 2 ADAS was engaged at any time during the period from 30 seconds immediately prior to the commencement of the crash through the conclusion of the crash; and (3) the crash resulted in any individual being transported to a hospital for medical treatment, a fatality, an air bag deployment, or the strike of a vulnerable road user.[2] These crashes must be reported within five days. Based on the number of manufacturers that manufacture vehicles equipped with Level 2 ADAS systems in calendar year 2025, NHTSA estimates that it will receive responses from approximately 43 respondents reporting Level 2 ADAS

[2] A ''vulnerable road user'' is defined in the General Order to mean and include ''any person who is not an occupant of a motor vehicle with more than three wheels. This definition includes, but is not limited to, pedestrians, persons traveling in wheelchairs, bicyclists, motorcyclists, and riders or occupants of other transport vehicles that are not motor vehicles, such as all-terrain vehicles and tractors.''

crashes each year. Further, after evaluating information available to the agency regarding the number of Level 2 ADAS crashes and the number of vehicles equipped with Level 2 ADAS, NHTSA estimates that it will receive, on average, 3,704 Level 2 ADAS related crash reports each year. This estimate includes projections based on amended reporting criteria and increasing market penetration and consumer acceptance of partial automation technologies. NHTSA believes this is a high-end estimate and will refine it further after seeking public comment. NHTSA expects that the number of crash reports submitted by each respondent will vary significantly, with some respondents submitting many more reports than others. However, on average, NHTSA estimates that each respondent will submit, on average, 86 crash reports per year. NHTSA estimates that it will take respondents approximately 2 hours to compile and submit each crash report (Engineer: 1 hour; Engineering Manager: 20 minutes; Lawyer: 20 minutes; and Computer and Information Manager: 20 minutes). Therefore, NHTSA estimates the total annual burden hours for submitting Level 2 ADAS crash reports to be approximately 172 hours per respondent (2 hours × 86 crash reports) and approximately 7,396 hours for all respondents (172 hours × 43 respondents).

Updates to incident reports involving Level 2 ADAS that must be submitted in the following month. In addition to submitting information on certain Level 2 ADAS crashes within five days, reporting entities must also submit updated information, if any, by the fifteenth day in the following month. Based on NHTSA's experience with reports submitted so far, NHTSA estimates that for 9% of Level 2 ADAS crashes first reported in a five-day report, respondents may need to submit updated information. Therefore, NHTSA estimates that approximately 333 monthly reports will include updated crash information (3,704 Level 2 ADAS five-day crashes × 9%) or approximately eight updated crash reports for each of the 43 Level 2 ADAS respondents. NHTSA estimates that updating the updated crash reports will take approximately 2 hours per report. Therefore, NHTSA estimates that it will take each Level 2 ADAS respondent approximately 16 hours each year to submit Level 2 ADAS crash reports updates (2 hours × 8 crash reports) and approximately 688 hours for all Level 2 ADAS respondents (16 hours × 43 respondents).

Incident reports involving ADS that must be submitted within five days. To estimate the number of five-day ADS crash reports, NHTSA first looked to the category of crashes that must be reported. The requirements for when ADS crashes must be reported within five days are nearly the same as for Level 2 ADAS crashes, except ADS crashes involving a vehicle tow away are required to be reported. This difference accounts for the greater degree of oversight warranted for ADS-equipped vehicles, which allow the vehicle automation systems more extensive control authority over the Dynamic Driving Task (DDT). The General Order requires reporting ADS crashes when (1) the crash occurred on a publicly accessible road in the United States (including any of its territories); (2) the ADS was engaged at any time during the period from 30 seconds immediately prior to the commencement of the crash through the conclusion of the crash; and (3) the crash resulted in any individual being transported to a hospital for medical treatment, a fatality, an air bag deployment, vehicle tow away, or the strike of a vulnerable road user. These crashes must be reported within five days. Based on these criteria and crash reports submitted in prior versions of the General Order, NHTSA estimates that it will receive responses from 67 respondents reporting ADS crashes each year and expects that there will be approximately 5,425 ADS crashes in a year that manufacturers and operators will be required to report to NHTSA. Some of these crashes will be required to be submitted within five days, and the rest will be required to be submitted in the following month in a monthly report.

Based on NHTSA's review of crash reports already received under all versions of the General Order, NHTSA estimates that 2,810 ADS crash reports a year will be submitted within five days, or approximately 42 crash reports from each of the 67 respondents. NHTSA estimates that each ADS crash report will take 2 hours to complete and submit (Engineer: 1 hour; Engineering Manager: 20 minutes; Lawyer: 20 minutes; and Computer and Information Manager: 20 minutes). Therefore, NHTSA estimates the burden per respondent to be approximately 84 hours (42 crash reports × 2 hours) and approximately 5,628 hours for all respondents (84 hours × 67 respondents).

Updates to incident reports involving ADS that must be submitted in the following month. In addition to submitting information on certain ADS crashes within five days, manufacturers and operators must also submit updated information, if any, by the fifteenth day of the following month. NHTSA estimates that for 4% of ADS crashes first reported in a five-day report, respondents may need to submit updated information. Therefore, NHTSA estimates that approximately 112 monthly reports will include updated crash information (2,810 ADS five-day crashes × 4%), or approximately 2 reports from each of the 67 respondents. ADS typically utilize multiple sensors and cameras and tend to have relatively advanced data recording and telemetry capabilities. As a result, crashes involving vehicles where the ADS is performing the DDT can generally be reported with detail. NHTSA estimates that updating the crash reports will take approximately 2 hours per report. Therefore, NHTSA estimates that it will take each respondent approximately 4 hours each year to submit updated ADS crash reports (2 hours × 2 crash reports) and approximately 268 hours for all ADS respondents (4 hours × 67 respondents).

Initial incident reports involving ADS that must be submitted in the following month. This information collection requires ADS manufacturers and operators to submit reports of certain incidents—reportable incidents that do not meet any of the criteria for a five-day report—by the fifteenth day of the following month. To estimate the burden of these monthly reports, NHTSA considered the burden of reports of initial ADS crash reports that it has already received. NHTSA estimates there will be 67 ADS vehicle manufacturers and operators that will be required to submit monthly reports each year, for a total of approximately 2,615 monthly reports annually or approximately 39 reports per respondent.

NHTSA estimates that each monthly report submitted by an ADS manufacturer or operator will take 2 hours to submit. NHTSA estimates that there will be at least 67 ADS manufacturers and operators with some manufacturers producing both ADAS and ADS equipped vehicles. Therefore, NHTSA estimates that respondents will spend approximately 5,226 hours annually preparing and submitting monthly reports (67 ADS manufacturers and operators × 39 monthly reports × 2 hours).

Training employees on the requirements. In addition to the burden associated with preparing and submitting reports, any new reporting entities added to the General Order may also need to train employees on the reporting requirements. As explained above, the existing 106 reporting entities

named in the General Order will not incur this burden during the requested extension. NHTSA estimates that there will be an average of 4 new reporting entities added to the General Order each year during the proposed extension, that an average of 4 of these new reporting entities will be ADS manufacturers or operators and that an average of 0 of these new reporting entities will be Level 2 ADAS manufacturers. However, NHTSA expects that ADS manufacturers and operators normally monitor all crashes and, therefore, will not need to train personnel on how to respond to this new information collection. Accordingly, NHTSA does not believe this category will measurably increase the burden.

Time to set up an account to submit the reports. NHTSA also estimates that new responding entities added to the General Order during the proposed extension period will need to set up a new account with NHTSA to allow them to submit reports. NHTSA estimates that each of the estimated average of 4 responding entities added to the General Order annually need to set up new accounts with NHTSA. NHTSA estimates that setting up an account will take 0.5 hours. Therefore, NHTSA estimates the total annual burden to be 2 hours.

NHTSA estimates the total annual burden hours for the seven components of this ICR to be 19,208 hours (7,396 hours for initial five-day Level 2 ADAS reports, 688 hours for updated Level 2 ADAS reports, 5,628 hours for initial five-day ADS reports, 268 hours for updated ADS reports, 5,226 hours for initial ADS monthly reports, 0 hours for training, and 2 hours for setting up new accounts), a reduction from the 31,319 hours under the previously approved collection.

To calculate the labor cost associated with preparing and submitting crash reports and reports, training, and setting up new accounts, NHTSA looked at wage estimates for the type of personnel involved with these activities. NHTSA estimates the total labor costs associated with these burden hours by looking at the average wage for architectural and engineering managers in the motor vehicle manufacturing industry (Architectural and Engineering Managers, Standard Occupational Classification #11–9041), Engineers (17–2000), Lawyers (23–1011), and Computer and Information System Managers (11–3021). NHTSA estimates the total labor costs associated with these burden hours by looking at the seventy-fifth percentile wage for architectural and engineering managers, computer and information systems managers, and engineers in the motor vehicle manufacturing industry and the seventy-fifth percentile wage for lawyers.[3] The Bureau of Labor Statistics estimates that private industry workers' wages represent 70.2% of total labor compensation costs.[4] Therefore, NHTSA has weighted the wages accordingly, as shown in Table 1, and, based on the estimates of each role's time spent per report, calculates the average weighted hourly wage to be approximately $126.29.

TABLE 1—LABOR COSTS

Labor category	Wage	Hourly labor cost	Estimated time spent per crash report (minutes)
Computer and Information System Managers (11–13021) in the Motor Vehicle Manufacturing Industry (75th percentile)	$115.00	$163.82	20
Architectural and Engineering Managers (11–9041) in the Motor Vehicle Manufacturing Industry (75th percentile)	104.50	148.86	20
Engineers (17–2000) in the Motor Vehicle Manufacturing Industry (75th percentile)	65.81	93.75	60
Lawyers (23–1011) in the Motor Vehicle Manufacturing Industry (75th percentile)	115.00	163.82	20

Accordingly, NHTSA estimates the total labor cost associated with the estimated 19,208 annual burden hours to be approximately $2,425,778.32.

Table 2 provides a summary of the estimated burden hours and labor costs associated with each submission, resulting in a modestly different estimated annual labor cost due to rounding and excluding the time spent setting up new accounts.

TABLE 2—ESTIMATED BURDEN HOURS AND LABOR COSTS

Category of claims	Annual average of incident submissions	Average time to process each report (hours)	Weighted hourly rate	Estimated labor cost per submission	Estimated annual labor cost
Level 2 ADAS 5-day reports, initial	3,704	2	$126.29	$252.58	$935,556.32
Level 2 ADAS 5-day reports, monthly update	333	2	126.29	252.58	84,109.14
ADS 5-day reports, initial	2,810	2	126.29	252.58	709,749.80
ADS 5-day reports, monthly update	112	2	126.29	252.58	28,288.96
ADS monthly reports, initial	2,615	2	126.29	252.58	660,496.70
Totals	9,574				2,418,200.92

[3] *See* May 2024 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 336100—Motor Vehicle Manufacturing, available at *https://www.bls.gov/oes/current/naics4_336100.htm;* May 2024 National Occupational Employment and Wage Estimates, available at *https://www.bls.gov/oes/current/oes_nat.htm.* Note that the seventy-fifth percentile wage for lawyers and computer and information systems managers were not provided by the Bureau of Labor Statistics because they are equal to or greater than $115 per hour. Without additional information, NHTSA used $115 per hour for those wages in its calculations.

[4] *See* Table 1. Employer Costs for Employee Compensation by ownership (June 2025), available at *https://www.bls./.release/ecec.t01.htm.*

Estimated Total Annual Burden Cost: NHTSA is not aware of any additional costs respondents will incur nor does NHTSA have a basis for estimating any such costs without additional information. NHTSA believes respondents will be able to comply with requirements by only incurring labor costs associated with the burden hours.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (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; (e) ways in which the information collection could be further streamlined to reduce even more burdens while ensuring that crash reporting enables NHTSA to identify potential defects with ADS and ADAS timely.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Peter Simshauser,

Chief Counsel.

[FR Doc. 2026–04240 Filed 3–3–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Extension of a Currently Approved Information Collection: Agreement and Request for Disposition of a Decedent's Treasury Securities

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Agreement and Request for Disposition of a Decedent's Treasury Securities.

DATES: Written comments should be received on or before May 4, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, #T1–G, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Agreement and Request for Disposition of a Decedent's Treasury Securities.

OMB Number: 1530–0046.

Form Number: FS Form 5394.

Abstract: The information is necessary for the disposition of Treasury securities and/or payments to the entitled person(s) when the decedent's estate was formally administered through the court and has been closed, or the estate is being settled in accordance with State statute without the necessity of the court appointing a legal representative.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 18,500.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 9,250.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 2, 2026.

Bruce A. Sharp,

Bureau PRA Clearance Officer.

[FR Doc. 2026–04295 Filed 3–3–26; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Extension of a Currently Approved Information Collection: Special Bond of Indemnity by Purchaser of United States Savings Bonds/Notes Involved in a Chain Letter Scheme

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Special Bond of Indemnity by Purchaser of United States Savings Bonds/Notes Involved in a Chain Letter Scheme.

DATES: Written comments should be received on or before May 4, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, #T1–G, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Special Bond of Indemnity by Purchaser of United States Savings Bonds/Notes Involved in a Chain Letter Scheme.

OMB Number: 1530–0030.

Form Number: FS Form 2966.

Abstract: The information is requested to support a request for refund of the purchase price of savings bonds purchased in a chain letter scheme.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 240.

Estimated Time per Respondent: 8 minutes.

Estimated Total Annual Burden Hours: 32.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance

of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 2, 2026.

Bruce A. Sharp,

Bureau PRA Clearance Officer.

[FR Doc. 2026–04298 Filed 3–3–26; 8:45 am]

BILLING CODE 4810–AS–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 24, 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 24, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. KUCHEROV, Oleg Vyacheslavovich (a.k.a. ''GABR''), Samara, Russia; DOB 03 Jun 1973; POB Togliatti, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 (individual) [CAATSA—RUSSIA] [CYBER4] (Linked To: ZELENYUK, Sergey Sergeyevich).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13694 of April 1, 2015, ''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities,'' 80 FR 18077, 3 CFR, 2015 Comp., p. 297, as amended by Executive Order 13757 of December 28, 2016, ''Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities,'' 82 FR 1, 3 CFR, 2016 Comp., p. 659, and as further amended by Executive Order 14144 of January 16, 2025, ''Strengthening and Promoting Innovation in the Nation's Cybersecurity,'' 90 FR 6755, and Executive Order 14306 of June 6, 2025, ''Sustaining Select Efforts To Strengthen the Nation's Cybersecurity and Amending Executive Order 13694 and Executive Order 14144,'' 90 FR 24723 (E.O. 13694, as further amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, SERGEY SERGEYEVICH ZELENYUK, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

2. MAMASHOYEV, Azizjon Makhmudovich (a.k.a. MAMASHOYEV, Azizjon Maxmudovich), 60 Amir Timur Avenue, Tashkent, Uzbekistan; DOB 20 Feb 1987; nationality Uzbekistan; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Passport FA2783585 (Uzbekistan) expires 16 May 2031; National ID No. AD3927969 (Uzbekistan) (individual) [CAATSA—RUSSIA] [CYBER4] (Linked To: ZELENYUK, Sergey Sergeyevich).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, SERGEY SERGEYEVICH ZELENYUK, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

BILLING CODE 4810–AL–P

3. VASANOVICH, Marina Evgenyevna (Cyrillic: ВАСАНОВИЧ, Марина Евгеньевна) (a.k.a. VASANOVICH, Marina Yevgenyevna), Russia; DOB 21 Nov 2003; POB Novocherkassk, Rostovskaya Oblast, Russia; nationality Russia; Gender Female; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Passport 761424486 (Russia) expires 23 Aug 2029; National ID No. 40 23 685988 (Russia) (individual) [CAATSA - RUSSIA] [CYBER4] (Linked To: ZELENYUK, Sergey Sergeyevich).

   Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SERGEY SERGEYEVICH ZELENYUK, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

4. ZELENYUK, Sergey Sergeyevich (Cyrillic: ЗЕЛЕНЮК, Сергей Сергеевич) (a.k.a. ZELENYUK, Sergei Sergeevich; a.k.a. ZELENYUK, Sergey Sergeevich; a.k.a. "MORTENOIR"; a.k.a. "SRGSRGSRG111"), Rimsky-Korsakov Prospect, Building 109-111, Litera/Block A, Apartment 20, Saint Petersburg 190068, Russia; DOB 17 Mar 1994; POB Saint Petersburg, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; PAIPA Section 2 Information: BLOCKING OF PROPERTY (individual). Sec.2(b)(2)(a)- All property and interests in property of this individual are blocked, and all transactions with this individual are prohibited, except for the importation of goods.; Tax ID No. 780223642330 (Russia) (individual) [CAATSA - RUSSIA] [CYBER4] [PAIPA].

   Designated pursuant to section 1(a)(ii)(D) of E.O. 13694, as further amended, for being responsible for or complicit in, or having engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that have the purpose of or involve causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

Entities

1. ADVANCE SECURITY SOLUTIONS (a.k.a. ''ADVANCED SECURITY SOLUTIONS''), R–311–315, Jumeirah Living Marina Gate 3, P.O. Box 121828, Dubai, United Arab Emirates; Tashkent, Uzbekistan; website advance-sec.com; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Organization Established Date 2025; Organization Type: Computer programming activities [CAATSA—RUSSIA] [CYBER4] (Linked To: MAMASHOYEV, Azizjon Makhmudovich).

   Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, AZIZJON MAKHMUDOVICH MAMASHOYEV, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

2. MATRIX LLC (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ МАТРИЦА) (a.k.a. LLC MATRITSA; a.k.a. MATRIX LIMITED; a.k.a. MATRIX LTD (Cyrillic: ООО МАТРИЦА); a.k.a. OPERATION ZERO; a.k.a. OPZERO), Sh. Petergofskoe, 73, Letter T, Office 26/1, Room 1, Municipal District Sosnovaya Polyana, Saint Petersburg 198206, Russia; Website opzero.ru; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Organization Established Date 27 Sep 2021; Organization Type: Computer programming activities; PAIPA Section 2 Information: BLOCKING OF PROPERTY (entity). Sec.2(b)(1)(A) – All property and interests in property of this entity are blocked, and all transactions with this entity are prohibited, except for the importation of goods.; alt. PAIPA Section 2 Information: LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS. Sec.2(b)(1)(D) - United States financial institutions are prohibited from making loans or providing credits to this entity totaling more than $10,000,000 in any 12-month period, subject to the exception set forth in PAIPA Section 2(b)(1)(D).; alt. PAIPA Section 2 Information: FOREIGN EXCHANGE. Sec.2(b)(1)(H) - Transactions in foreign exchange that are subject to the jurisdiction of the United States and in which this entity has any interest are prohibited.; alt. PAIPA Section 2 Information: BANKING TRANSACTIONS. Sec.2(b)(1)(I) - Any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of this entity, are prohibited.; alt. PAIPA Section 2 Information: BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON. Sec.2(b)(1)(J) - Any United States person is prohibited from investing in or purchasing significant amounts of equity or debt instruments of this entity.; Tax ID No. 7807251301 (Russia); Registration Number 1217800148609 (Russia) [CAATSA - RUSSIA] [CYBER4] [PAIPA].

Designated pursuant to section 1(a)(ii)(D) of E.O. 13694, as further amended, for being responsible for or complicit in, or having engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that have the purpose of or involve causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

3. SPECIAL TECHNOLOGY SERVICES LLC FZ, Meydan Grandstand, 6th Floor, Meydan Road, Nad Al Sheba, Dubai, United Arab Emirates; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Organization Established Date 07 Dec 2024; Organization Type: Computer programming activities; PAIPA Section 2 Information: BLOCKING OF PROPERTY (entity). Sec.2(b)(1)(A)—All property and interests in property of this entity are blocked, and all transactions with this entity are prohibited, except for the importation of goods.; alt. PAIPA Section 2 Information: LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS. Sec.2(b)(1)(D)—United States financial institutions are prohibited from making loans or providing credits to this entity totaling more than $10,000,000 in any 12-month period, subject to the exception set forth in PAIPA Section 2(b)(1)(D).; alt. PAIPA Section 2 Information: FOREIGN EXCHANGE.

Sec.2(b)(1)(H)—Transactions in foreign exchange that are subject to the jurisdiction of the United States and in which this entity has any interest are prohibited.; alt. PAIPA Section 2 Information: BANKING TRANSACTIONS. Sec.2(b)(1)(I)—Any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of this entity, are prohibited.; alt. PAIPA Section 2 Information: BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON. Sec.2(b)(1)(J)—Any United States person is prohibited from investing in or purchasing significant amounts of equity or debt instruments of this entity. [CAATSA—RUSSIA] [CYBER4] [PAIPA] (Linked To: ZELENYUK, Sergey Sergeyevich).

Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SERGEY SERGEYEVICH ZELENYUK, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–04217 Filed 3–3–26; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment on Affordable Care Act Internal Claims and Appeals and External Review Disclosures

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before May 4, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Number: 1545–2182'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, at (202) 317–6009.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information

Title: Affordable Care Act Internal Claims and Appeals and External review Disclosures.

OMB Number: 1545–2182.

Regulation Number: T.D. 9494 and T.D. 9955.

Abstract: This collection of information request includes the information collection and third- party notice and disclosure requirements that a plan must satisfy under final regulations implementing provisions of the Affordable Care Act pertaining to internal claims and appeals, and the external review process. The No Surprise Act extends the balance billing protections related to external reviews to grandfathered plans. The definitions of group health plan and health insurance issuer that are cited in section 110 of the No Surprises Act include both grandfathered and non-grandfathered plans and coverage. Accordingly, the practical effect of section 110 of the No Surprises Act is that grandfathered health plans must provide external review for adverse benefit determinations involving benefits subject to these surprise billing protections. Grandfathered and non-grandfathered plans must provide claimants, free of charge, any new or additional evidence considered, relied upon, or generated by the plan or issuer in connection with the claim, and the requirement to comply either with a State external review process or a Federal review process. The disclosure requirements of the Federal external review process require (1) a preliminary review by plans of requests for external appeals; (2) Independent Review Organizations (IROs) to notify claimants of eligibility and acceptance for external review; (3) the plan or issuer to provide IROs with documentation and other information considered in making adverse benefit determination; (4) the IRO to forward to the plan or issuer any information submitted by the claimant; (5) plans to notify the claimant and IRO if it reverses its decision; (6) the IRO to notify the claimant and plan of the result of the final external appeal; (7) the IRO to maintain records for six years.

Current Actions: There is a change to the paperwork burden previously approved by OMB. Adjustments to the burden estimates result from updated estimates on the number of ERISA-covered plans and policyholders. These changes result in 713,149 fewer respondents, a decrease of 202,973 responses, a decline of the hour burden by 677 hours,

Total Estimated Number of Respondents: 1,294,150.

Total Estimated Number of Responses: 187,601.

Total Estimated Annual Burden Hours: 18,370 hours.

Approved: March 2, 2026.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2026–04283 Filed 3–3–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Revenue Procedure 97–22 Recordkeeping Requirements

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Information Collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the

information collection request outlined in this notice.

DATES: Written comments should be received on or before May 4, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Control No. 1545–1533'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Marcus W. McCrary, 470–769–2001.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Revenue Procedure 97–22, Guidance for books and records in electronic storage systems.

OMB Control Number: 1545–1533.

Regulation Project Number: Revenue Procedure 97–22.

Abstract: Revenue Procedure 97–22 provides guidance to taxpayers that maintain books and records by using an electronic storage system. The collection requirements within Section 4 of the Revenue Procedure 97–22 are required to ensure that records maintained in an electronic storage system will constitute records within the meaning of section 6001. Section 4 explains the system requirements for electronic storage; and requires taxpayers to maintain records about the system description, use, security, and controls for review upon request.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, Federal Government, and state, local or tribal governments.

Estimated Number of Respondents: 50,000.

Estimated Time per Respondent: 20 hours, 1 minute.

Estimated Total Annual Burden Hours: 1,000,400.

Dated: March 2, 2026.

Marcus W. McCrary,

Tax Analyst.

[FR Doc. 2026–04279 Filed 3–3–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Comment Request on Notice 99–43, Nonrecognition Exchanges Under Section 897.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before May 4, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include OMB Control Number 1545–1660 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Marcus W. McCrary, 470–769–2001.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Notice 99–43, Nonrecognition Exchanges under Section 897.

OMB Control Number: 1545–1660.

Regulation Project Number: Notice 99–43.

Abstract: Notice 99–43 announced modification of the current rules under Temporary Regulation section 1.897–6T(a)(1) regarding transfers, exchanges and other dispositions of U.S. real property interests in nonrecognition transactions occurring after June 18, 1980. The notice provided that, contrary to section 1.897–6T(a)(1), a foreign taxpayer will not recognize a gain under Code 897(e) for an exchange described in Code section 368(a)(1)(E) or (F), provided the taxpayer receives substantially identical shares of the same domestic corporation with the same divided rights, voting power, liquidation preferences, and convertibility as the shares exchanged without any additional rights or features.

Current Actions: There is no change to the burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, and corporations.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 200.

Dated: March 2, 2026.

Marcus W. McCrary,

Tax Analyst.

[FR Doc. 2026–04282 Filed 3–3–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Notice of Rescission of Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

AGENCY: Department of the Treasury.

ACTION: Notice.

SUMMARY: This notice announces the Department of the Treasury's (''Department'') rescission of its guidance to Federal financial assistance recipients regarding the Title VI prohibition against national origin discrimination affecting limited English proficient (LEP) persons, consistent with Executive Order 14224, entitled *Designating English as the Official Language of the United States.*

DATES: Applicable March 4, 2026.

FOR FURTHER INFORMATION CONTACT: Snider Page, Director, Office of Civil Rights and Equal Employment Opportunity, Department of the Treasury, by emailing *OCREcomments@treasury.gov* or by calling (202) 622–0341 (this is not a toll-free number). For persons who are deaf, hard of hearing, have a speech disability or difficulty speaking may dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background

On March 1, 2025, the President signed Executive Order (''E.O.'') 14224, *Designating English as the Official Language of the United States. See* 90 FR 11363 (Mar. 1, 2025). Among other things, E.O. 14224 revoked E.O. 13166, *Improving Access to Services for Persons With Limited English Proficiency. See* 65 FR 50121 (Aug. 16, 2000); E.O. 14224 (§ 3(b)). E.O. 14224 also directed the Attorney General to ''provide updated guidance, consistent with applicable law.'' *Id.* (§ 3(c)). On July 14, 2025, the Attorney General issued a memorandum providing guidance to the federal agencies on appropriate actions to implement E.O. 14224 (Attorney General memo).

E.O. 13166 directed ''[e]ach agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice,'' which were then to be published in the **Federal Register** for public comment. E.O. 13166 (§ 3). Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (Title VI), prohibits discrimination against or otherwise excluding individuals from programs or activities on the basis of race, color, or national origin, if those programs or activities receive federal financial assistance. The Department issued its own agency-specific Title VI language access guidance, which was finalized in 2005 after a notice and comment period. *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,* 70 FR 6067 (February 4, 2005), (''2005 Treasury LEP Guidance'').

The Attorney General Memo encouraged all federal agencies to review prior guidance issued based on E.O. 13166 and rescind such guidance if it conflicts with E.O. 14224 and is not mandated by law or the Constitution.

II. Rescission of Treasury LEP Guidance

Consistent with E.O. 14224, and the July 14, 2025 Attorney General Memo, the Department rescinded its 2005 Treasury LEP Guidance on August 29, 2025.

III. Continuing Obligation

All recipients of the Department's financial assistance have a continuing obligation to comply with Title VI, all applicable Title VI implementing regulations, all applicable federal civil rights laws and nondiscrimination provisions. Recipients of federal financial assistance also have a continuing obligation under the Rehabilitation Act of 1973 to ensure that their communications with individuals with disabilities are as effective as communications with others and may need to provide qualified sign language interpreters for individuals who are deaf. Recipients of federal financial assistance, including subrecipients, are reminded that the denial of language assistance services can be evidence of discrimination on the basis of national origin or disability under certain circumstances.

The Department anticipates issuing updated language access guidance, consistent with law, as required by E.O. 14224, the July 14, 2025 Attorney General Memo, and future Department of Justice guidance.

Rachel Miller,

Executive Secretary.

[FR Doc. 2026–04218 Filed 3–3–26; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on the Readjustment of Veterans, Amended Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch. 10., that the Advisory Committee on the Readjustment of Veterans will meet virtually on March 10–March 11, 2026. The session will begin and end as follows:

Dates	Times	Locations	Open session
March 10, 2026	10:00 a.m. to 2:30 p.m. Eastern Standard Time (EST).	Via Microsoft Teams link shown below	Yes.
March 11, 2026	10:00 a.m. to 2:30 p.m. EST	Via Microsoft Teams link shown below	Yes.

The meeting sessions are open to the public.

The purpose of the Committee is to advise the VA regarding the provision by VA of benefits and services to assist Veterans in the readjustment to civilian life. The Committee, comprised of 9 subject matter experts, advises the Secretary through the VA Readjustment Counseling Service. In carrying out this duty, the Committee shall take into account the needs of Veterans who served in combat theaters of operation.

On March 10, 2026, the Committee will meet to receive an update from Readjustment Counseling Service, receive briefings from and participate in

a panel discussion with Oklahoma Vet Center Directors, and participate in a panel discussion with Muscogee Nation Veterans and leadership.

On March 11, 2026, the Committee will receive briefings from the Post 9/11 Military 2VA Program from the Tulsa VAMC and from the Oklahoma Governor's Challenge. The Committee will also begin developing recommendations for the Committee's 26th annual report.

Time will be allotted for the public to provide comments starting at 2:00 p.m. EST and ending no later than 2:30 p.m. EST. The comment period may end sooner if no comments are presented or they are exhausted before the end time. Individuals interested in providing comments during the public comment period are allowed no more than three minutes for their statements. Additionally, the Committee will accept written comments from interested parties on issues outlined in the meeting agenda or other issues regarding the readjustment of Veterans. Parties should contact Mr. Joshua Mathis via email at *Joshua.Mathis@va.gov* or by mail at Department of Veterans Affairs, Readjustment Counseling Service (10RCS), 810 Vermont Avenue, Washington, DC 20420.

Any member of the public seeking additional information should contact Mr. Mathis at the email address noted above.

March 10, 2026

https://teams.microsoft.com/l/meetup-join/19%3ameeting_OGUxM2Y3NzMtMTk2Zi00NTI0LWFkYWQtMTcwNmMxMzRjYmJm%40thread.v2/0?context=%7b%22Tid%22%3a%22e95f1b23-abaf-45ee-821d-b7ab251ab3bf%22%2c%22Oid%22%3a%223370e162-17c2-4423-8174-023497fa6815%22%7d

You can dial in by phone at 1–872–701–0185 and use the access code 381082558#.

March 11, 2026

https://teams.microsoft.com/meet/23831297113957?p=Glh0exxovG1JppzoeG

You can dial in by phone at 1–872–701–0185 and use the access code 779384468#.

March 2, 2026.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2026–04318 Filed 3–3–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 635

Atlantic Highly Migratory Species; Spatial Fisheries Management; Amendment 15 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan; Final Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 260205–0038]

RIN 0648–BI10

Atlantic Highly Migratory Species; Spatial Fisheries Management; Amendment 15 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This final rule implements Amendment 15 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (HMS FMP) (Amendment 15). This final action modifies the timing of the Mid-Atlantic shark closed area, modifies the boundaries of the Charleston Bump and East Florida Coast closed areas to create low- and/or high-bycatch-risk areas, and maintains the current boundaries and timing of the DeSoto Canyon closed area. This action also establishes a process to collect data from all the spatial management areas and review that data as needed and on a regular basis, while also renaming the closed areas to more closely reflect their intended uses. This rule does not implement a fleet-wide requirement for vessel owners to pay for electronic monitoring sampling costs as proposed but requires pelagic longline vessel owners to pay for the electronic monitoring sampling costs if their vessels choose to fish within the low-bycatch-risk areas of the Charleston Bump and East Florida Coast spatial management areas. This final action directly affects bottom and pelagic longline fishermen who hold Atlantic HMS fishing permits.

DATES: This final rule is effective April 3, 2026.

ADDRESSES: Copies of the supporting documents, including the final environmental impact statement (FEIS) and its Record of Decision, the Regulatory Impact Review (RIR), the Final Regulatory Flexibility Analysis (FRFA), the Issues and Options for Research and Data Collection in Closed and Gear Restricted Areas in Support of Spatial Fisheries, the peer-reviewed journal article regarding the predictive modeling program used in support of this rulemaking, the detailed spatial management StoryMap, and the HMS FMP and amendments are available from the HMS website at *https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to the HMS Management Division and to *www.reginfo.gov/public/do/PRAMain.* Find these particular information collections by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

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SUPPLEMENTARY INFORMATION:

Background

Atlantic HMS fisheries are managed under the HMS FMP and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act or MSA; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). HMS are defined at 16 U.S.C. 1802(21) and the provisions for their management are at 16 U.S.C. 1854(g)(1). ATCA is the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). HMS implementing regulations are at 50 CFR part 635. More information regarding the authorities for this rule can be found in the ''Statutory Authority'' section below.

On May 5, 2023, NMFS published a proposed rule (88 FR 29050) and released Draft Amendment 15 (which included a Draft Environmental Impact Statement (DEIS), draft RIR, and Initial Regulatory Flexibility Analysis (IRFA)) and the Environmental Protection Agency (EPA) published a Notice of Availability of the DEIS (88 FR 29127). The proposed rule and Draft Amendment 15 contain background information on the potential changes to the fishery that is not repeated here. The original comment period on the proposed rule ended on September 15, 2023. Based on public requests, the comment period was extended until October 2, 2023 (88 FR 62044, September 8, 2023). NMFS held 5 public hearings and webinars between June 15 and September 18, 2023, and also briefed the Gulf, Mid-Atlantic, South Atlantic, New England, and Caribbean Fishery Management Councils. NMFS held 2 discussions on Amendment 15 with the HMS Advisory Panel (May 9, 2023 and September 6, 2023). During the comment period, NMFS received 166 written comments from individual members of the public and a variety of entities including industry associations, environmental organizations, and states. A summary of these comments and NMFS' responses is found below.

Taking into consideration public comment, NMFS prepared Final Amendment 15, which included an FEIS, final RIR, and FRFA, and which analyzed the anticipated environmental, social, and economic impacts of a range of alternatives. On May 6, 2024, NMFS released Final Amendment 15 and the EPA published a Notice of Availability of the FEIS (89 FR 40481, May 10, 2024). NMFS received three written comments on the FEIS during the 30-day period after publication of the FEIS. A summary of the preferred alternatives is provided below. The full list of alternatives and their analyses are provided in Final Amendment 15 and are not repeated here.

Overall, the objectives of this final rule are to: (1) use spatial management tools to minimize bycatch and bycatch mortality, to the extent practicable, while also optimizing fishing opportunities for U.S. fishing vessels; (2) develop methods of collecting target and non-target species occurrence and catch rate data from HMS spatial management areas for the purpose of assessing area performance; (3) broaden the considerations for the use of spatial management areas as a fishery management tool, including to provide flexibility to account for the highly variable nature of HMS and their fisheries, manage user conflicts, facilitate collection of information, address the need for regular evaluation and performance review, and plan for the changing environment and access to fishery resources; (4) evaluate the effectiveness of existing HMS spatial management areas, and if warranted, modify them to achieve an optimal balance of ecological, social, and economic benefits and costs; and (5) modify the HMS electronic monitoring (EM) program as necessary and appropriate to augment spatial management and address the requirements of relevant NMFS policies regarding EM. This final rule implements the preferred alternatives identified in Final Amendment 15.

In developing the final measures, NMFS considered the objectives identified above, public comments on Amendment 15 and the proposed rule, input from the HMS Advisory Panel (AP), and the FEIS, RIR, and FRFA analyses. After reviewing this information, NMFS has concluded that further analyses are needed to modify the HMS EM program fleet-wide as appropriate to address the requirements of relevant policies regarding EM, including the EM Cost Allocation Policy. To ensure that other spatial management and EM measures are finalized as expeditiously as possible, NMFS has decided to conduct additional analyses regarding the fleet-wide industry payment of EM costs in a separate future action. Comments that have already been submitted on the EM program during the proposed rule stage of this current action will be considered in that future action, and there will be an additional comment period.

This final action implements Amendment 15 to the HMS FMP. In brief, the final management measures implemented in this rule are: (1) a modification of the Mid-Atlantic shark closed area timing; (2) a modification of the Charleston Bump and East Florida Coast closed areas to create high- and low-bycatch-risk areas; (3) the establishment of effort caps for the low-bycatch-risk areas, also known as monitoring areas, in the Charleston Bump and East Florida Coast spatial management areas; (4) the requirement that pelagic longline vessels that choose to fish within the boundaries of a monitoring area pay for the sampling costs and arrange for additional EM video review of the portion of the trip in the monitoring area; (5) the allowance for data collection through cooperative research via an exempted fishing permit for high- and low-bycatch-risk areas in the Charleston Bump, DeSoto Canyon, and East Florida Coast spatial management areas; (6) the requirement to evaluate the effectiveness of the four spatial management areas regularly once three years of catch and effort data is finalized and available, or earlier if warranted; and (7) the addition of regulatory provisions for creation and review of spatial management areas. Additionally, NMFS intends to consider the matter of funding of the HMS EM program (both administrative and sampling costs) fleet-wide, as appropriate, in a future action.

As described in the Responses to Comments below, NMFS made several changes to the preferred alternatives between the proposed and final rule, based in part on public comments. The specific changes are described below in the section titled ''Changes from the Proposed Rule.''

Statutory Authority

This final rule to implement Amendment 15 to the HMS FMP is issued pursuant to, and subject to requirements of, the Magnuson-Stevens Act. Specifically, 16 U.S.C. 1853(b)(2) provides for the designation of zones where fishing activities may be limited or prohibited (discussed throughout this rule as ''spatial management areas'') in an FMP. 16 U.S.C. 1853(a)(1) requires NMFS to include in an FMP measures, such as those establishing requirements for vessels fishing in the monitoring areas established in this rule, necessary for the conservation and management of the fishery that are consistent with the National Standards (NS) set forth in 16 U.S.C. 1851(a). Among other things, the NSs state that measures must prevent overfishing while achieving optimum yield from the fishery (NS1), be based on the best scientific information available (NS2), and shall minimize bycatch and bycatch mortality to the extent practicable (NS9). To collect data on catch (including bycatch) and monitor for potential bycatch or overfishing issues, this final rule requires industry to pay for electronic monitoring sampling costs if they choose to fish within two monitoring areas that had previously been closed to fishing for over 20 years. This monitoring is authorized by 16 U.S.C. 1853(b)(8) and (b)(14). *See also* 16 U.S.C. 1802 (defining ''observer information''). VMS, authorized under 16 U.S.C. 1853(b)(4), has been a longstanding requirement in Atlantic HMS fisheries. More information can be found in Amendment 15 itself.

Response to Comments

During the comment period on the proposed rule, NMFS received 166 written comments from individual members of the public and a variety of entities including industry associations, environmental organizations, State agencies, local governments, and members of the U.S. Congress. All written comments can be found at *https://www.regulations.gov/* by searching for ''0648–BI10.'' NMFS also received comments during the public hearings, including the webinars, the Council meetings, and the HMS AP meetings. NMFS received three written comments on the FEIS in the 30 days after publication of the FEIS. Responses to comments are below and are organized according to subject.

Modification, Data Collection, and Evaluation of the Spatial Management Areas General Comments

Comment 1: NMFS received comments, including from North Carolina Division of Marine Fisheries (NCDMF), Maryland Department of Natural Resources, and some non-governmental environmental and recreational fishing organizations that were supportive of evaluating the effectiveness of the existing bottom longline and pelagic longline closed areas in meeting conservation and management goals. Some commenters supported the efforts of evaluating the existing closed areas and noted that the areas continue to be closed without any evaluation since implementation. Some commenters supported evaluating the existing closed areas but expressed concerns with using longline gear to collect data. Some commenters, including the Florida Fish and Wildlife Commission, stated that pelagic longline gear should not be used to collect data in pelagic longline closed areas and that other gear types with lower bycatch concerns should be used instead. Other commenters suggested that the Agency use data from recreational gears that provide long, continuous time series from within the closed areas. After issuance of the FEIS, NMFS received a comment further noting the importance of utilizing other fishery-dependent sources of catch data from other gear types. Commenters suggested that NMFS explore ways to utilize all fisheries dependent data rather than one gear type in the closed areas.

Response: NMFS agrees that the assessment of and the collection of data in spatial management areas is critical to ensure that conservation and management needs are being achieved. As discussed in the Amendment, many of the existing closed areas have been in place for approximately 20 years, with little or no evaluation. Understanding this need, NMFS developed alternatives in the Draft Amendment 15 to guide data collection efforts to evaluate whether the spatial management areas are effective in meeting their respective conservation and management goals.

Based on public comment and further analysis and consideration, NMFS has different preferred alternatives for the spatial management areas in the Final Amendment 15 than in the Draft. For the Mid-Atlantic Shark Spatial Management Area, NMFS is finalizing no change to the area boundaries and a shift of the closure period to November 1 through May 31 (Sub-Alternative A1b). The Draft Amendment 15 and proposed rule had preferred the same

period change, but with extension of the eastern boundary of the area (Sub-Alternative A1d). For the Charleston Bump Spatial Management Area, the preferred alternative in the Final Amendment is new Sub-Alternative A2f, which shifts the eastern boundary of the high-bycatch-risk area preferred in the Draft Amendment 15 (Sub-Alternative A2c), resulting in an increase in the monitoring/low-bycatch-risk area. Sub-Alternative A2f also changes the timing of the high-bycatch-risk area to February 1 through April 30, which retains the timing of the current closed area, instead of year-round under Sub-Alternative A2c. For the East Florida Coast Spatial Management Area, the preferred alternative in the Final Amendment 15 is new Sub-Alternative A3f, which shifts the northeastern boundary of the high-bycatch-risk area preferred in the Draft (Sub-Alternative A3d), resulting in an increase in the monitoring/low-bycatch-risk area. For the DeSoto Canyon Spatial Management Area, NMFS is finalizing no action (Sub-Alternative A4a), instead of modifying the area boundaries per the Draft preferred Sub-Alternative A4d.

Under the Final Amendment 15 preferred measures, NMFS will evaluate each spatial management area once three years of catch and effort data are finalized and available. However, if specific concerns were to arise, which might include but may not be limited to unexpectedly high or low bycatch, high or low data collection efforts, temporally or spatially overly-clustered fishing effort, changed conditions within the fishery as a whole, or changed status of relevant stocks, NMFS may review the spatial management areas earlier.

NMFS disagrees that other gear types could be used to characterize expected pelagic (or bottom) longline catch. In evaluating the effectiveness of the closures for longline gear, NMFS is not trying to determine if the bycatch species are present in the closed areas. Rather, NMFS is evaluating the rate at which various bycatch species are likely to be caught on longline gear in those areas. As some of the commenters noted, catch rates of bycatch species are different across each gear type. Without extensive site-specific calibration experiments, catch rates across gear types are not directly comparable. No such calibrations exist between commercial longline and other gear types, including recreational gears. Without such calibrations, NMFS could not use recreational or other non-longline gear catch rates or data to calculate the likely catch rates of longline gear in the closed areas. Additionally, different gear types have different reporting requirements and methodologies that could bias data in certain directions, reducing applicability for cross-fishery conclusions. For example, rod and reel fishermen are not required to report protected species interactions, while pelagic longline fishermen are. Therefore, the only way to accurately assess species catch rates and other characteristics is to use the specific gear that has been restricted (in this case longline gear), with additional safeguards to provide for monitoring and managing of bycatch and incidental catch to the extent practicable.

Comment 2: NMFS received comments from a commercial fishing organization expressing concern about the future viability of the fishery given current declining trends in fishing effort and pointing out that because of this reduced fishing effort, current bycatch levels in the fishery are lower relative to historical levels. Some comments stated that active pelagic longline vessels and effort have dropped dramatically since the closed areas were implemented and that the reduction in effort in combination with better fishing techniques have provided far more bycatch reduction than originally intended when the areas were implemented.

Response: NMFS acknowledges that there have been changes in the commercial longline fisheries, including reduced effort, since the closed areas were originally implemented. These changes, in addition to biological changes in target and bycatch species populations and oceanographic changes, further necessitate an evaluation of catch rates within the spatial management areas. When the closed areas were implemented, the designs were static, and there was no guidance on how to review or evaluate the efficacy of the closed areas on bycatch reduction and environmental conservation. Through the preferred ''C'' and ''E'' alternatives, Amendment 15 provides a flexible framework for the design, review, and modification of spatial management areas to respond to the changing environment, developments in fisheries modeling, dynamic fisheries management, changing regulations, and changes in the techniques and behavior of the commercial fishing industry. Within this framework, the reductions in fishing effort and improved fishing techniques that lead to bycatch reduction can be incorporated into analyses that provide for more adaptive spatial area management.

Comment 3: NMFS received comments, including from Florida Fish and Wildlife Conservation Commission, opposing increased access for pelagic longline gear and vessels in closed areas to collect data. Many of these comments pointed to the successful conservation and/or rebuilding of many species, including swordfish and billfish species, and stated that increased access for pelagic longlines in currently closed areas could jeopardize that success. Some commenters stated that allowing pelagic longline effort in closed areas could affect the conservation of important recreational target species such as billfish, negatively affecting recreational fisheries, charter fishing, tourism, and support services.

Response: NMFS agrees that implementation of the closed areas has contributed to the conservation and rebuilding of many species. However, the continued utility of the static areas in meeting current conservation and management needs, particularly in the context of changing ocean and fishery conditions, is unknown due to the lack of data from and formal evaluation of the closed areas. NMFS disagrees that allowing limited data collection using pelagic longline gear and vessels in the proposed monitoring areas would jeopardize swordfish and billfish conservation or would negatively affect recreational fishing for these species. The stock statuses of some of these species have improved since the closed areas were established and closed areas are not the only bycatch mitigation measure. Additional bycatch mitigation measures, such as circle hook requirements and bait restrictions, have been implemented. Additionally, pelagic longline fishing effort and participation has declined dramatically since implementation of the closed areas. For example, in 2000, there were 11,065 pelagic longline sets, whereas in 2019 there were only 4,188 sets. Furthermore, consistent data collection within the footprint of current closed areas would occur only in low-bycatch-risk areas designated as monitoring areas and only with enhanced reporting requirements and effort controls. If the data being collected indicated that bycatch rates were higher than expected, NMFS could close the monitoring areas and conduct further review to determine next steps. It is also possible that data collection could occur in the high-bycatch-risk areas if a researcher applied for and received an exempted fishing permit (EFP). To be considered covered under and consistent with the impacts analyses in the FEIS, an application should

incorporate effort caps, bycatch caps, monitoring, and other elements under Alternative B4. Researchers could also apply for and receive a scientific research permit (SRP). EFPs and SRPs are issued for similar activities, however, NMFS generally issues an EFP when the research activity is conducted on a recreational and/or commercial fishing vessel and issues an SRP when the research is conducted on a scientific research vessel. *See* 50 CFR 635.32(b)(SRPs) and 600.10 (defining scientific research activity, scientific research vessel, and related terms).

Comment 4: NMFS received a comment that the specific goals, including specific bycatch level goals, of the original closures need to be included and analyzed to determine if the closures have achieved the intended purpose.

Response: Information regarding the original objectives and specific bycatch goals of the closed areas can be found in Section 4.11 of the Amendment and in the original documents implementing the closed areas. However, a comprehensive review of the closed areas was needed. As discussed in the response to Comment 2 above, since the implementation of the original closures, there have been changes in the commercial longline fisheries, biological changes in target and bycatch populations, oceanographic changes, and changes in fishing techniques (*e.g.,* deep set pelagic longline gear; see Comment 37 below). Thus, this Amendment considered not only the species addressed when the current closed areas were adopted (see Section 4.11), but also current species protection needs, current conditions of the oceanographic environment, and current fishery conditions (*e.g.,* changes in regulatory requirements, stock status of managed species, *etc.*). In Amendment 15, see Section 2.3 (Selection of Species) and Chapter 2 (Methods and Development of Spatial Management Area Alternatives). One of the specific goals of Amendment 15 is to provide flexibility to account for variations and changes in fishery and environmental conditions. As such, Amendment 15 is designed to allow NMFS to consider not only the species of concern when the closed areas were implemented, but also the present and future conditions and critical needs of the U.S. fisheries and the oceanographic environment, when re-evaluating various spatial management areas. Furthermore, the approach in Amendment 15 allows NMFS to consider any ancillary benefits or concerns associated with the closed areas, which may be relevant regardless of the stated original objectives of any particular area. As discussed in Section 9.1.2 of Amendment 15, these aspects of Amendment 15 also help bring the spatial management areas more in line with Section 303(b)(2)(C) of the MSA.

Comment 5: NMFS received comments that Amendment 15 should undergo formal review by NMFS's Southeast Fisheries Science Center (SEFSC). Commenters noted that SEFSC review would ensure Amendment 15 is based on the best scientific information available, consistent with NS2.

Response: As stated in Chapter 9 of the Amendment and consistent with NS2, Amendment 15 uses the best scientific information available. Formal review by the SEFSC is not necessary or required to demonstrate compliance with NS2. NMFS has published guidelines for complying with NS2 at 50 CFR 600.315. Among other things, these guidelines state that fishery conservation and management require high quality and timely scientific information to evaluate the potential impact on living marine resources, essential fish habitat (EFH), marine ecosystems, fishery participants, fishing communities, and the nation, and also require identifying areas where management measures are needed (see § 600.315(a)(1)). NMFS consulted with and obtained input and expertise from personnel from several NMFS offices during the development of Draft and Final Amendment 15, including the SEFSC, and determined that the amendment is based on the best scientific information available. More information about the consistency of Amendment 15 with NS2 may be found in Chapter 9. More information about the agencies, organizations, and persons consulted may be found in Chapter 10.

Comment 6: NMFS received a comment stating that Amendment 15 violated the following NMFS Policies: 01–101–01 (*Procedures for Initiating Secretarial Review of Fisheries Management Plans and Amendments*), 01–101–106 (*Communication of Regional Fishery Management Council Meeting Actions*), and 01–101–09 (*Procedures to Determine Stock Status and Rebuilding Progress*).

Response: NMFS disagrees. NMFS Policies 01–101–01 and 01–101–106 are procedures related to regional fishery management councils. The Consolidated HMS FMP and its amendments are not developed through council processes but by the agency itself as provided under sections 304(c) and (g) of the Magnuson-Stevens Act. NMFS Policy 01–101–09 describes an administrative procedure regarding stock status and rebuilding progress decisions under Magnuson-Stevens Act section 304(e). Stock status determination and rebuilding progress is not within the scope of Amendment 15; thus NMFS Policy 01–101–09 does not apply. As described throughout Amendment 15 and this rule, Amendment 15 is consistent with all required applicable laws and policies.

Comment 7: NMFS received comments about the species that should be considered when developing spatial management measures in Amendment 15. Some commenters stated that undersized swordfish and ESA-listed species such as giant manta rays and oceanic whitetip sharks should be considered when designing spatial area modifications. The South Atlantic Fishery Management Council (SAFMC) commented that dolphinfish catch should be considered, especially as the Council considers stricter regulations given concerns about that fishery.

Response: NMFS has considered the expected ecological impacts on target and non-target species, including swordfish, dolphinfish, and ESA-listed species, in the Amendment. For swordfish, the stock is fully rebuilt and landings are currently far below the scientifically-derived total allowable catch. Locations of dolphinfish catch were considered and presented in Sections 5.4.2 and 5.4.3 of Amendment 15 and further discussed in the response to Comment 10 below, along with potential impacts to the stock. All HMS commercial fisheries, including pelagic and bottom longline fisheries, have undergone consultation under section 7 of the ESA with the most recent Biological Opinions issued in May 2020. The fisheries operate under a variety of Reasonable and Prudent Measures (RPMs) and Incidental Take Statements consistent with the 2020 Biological Opinions. Interactions with ESA-listed species, including sea turtles, sperm whale, giant manta ray, scalloped hammerhead shark (Central and Southwest Atlantic Distinct Population Segment), and oceanic whitetip shark are monitored quarterly by the HMS Management Division in coordination with the SEFSC and the Southeast Regional Office's Protected Resources Division. On July 8, 2022, the Office of Sustainable Fisheries requested reinitiation of consultation under section 7 of the Endangered Species Act (ESA) on the HMS pelagic longline fishery due to new information on giant manta ray since completion of the 2020 Biological Opinion. The consultation is ongoing. Pending completion of consultation, the fishery continues to operate consistent with the RPMs and Terms and Conditions specified in the

May 2020 Biological Opinion. See Section 4.10 of Amendment 15 for more details. Finally, in 2024, ICCAT adopted Recommendation 24–12 regarding mobulid rays of the family Mobulidae. As a result, in a separate action, NMFS will be considering whether to prohibit the retention of mobulid rays, including giant manta rays, in HMS fisheries, to require mobulid rays to be released unharmed in HMS fisheries, and to implement mobulid ray handling practices for vessels fishing with pelagic longline gear.

Amendment 15 is not expected to increase fishing effort, and in fact, bottom longline and pelagic longline effort have been declining. Moreover, nothing in Amendment 15 is expected to change the characteristics of the fishery such that overfished or ESA-listed species would be affected in a manner not considered in previous analyses for the HMS FMP or the 2020 Biological Opinions. Furthermore, the final action includes numerous measures to continue to monitor and minimize bycatch, including closing areas if bycatch is higher than expected.

Comment 8: NMFS received a comment that blue marlin remain overfished and should receive additional protections. The comment also opposed the preferred Charleston Bump, East Florida Coast, and DeSoto Canyon Spatial Management Area modifications in the DEIS, noting that they do not increase protections for blue marlin. The commenter stated that Sub-Alternative A3b for East Florida Coast offers better protection for blue marlin than the Sub-Alternative A3d that was preferred at the draft stage, but not as good as status quo. After issuance of the FEIS, NMFS received comments reiterating that the preferred spatial management area modifications do not offer protections for blue marlin and another comment stating concerns about white marlin bycatch in the monitoring areas.

Response: Data collection by pelagic longline vessels in the preferred monitoring areas will likely improve our understanding of the contribution of closed areas to reducing blue marlin fishing mortality. Without this data collection, it is difficult to assess the impact of closed areas on blue marlin rebuilding. The goal of Amendment 15 is to collect data on the effectiveness of existing closed areas and improve the data available for making HMS spatial management decisions, while continuing to minimize bycatch for multiple species.

As summarized in response to Comment 1, NMFS is preferring different alternatives in the Final Amendment 15 than in the Draft for the spatial management areas. NMFS is finalizing no action for the DeSoto Canyon Spatial Management Area (Sub-Alternative A4a). This is due in part to the proposed critical habitat designation for Rice's whale and also due to public comments expressing concern about reduced fishing opportunities if the area was expanded.

The East Florida Coast preferred sub-alternative (A3f) shifts the boundary of the high-bycatch-risk area (year-round) relative to the sub-alternative preferred at the draft stage (Sub-Alternative A3d) in response to public comment about encouraging more data collection in the monitoring/low-bycatch-risk area. In doing so, the scope value (size of the area x applicable number of months) of the high-bycatch-risk area decreased to 41 percent, with a corresponding increase in the low-bycatch-risk area scope value to 41 percent. Even with the increased effort cap for the monitoring area (Sub-Alternative B3a), impacts on bycatch species modeled by HMS PRedictive Spatial Modeling (PRiSM) are generally expected to be moderate beneficial in the short- and long-term. This is because of the conditions and restrictions applicable to the monitoring area (Sub-Alternative B3a effort cap, Sub-Alternative B3e electronic monitoring) and low fisheries interactions with modeled bycatch species in that area. See Section 5.2.3.1 of Amendment 15 for further explanation. In addition, fishermen who choose to fish within the monitoring area will be required to report interactions with additional species, including blue and white marlin, via vessel monitoring systems (VMS). If bycatch is higher than expected in the monitoring area, NMFS will have discretion to close the area. If additional conservation and management measures become necessary for blue or white marlin, NMFS may consider these in a future action evaluating all sources of mortality in commercial and recreational fisheries.

Metric scores compare the relative impacts of high-bycatch-risk areas and provide information about conservation and conservation efficiency in those areas and allow for ranking of options. A higher score indicates a higher level of conservation protection relative to the size of the area and effective time period. The species-specific billfish metric score for the preferred East Florida Coast Spatial Management Area modification sub-alternative (Sub-Alternative A3f) is lower than the status quo and Sub-Alternative A3b metric scores. However, the billfish metric scores for all of the sub-alternatives is low (ranging from 6 to 10 with highest possible score of 48), the overall metric score for all modeled bycatch species is higher for Sub-Alternative A3f than the status quo, and the range in overall metric scores between the sub-alternatives (43 to 49) is small and low compared to the highest possible overall score of 192. See Sections 5.1.3.7 of Amendment 15 (providing table comparing metric scores) and 5.1.3.6 (providing notes under table explaining highest possible metric scores). We also note that metric score is not the only consideration in spatial management modifications. As explained in Section 5.1.3.7, metric scores do not address or speak to the broader regime of conservation and management measures—beyond spatial management areas—implemented under the Consolidated HMS FMP and its amendments and implementing regulations. Blue marlin, white marlin, and other billfish are subject to various conservation and management measures, which are described at the end of this response. None of the preferred alternatives that will be implemented through this final rule, including for the East Florida Coast Spatial Management Area, will allow normal commercial fishing in the low-bycatch-risk areas; instead, they implement monitoring areas, which are special access areas with effort limits and enhanced reporting requirements for those who choose to fish there. Additionally, species-specific metric scores for leatherback sea turtles and shortfin mako sharks, as well as the overall metric score, are higher for the Preferred Sub-Alternative A3f than the no action sub-alternative.

Although NMFS analyzed Sub-Alternative A3b, it was not selected as a preferred sub-alternative because it would identify low-bycatch-risk areas close to shore along much of the east coast of Florida, potentially increasing gear conflict concerns with other fisheries including offshore recreational fisheries. Furthermore, Sub-Alternative A3b would only implement a monitoring area during portions of the year, and year-round data collection is important to assess the areas.

The Charleston Bump preferred sub-alternative (A2f) shifts the boundary of the high-bycatch-risk area and modifies the timing of the area to February 1 through April 30, which maintains the same timing as the current overall closed area. NMFS made these changes in response to public comment, as the larger, year-round high-bycatch-risk area designated under the Draft preferred sub-alternative (A2c) would have unnecessarily resulted in a large

reduction in fishing opportunities and effort. In comparison to the no action sub-alternative, Sub-Alternative A2f provides more efficient conservation protections as despite the change in scope of the area, the sub-alternative did not result in changes to the metric score (0) for the billfish species group, which includes blue marlin and white marlin, had slightly higher scores for leatherback sea turtles, and overall is expected to have neutral indirect ecological impacts for billfish and other modeled bycatch species. We note that billfish metric scores for all the sub-alternatives is low (ranging from 0 to 5 (Sub-Alternative A2c) with a highest possible score of 48). As explained above, fishermen will also be required to report blue marlin and other species via VMS, and NMFS has discretion to close the monitoring area or high-bycatch-risk area as needed.

NMFS notes that spatial management areas are not the only measures that offer protections for blue marlin and white marlin. The United States prohibits commercial landings and sale of billfish, including blue marlin and white marlin (50 CFR 635.19(c), 635.31(b), 600.10 (billfish definition)). In addition, the United States specifies minimum sizes for billfish (§ 635.20(d)), requires circle hooks and specific baits for tournament participants (§ 635.21(e)(1)), and requires release of billfish without removing them from the water (§ 635.21(a)(1)–(2)). Annually, the United States limits landings to 250 recreationally-caught Atlantic blue and white marlin/roundscale spearfish, combined, pursuant to a binding measure that the United States and other countries adopted at the ICCAT. See Section 1.1 for more information on ICCAT. International cooperation is needed to conserve and manage these species, given the number of countries that catch and land them throughout the Atlantic Ocean. Based on the 2019 white marlin/roundscale spearfish stock assessment and the 2024 blue marlin stock assessments conducted by ICCAT's Standing Committee on Research and Statistics, blue marlin and white marlin are overfished with overfishing not occurring. NMFS domestically manages blue marlin and white marlin/roundscale spearfish consistent with its ICCAT obligations, and Amendment 15 does not change the above-described management measures.

With respect to the comment about white marlin received after issuance of the FEIS, all of the above existing domestic and international measures offering protections to blue marlin also provide protections to white marlin. Additionally, the measures required under Amendment 15, including near-real time reporting of interactions in monitoring areas through VMS set reports, also apply to white marlin.

Comment 9: NMFS received comments about changes to spatial management areas. One comment stated that any increase in the size or timing of closed areas would destroy the pelagic longline industry. Other comments stated that caution is warranted when reducing the spatial or temporal coverage of closed areas so as not to undermine conservation efforts and progress. One commenter stated general support for all four of the proposed spatial management area modifications. A few commenters supported simply reopening all pelagic longline closed areas.

Response: One of the objectives of Amendment 15 is to augment data collection in the spatial management areas to improve the ability to assess and manage these areas. NMFS agrees that caution should be taken when changing areas and that any changes should be consistent with FMP objectives and applicable laws, including MSA NSs. As such, NMFS developed a spatial modeling tool that predicts where and when fisheries interactions with longline gear are likely to occur. This tool was needed because longline catch information is lacking within the closed areas. Based on the model's prediction of fishery interactions, NMFS is preferring alternatives to implement monitoring areas in low-bycatch-risk areas of the Charleston Bump (Sub-Alternative A2f) and East Florida Coast (Sub-Alternative A3f) Spatial Management Areas. Monitoring areas will have additional reporting requirements and enhanced monitoring. In the Mid-Atlantic Shark Spatial Management Area (closed from November 1 through May 31), fishing and data collection will proceed in the area outside of the closure period and current data collection programs in the area, including the shark research fishery, will continue. The DeSoto Canyon Spatial Management Area will be closed year-round, but NMFS may consider requests for exempted fishing permits on a case-by-case basis.

The above-described approaches, coupled with regular evaluations of the areas, should allow NMFS to make changes as needed based on the incoming data. Overall, the designation of more efficient spatial management areas and improved access to pelagic and bottom longline target species in areas with lower bycatch-risk is expected to help achieve optimum yield, consistent with NS1 of the Magnuson-Stevens Act, without jeopardizing sustainability of any species or increasing bycatch.

Comment 10: The SAFMC expressed concern about conflicting regulations applicable to pelagic longline HMS and other fisheries. Currently, the dolphinfish/wahoo pelagic longline closed area regulations match the HMS pelagic longline closed areas. If they become misaligned, it could make compliance and enforcement difficult. If dolphinfish or wahoo are caught on pelagic longline gear in the monitoring areas, they would have to be discarded, increasing regulatory discards. Florida Fish and Wildlife Conservation Commission (FWC) commented that additional pelagic longline access to closed areas would negatively affect the dolphinfish stock for which the Commission has recently implemented more restrictive recreational catch limits in state waters to address stock status concerns.

Response: NMFS agrees that if dolphinfish or wahoo were to be caught on pelagic longline gear in the monitoring areas and retention is not allowed under applicable regulations, those species must be discarded. Although dolphinfish and wahoo are targeted by some vessels with an Atlantic Tunas Longline permit, these species are not managed under the HMS FMP. Nevertheless, because HMS and dolphinfish/wahoo are targeted with different pelagic longline gear configurations and fishing techniques, dolphinfish and wahoo comprise a relatively low portion (by weight) of the total landings in the HMS pelagic longline fishery based on 2016 through 2018 pelagic logbook data (6 percent and 1 percent, respectively; Section 2.1.2.3, Amendment 13 to the HMS FMP). Additionally, a key assumption of the modifications to the spatial management areas is that overall fishing effort will not change, and therefore should not result in increased pelagic longline effort overall. Thus, NMFS does not believe that pelagic longline access to the monitoring areas, strictly monitored and limited, would result in large changes to dolphinfish catch and negatively affect the stock, particularly since total pelagic longline effort is unlikely to increase and, if recent trends continue, may decrease. However, NMFS acknowledges that, as has been shown in a variety of existing regulations, including regulations regarding closed areas and differences in gear types, mismatches between HMS-specific regulations and other Federal fishery regulations or state-specific regulations can make compliance and enforcement more difficult. Such mismatches can affect

the efficacy of the regulations. Further consideration of the impacts of these types of mismatches in light of these comments resulted in some of the modifications in the Amendment 15 preferred alternatives regarding geographic and temporal changes to spatial areas as noted in the responses below. NMFS will continue to work with the councils and states on developing complementary measures to the extent practicable.

Comment 11: Several commenters suggested that NMFS prohibit pelagic longline gear in all areas, expressing that longline gear indiscriminately kills target and non-target species. One commenter that supported prohibiting longline gear noted the potential impact of longlines on recreational fishing tournaments on the East Coast. After issuance of the FEIS, we received a comment expressing concerns that Amendment 15 does not adequately consider the social or economic impacts on HMS and non-HMS recreational fishing communities in the southeastern U.S. Another FEIS commenter disagreed that keeping the East Florida Coast monitoring area 45 nautical miles (nmi) from shore was far enough to minimize gear conflict with the recreational fisheries.

Response: NMFS disagrees with prohibiting pelagic longline gear in all areas, as this would be inconsistent with the objectives of Amendment 15 and is not necessary for purposes of compliance with the Magnuson-Stevens Act and other applicable law. As set forth in Section 1.4, the objectives of Amendment 15 include developing methods of collecting from, and evaluating the effectiveness of, existing spatial management areas; optimizing fishing opportunities; and minimizing bycatch and bycatch mortality to the extent practicable. The U.S. Atlantic pelagic longline fishery has numerous regulations, including gear restrictions, that conserve and manage target and non-target species. In Amendment 15, see Sections 6.1.2 (pelagic longline regulatory history) and 9.1.1 (addressing Magnuson-Stevens Act NS1 (overfishing and optimum yield) and NS9 (bycatch)). NMFS acknowledges that pelagic longline gear catches non-target finfish with little or no commercial value as well as species that cannot be retained by commercial fishermen due to regulations. Pelagic longline gear may also interact with protected species such as marine mammals and sea turtles. The pelagic longline fishery has been classified as a Category I fishery (frequent incidental mortality and serious injury of marine mammals) with respect to the Marine Mammal Protection Act (MMPA) and is subject to reporting, monitoring, and other requirements pursuant to MMPA regulations. Bycatch of ESA-listed species has been evaluated under section 7 of the ESA, and the pelagic longline fishery operates under a variety of RPMs and an Incidental Take Statement consistent with a 2020 Biological Opinion, as noted in the response to comment 7 and in Section 4.10 of Amendment 15. Any catch of non-target species or undersized permitted species that cannot be landed due to fishery regulations is required to be released regardless of whether the catch is dead or alive, and with a minimum of harm if the catch is alive.

Regarding potential impacts of pelagic longline fishing on recreational fishing, including tournaments, any increased access for the gear type would occur in two monitoring areas within the Charleston Bump and East Florida Coast Spatial Management Areas that are predominantly further than 45 nmi from shore. Although offshore recreational fishermen, including tournament participants, can operate that far offshore, doing so is not as common as near-shore fishing. Additionally, the pelagic longline and offshore recreational fisheries have access to the same areas along most of the Atlantic and Gulf of America coasts, and gear conflicts are not common. Gear conflicts are possible in some areas where recreational fishing effort is concentrated such as off of South Florida. However, the Amendment 15 preferred monitoring areas were specifically designed to not include such locations. For example, Amendment 15 does not change closed areas south of approximately Sebastian Inlet, FL (*see* Section 3.4.3). A full discussion on impacts to recreational fisheries is also available in Section 5.4.6 in Amendment 15, including impacts to communities in the southeast U.S. The discussion focuses on HMS recreational fisheries, though there is significant overlap in recreational fishermen permitted to fish for HMS and recreational fishermen permitted to fish for pelagic species managed under other FMPs such as dolphinfish and wahoo. Given the goals in Amendment 15 to optimize the spatial management areas to better protect bycatch species, including billfish, NMFS reiterates its belief that the Amendment's measures should, in the long-term, provide more fishing opportunities for all fishermen.

With respect to the comment submitted after the release of the FEIS about gear conflict with recreational fisheries, NMFS understands that offshore recreational fishermen, including those targeting blue marlin and other billfish, can operate at distances greater than 45 nmi from shore. However, the number of recreational vessels operating in an area decreases the further the distance from shore and NMFS believes that the East Florida Coast Monitoring Area's distance from shore provides sufficient balance between minimizing gear conflict and providing areas for fishing where pelagic longline vessels are likely to voluntarily collect data—in alignment with the aspect of Objective 1's regarding optimization of fishing opportunity for U.S. fishing vessels.

Comment 12: The FWC recognized that the current regulations do not contain provisions for regular review of the spatial management areas, and that in Amendment 15, NMFS proposed to add factors such as fishery metrics, social and economic data, biological information, and climate change impacts to consider when assessing the effectiveness of spatial management areas (Alternative E2). The FWC stated that they do not have concerns regarding the inclusion of those factors. They also stated that they would not support any future modifications that would negate the benefits the closed areas have had on numerous HMS species, protected species, and non-HMS species.

Response: NMFS agrees that inclusion of additional factors is needed. The inclusion of additional factors should help ensure that any changes to spatial management areas would consider any benefits or impacts to species and the fishery.

Mid-Atlantic Shark Spatial Management Area

Comment 13: NMFS received several comments, including from the Mid-Atlantic Fishery Management Council, in support of the proposed Mid-Atlantic Shark Spatial Management Area (Sub-Alternative A1d). Comments were received in opposition to the eastern expansion of the proposed Mid-Atlantic Shark Spatial Management Area noting the low level of shark bottom longline effort. Some commenters, including the NCDMF, asserted that the proposed spatial and temporal modifications for the Mid-Atlantic Shark Spatial Management Area could negatively affect bottom longline fisheries, including those for snowy grouper and blueline tilefish, that are managed under other FMPs.

Response: Based in part on comments regarding the low level of shark bottom longline effort and the potential impacts on other bottom longline fisheries that operate in the Mid-Atlantic, NMFS is

now preferring Sub-Alternative A1b for the Mid-Atlantic Shark Spatial Management Area. This alternative keeps the current footprint and duration of the closure, while shifting the timing of the closure to November 1 through May 31. In the Draft Amendment 15, NMFS preferred Sub-Alternative A1d, which proposed the same shift in timing but with an extended eastern boundary. Maintaining the current spatial boundaries will limit impacts to bottom longline fishermen that hold HMS permits and engage in fishing in the area pursuant to other FMPs' regulations. Additionally, given the recent low fishing effort of HMS permit holders using bottom longline gear in the area, NMFS has determined that expanding the size of the area is not needed at this time. As supported by some commenters, NMFS continues to prefer a shift in the timing of the closure by two months to more closely align with the time period that has the highest likelihood of fishery interactions with sandbar, dusky, and scalloped hammerhead sharks, as evidenced by both the spatial model outputs, information from the shark research fishery, and other supporting information.

Comment 14: NMFS received a comment from the NCDMF encouraging NMFS to continue the shark research fishery as a means to monitor bycatch and frequent evaluation of those data to determine the continued feasibility of the closure and timing.

Response: NMFS agrees with continuing the shark research fishery as a data collection program. As mentioned in the Amendment, because some data is currently collected in the area through the shark research fishery, new data collection programs may not be necessary, and NMFS is finalizing no action for the data collection suite of alternatives (''B'' Alternatives) for the Mid-Atlantic area at this time. NMFS will continue to collect and evaluate data through the shark research fishery to evaluate the Mid-Atlantic Shark Spatial Management Area as needed.

Charleston Bump Spatial Management Area

Comment 15: NMFS received comments, including from the NCDMF and South Carolina Department of Natural Resources (SCDNR), expressing concerns regarding the proposed Charleston Bump Spatial Management Area sub-alternative (Sub-Alternative A2c). Some commenters noted that closure of the Charleston Bump year-round or for certain months (*i.e.,* May and October through November) would have negative impacts on businesses. Some commenters noted the preferred sub-alternative would eliminate access to the western edge of the Gulf Stream along the 100-fathom shelf break year-round, preventing shorter day trips, increasing the need for fuel, and forcing fishermen to travel further to fish in more dangerous areas in the mid-winter months. Some commenters that operate in the area stated that they would need to relocate to other areas or exit the fishery completely. Some commenters noted that other sub-alternatives or a combination of sub-alternatives could allow the fishery to continue to operate in the area and support data collection, provided access to the 100-fathom shelf break is maintained. Many commenters stated that access to that area is critical for target catch with lower bycatch. Additionally, some commenters suggested using the 100-fathom shelf break as the boundary between high- and low-bycatch-risk areas instead of a straight line.

Response: Based on public comments and additional analyses, NMFS reconsidered the boundaries of the Charleston Bump Spatial Management Area and designed a new sub-alternative (Sub-Alternative A2f) that is a combination of several of the other sub-alternatives considered. Since effort is unlikely to increase and because any fishing in the newly designated monitoring area would be closely regulated with enhanced monitoring and reporting requirements to support data collection, adoption of Sub-Alternative A2f is likely to have neutral direct and indirect ecological impacts. This now preferred sub-alternative moves the eastern boundary of the high-bycatch-risk area, relative to the current Charleston Bump closed area, westward, inside of the 100-fathom shelf break, to a diagonal line 45 nmi from shore for the majority of its length. The western boundary of this management area remains the same as the current western boundary of Charleston Bump closed area. The area inshore of the boundary is designated a high-bycatch-risk area and offshore of that boundary is designated a low-bycatch-risk/monitoring area. The temporal extent of both the high-bycatch-risk area and low-bycatch-risk area would be February 1 through April 30, which is the same time period as under the no action sub-alternative. Sub-Alternative A2f should not unduly limit fishing access, should reduce the potential for unintended limitations to fishing, including for species managed under other FMPs' regulations, and is expected to encourage data collection by providing access to desired fishing grounds within the monitoring area. Since Preferred Sub-Alternative A2f does not change the February 1 through April 30 timing of the Charleston Bump Spatial Management Area (whereas year-round timing had been proposed in DEIS preferred Sub-Alternative A2c), there will no longer be a reduction in fishing access and fishermen operating in the area will no longer experience negative economic impacts, nor will there be a need to travel further to access normal fishing grounds, alleviating safety-at-sea concerns expressed by the commenter. Furthermore, to the extent that fishermen are interested in fishing in the monitoring area, there could be fishing opportunities closer to shore, which would reduce transit times when traveling to and from fishing grounds. Such a reduction in transit times could reduce fuel costs and provide fishermen with more flexibility to fish in areas and at times when ocean conditions are more favorable. Note that with these changes to the proposed Charleston Bump Spatial Management Area and East Florida Coast Spatial Management Area (described below), NMFS will no longer create a single high-bycatch-risk area along the coast, which was called the South Atlantic Pelagic Longline Restricted Area in the Draft Amendment and proposed rule. However, the northern boundary of the East Florida Coast high-bycatch-risk area and the southern boundary of the Charleston Bump high-bycatch-risk area continue to connect with the same eastern and western boundary points.

Comment 16: One commenter suggested that the Charleston Bump closed area should be opened to all pelagic longline vessels and should only reclose if there is too much bycatch or other conditions prompt a closure.

Response: NMFS disagrees that it is appropriate to reopen the entire area without further data collection. Amendment 15 provides a conservation-oriented, risk-appropriate approach for data collection for all four of the areas it considered, including the Charleston Bump Spatial Management Area. The preferred measures will guide data collection efforts while also providing the ability to make modifications if there are indications that conservation needs are being jeopardized or indications that restrictions could be further reduced.

Comment 17: NMFS received a comment from the SCDNR suggesting additional analyses for the Charleston Bump comparing the catch per unit effort (CPUE) for target and bycatch among the different areas (high-bycatch-risk area, low-bycatch-risk area, and areas outside the closed area).

Response: The CPUEs of target species and bycatch for each spatial management area, not just the Charleston Bump, are listed in Chapter 5 of the Amendment. Comparisons across the reference areas are also provided in Chapter 5 of the Amendment. As NMFS collects additional data in portions of the closed areas, there will be more data on which to base CPUE estimates.

Comment 18: One commenter noted that the Draft Amendment stated that the scope of the Charleston Bump closed area would increase by 122 percent, but they were concerned that any increase in protection would not apply to blue marlin. After issuance of the FEIS, NMFS received a comment expressing concern about the final, preferred alternative reducing the scope of the high-bycatch-risk area by 68 percent relative to the current Charleston Bump closed area.

Response: As explained in Section 5.1.2.7 of Amendment 15, NMFS uses metrics and scope to compare the relative impacts of the spatial management area sub-alternatives. *See* Terminology before Chapter 1 and Chapter 2 (explaining development of sub-alternatives using PRiSM). The metric scores and scopes do not address or speak to the broader regime of conservation and management measures—beyond spatial management areas—under the Consolidated HMS FMP and its amendments and implementing regulations. See response to Comment 8 (summarizing billfish measures beyond closed areas). In the Draft Amendment, scope values were only included for high-bycatch-risk areas. As discussed in Chapter 2, low-bycatch-risk areas have low probabilities of fisheries interactions with bycatch species modeled through PRiSM. For information purposes, though, NMFS decided to numerically illustrate scope values for low-bycatch-risk areas in Amendment 15. In Section 3.4.2 of the Draft Amendment, NMFS described that no areas (high-bycatch-risk or low-bycatch-risk areas) within the current Charleston Bump closed area would be fully opened to normal commercial fishing. Various restrictions and monitoring requirements would apply for low-bycatch-risk areas.

Regarding blue marlin, preferred Sub-Alternative A2f has the same metric score of 0 for billfish as the no action Sub-Alternative A2a and is expected to have neutral indirect ecological impacts on billfish and other modeled bycatch species. While Sub-Alternative A2c in the Draft Amendment 15 had a higher metric score of 5 for billfish, we note that billfish metric scores for all the sub-alternatives was low (ranging from 0 to 5) compared to the highest possible score of 48. *See* Section 5.1.2.7 (providing table of metric scores and scopes for the sub-alternatives). As stated in the response to Comment 8, the goal of Amendment 15 is to collect data on the effectiveness of existing closed areas and improve the data available for making HMS spatial management decisions, while continuing to minimize bycatch for multiple species. The final preferred alternatives for each of the spatial monitoring areas, including Charleston Bump, will allow for such data collection in a manner that is unlikely to increase blue marlin (or other species) bycatch. Data collection by pelagic longline vessels choosing to fish within in the preferred monitoring areas will likely improve our understanding of the contribution of closed areas to reducing blue marlin fishing mortality and provide NMFS with the ability to assess any impacts, positive or negative, that closed areas may have on blue marlin rebuilding. If the data indicates that additional conservation and management measures may be necessary for blue marlin, NMFS will evaluate all sources of mortality in commercial and recreational fisheries and address them in a future action.

East Florida Coast Spatial Management Area

Comment 19: NMFS received comments concerned that the proposed East Florida Coast Monitoring Area did not include the western edge of the Gulf Stream along the 100-fathom shelf break where fishing often results in high target catch CPUEs and low bycatch rates. Similar to the comments received regarding the 100-fathom shelf break and the Charleston Bump, these commenters noted the importance of that shelf break to the fishing industry. These commenters suggested preferring a different modification sub-alternative or combination of sub-alternatives to allow for some data collection along the 100-fathom shelf break, particularly in the winter months when target fish are larger, bycatch is lower, and the area is closer to shore during bad weather. Some commenters stated that the southern boundary of the monitoring area could be moved north to around Ponce Inlet to reduce gear conflict with other fisheries.

Response: Based on public comments and additional analyses, NMFS reconsidered the boundaries of the East Florida Coast Monitoring Area and designed a new sub-alternative (Sub-Alternative A3f) that is a combination of several of the other sub-alternatives considered. Since effort is unlikely to increase and because any fishing in the newly designated monitoring area will be closely regulated by enhanced monitoring and reporting requirements to support data collection, adoption of Sub-Alternative A3f is likely to have short- and long-term moderate beneficial indirect impacts to modeled species as evidenced by the higher overall metric score. This sub-alternative will move the eastern boundary of the high-bycatch-risk area, relative to the current East Florida Coast closed area, westward, to a diagonal line beginning inside of the 100-fathom shelf break in the north, extending southeast to a point at the eastern edge of the current closure around Sebastian, Florida. The area inshore of the boundary will be designated a high-bycatch-risk area and offshore of that boundary will be designated a low-bycatch-risk/monitoring area. This sub-alternative will not extend the monitoring area south of Sebastian Inlet, FL, where fishing gear conflict is more of a concern as multiple fisheries are operating in the same area and Federal waters, for purposes of fisheries management, are narrower due to the Exclusive Economic Zone (EEZ) boundary between the United States and the Bahamas. Note that with the changes to the preferred Charleston Bump and East Florida Coast Spatial Management Areas, NMFS is also no longer creating a single high-bycatch-risk area along the coast that would include the East Florida Coast high-bycatch-risk area (called the South Atlantic Pelagic Longline Restricted Area in the Draft Amendment and proposed rule). However, the northern boundary of the East Florida Coast high-bycatch-risk area and the southern boundary of the Charleston Bump high-bycatch-risk area continue to connect with the same eastern and western boundary points.

Comment 20: NMFS received several comments from the FWC in opposition to the East Florida Coast preferred sub-alternative in the Draft Amendment asserting that that alternative would not achieve objectives 1, 2, and 4 of Amendment 15. Specifically, the comments stated that the small increase in revenue from reopening the offshore portion of the East Florida Coast would not have significant impact on the future success of the pelagic longline fishery, but reopening the area to pelagic longline is likely to have large negative impacts on HMS and non-HMS bycatch species. After issuance of the FEIS, NMFS received comments from the FWC and other groups expressing concern about the final, preferred

alternative expanding the monitoring area to 41 percent (up from 26 percent in the proposed rule) of the current East Florida Coast closed area and the potential for high levels of bycatch and impacts to protected resources caught in pelagic longline gear. In their original comments on the Draft Amendment and proposed rule, the FWC also commented that the East Florida Coast Spatial Management Area is located in EFH for many HMS species that are either overfished and/or experiencing overfishing. Their comment further noted that the East Florida Coast Spatial Management Area is within federally-designated critical habitat for loggerhead sea turtles. The comment also stated that allowing use of pelagic longline in this area would likely increase bycatch and bycatch mortality of these species, counter to Amendment 15 Objective 1. The comment asserted that the creation of the South Atlantic Pelagic Longline Restricted Area would not ease confusion or aid in enforcement since the Charleston Bump and East Florida Coast areas are well-known and that combining the areas would actually cause confusion.

Response: NMFS disagrees that Amendment 15 would not achieve Objectives 1, 2, and 4, which are: (1) using spatial management tools, minimize bycatch and bycatch mortality, to the extent practicable, while also optimizing fishing opportunities for U.S. fishing vessels; (2) develop methods of collecting target and non-target species occurrence and catch rate data from HMS spatial management areas for the purpose of assessing spatial management area performance; and (4) evaluate the effectiveness of existing HMS spatial management areas and, if warranted, modify them to achieve an optimal balance of ecological, social, and economic benefits and costs. No negative impacts on target and non-target species are anticipated from Sub-Alternative A3f since data collection-related fishing activities would be allowed only within low-bycatch-risk/monitoring areas within the East Florida Coast and Charleston Bump Spatial Management Areas with strict effort controls and enhanced reporting and monitoring. Furthermore, pelagic longline effort is unlikely to increase and, if current trends continue, may decrease, thus likely limiting negative impacts to target and non-target species. As described in all three of those objectives, the purpose of Amendment 15 is to collect data necessary to better characterize the impact of closed areas on target and non-target species. With this data, NMFS can assess the performance of closed areas in meeting conservation and management goals, consistent with the objectives of Amendment 15.

The preferred alternative in Final Amendment 15 for the East Florida Coast Spatial Management Area, Sub-Alternative A3f, increases the scope of the low-bycatch-risk area to 41 percent of the existing area. *See* Amendment 15 at Section 3.1.3 (providing table comparing scopes of A3 sub-alternatives). This area has low probabilities of fisheries interactions with bycatch species modeled through PRiSM. Moreover, metric scores across all six of the A3 Sub-Alternatives are similar: leatherback sea turtles ranged from 21–23 (compared to the highest possible score of 48), shortfin mako shark ranged from 12–18, and billfish species ranged from 6–10. *See* Section 5.1.3.7 in Amendment 15 (providing table comparing metric scores). As explained above in the response to Comment 8, Sub-Alternative A3f has a lower metric score (6) for billfish species in comparison to the no action alternative (10) and Sub-Alternative A3b (10), but the metric scores for all of the sub-alternatives are low for billfish, and metric scores and scopes do not speak to the broader regime of conservation and management measures in effect. Response to Comment 8 summarizes existing measures for billfish and also the conditions and restrictions applicable to the low-bycatch-risk/monitoring area. Given the above and other considerations, Sub-Alternative A3f is expected to have neutral ecological impacts on target species and generally moderate beneficial indirect impacts for bycatch species modeled by PRiSM. *See* Sections 5.1.3.6 and 5.4.3 of Amendment 15 for further explanation of impacts of the sub-alternative.

Per the 2020 Biological Opinions, the HMS pelagic longline fishery is not likely to cause an appreciable reduction in the likelihood of either the survival or recovery or to jeopardize the continued existence of the loggerhead sea turtle. Additionally, after inter-office discussions between the Atlantic HMS Division and the Southeast Regional Office's Protected Resources Division, NMFS determined that the preferred measures in Amendment 15 finalized through this final rule will not affect ESA-listed species or their critical habitat in a manner or to an extent beyond those effects considered in the 2020 Biological Opinions. The EFH for relevant HMS with an overfished or experiencing overfishing status extends far beyond the boundaries of the existing closed areas into areas where normal commercial fishing is allowed; there is no inherent link between the presence of EFH and closed areas. *See* Amendment 15 Sections 4.1 (describing HMS managed species and habitat) and 4.1.1 (providing information on HMS EFH and FMP amendments). Amendment 10 to the HMS FMP found that since most HMS reside in the upper part of the water column and habitat preferences are likely influenced by oceanic factors such as current confluences, temperature edges, and surface structure, most HMS gears do not pose any adverse effects on HMS EFH. For overfished stocks or stocks experiencing overfishing, NMFS utilizes a broad range of tools, beyond closed areas, notably rebuilding plans for overfished stocks and annual catch limits and accountability measures to prevent overfishing. *See* Amendment 15 Chapter 9.1.1 (providing references to relevant FMP amendments under NS1 discussion). Amendment 15 does not modify such measures and is not expected to affect efforts to prevent overfishing and rebuild overfished stocks. Chapter 5 provides detailed ecological impact analyses for all of the alternatives and sub-alternatives considered in Amendment 15. Regarding the proposed South Atlantic Pelagic Longline Restricted Area, with the preferred changes to the Charleston Bump and East Florida Coast Spatial Management Areas, NMFS is also no longer creating a South Atlantic Pelagic Longline Restricted Area. However, the northern boundary of the East Florida Coast high-bycatch-risk area and the southern boundary of the Charleston Bump high-bycatch-risk area continue to connect with the same eastern and western boundary points.

NMFS notes that vessels choosing to fish in the designated monitoring areas under Amendment 15 may gain revenue depending on the catch rates in the specific portions of the monitoring area they fish in. However, revenue increases as a result of that fishing are not a primary objective. Rather, an important objective is the data collection that results from that fishing in order to assess the performance of overall spatial management areas; as discussed in Section 3.2.3 of Amendment 15, controlled fishing activity in the monitoring area is an effective way to get the data needed to assess the spatial management areas. In the case of the East Florida Coast Spatial Management Area, the preferred modification sub-alternative, Sub-Alternative A3f, is not expected to provide much additional revenue for vessels that choose to fish in the relevant monitoring area. Due to

the calculated decrease in tuna catch, Sub-Alternative A3f is estimated to result in −$10,453 total revenue fishery-wide compared to the no action sub-alternative. However, fishermen are unlikely to fish in portions of the areas with lower catch rates, so reductions in revenue may not be realized. Revenue estimates used a single calculated CPUE across the entire monitoring area because catch rates are not available in areas that are currently closed to fishing. In reality, CPUEs likely differ across the area with, for example, higher CPUEs near important bathymetric features. Thus, vessels fishing in the monitoring area and thereby supporting data collection due to the relevant requirements would likely fish in portions of the monitoring area with a profitable CPUE and avoid those portions with a lower CPUE.

DeSoto Canyon Spatial Management Area

Comment 21: NMFS received comments about the proposed DeSoto Canyon Spatial Management Area modification sub-alternative (Sub-Alternative A4d). Some commenters stated that access for pelagic longlines in the southern half of the southern box of the current closure would allow fishermen to target larger swordfish in the loop current. Other commenters stated that new closures in the areas between the two boxes would significantly limit productive fishing grounds and that access to portions of the southern box was not worth the trade-off. Some commenters requested shifting the proposed southern boundary of the DeSoto Canyon high-bycatch-risk area further north to allow for additional pelagic longline access.

Both the Gulf Fishery Management Council (GFMC) and the FWC requested more information about how the proposed sub-alternative would affect species, including king mackerel and cobia, that are managed under other FMPs.

The FWC commented that they do not support the DeSoto Canyon proposed sub-alternative because it would allow increased pelagic longline effort in areas that are currently closed. The FWC asserted, similar to their comment regarding the East Florida Coast sub-alternative (see Comment 20 above), that the areas that would be opened include EFH for some HMS, many of which are overfished, experiencing overfishing, and/or prohibited.

The FWC cautioned that the proposed DeSoto Canyon Spatial Management Area modification would negatively affect many HMS and non-HMS tournaments which are important economic drivers in coastal communities.

The Environmental Protection Agency, noting the possible adverse economic impact of the DeSoto Canyon spatial management area modification in the Draft Amendment 15, commented that additional analyses should be done to determine how the reduction in revenue, if realized, would affect fishermen and to identify potential mitigation strategies for the loss of income.

Response: In Amendment 15, NMFS is preferring no action (Sub-Alternative A4a) for the DeSoto Canyon Spatial Management Area, instead of the Sub-Alternative A4d, which was preferred in the Draft Amendment. NMFS made this change in response to public comments and other considerations, including the proposed rule for designation of Rice's whale critical habitat. NMFS issued a proposed rule regarding the critical habitat designation for Rice's whale (88 FR 47453, July 24, 2023), and the proposed critical habitat extends across the DeSoto Canyon Spatial Management Area. NMFS may revisit potential changes to the DeSoto Canyon area after finalization of the designation of critical habitat. Because NMFS now prefers the no action modification sub-alternative for the DeSoto Canyon Spatial Management Area, there will be no impacts to current pelagic longline fishing opportunities, other HMS fisheries including offshore recreational tournaments, or species managed under other FMPs' regulations. Nevertheless, see response to Comment 20 addressing EFH and describing measures other than closed areas for species that are overfished and experiencing overfishing.

Comment 22: The GFMC also asked if the proposed sub-alternative would overlap with the closures of Madison-Swanson, Steamboat Lumps, and the Edges.

Response: Preferred Sub-Alternative A4a will not affect or overlap Madison-Swanson, Steamboat Lumps, or the Edges 40 Fathom Contour closed areas in the Gulf of America. All three of these areas prohibit all HMS fishing, except surface trolling in Madison-Swanson and Steamboat Lumps from May through October, and lie wholly outside of the area under Sub-Alternative A4a. Madison-Swanson and Steamboat Lumps were originally established to protect Gulf reef fish in 2000 with a four year expiration date, though they were permanently implemented on May 2, 2004 (69 FR 24532). Edges 50 Fathom Contour closed area was implemented on June 24, 2009 (74 FR 30001). After considering a request from the GFMC, NMFS implemented compatible regulations for HMS fisheries in the three areas (74 FR 66585, December 16, 2009). Since then, all fishing managed under Gulf FMPs has been prohibited in these three areas, including surface trolling, and the GFMC has requested NMFS to consider compatible regulations for HMS fisheries to prohibit surface trolling. The Agency may consider the request after Amendment 15 (which includes, under the ''E'' alternatives as described below, criteria to consider when reviewing spatial management areas) is finalized.

Comment 23: The FWC disagreed with the assertion in the Draft Amendment that the proposed DeSoto Canyon Spatial Management Area modification would achieve Amendment 15 objectives 1, 2, and 4.

Response: Although NMFS is finalizing the no action modification sub-alternative for the DeSoto Canyon Spatial Management Area, progress will still be made in meeting objectives 1, 2, and 4 (see response to Comment 20 for the objectives). In the DeSoto Canyon area, the entire footprint of the spatial management area will be designated a high-bycatch-risk area, and NMFS is finalizing data collection Alternative B4 regarding cooperative research via an EFP. EFPs are a mechanism used by NMFS to allow highly controlled and monitored fishing activities that would otherwise be prohibited. EFPs are therefore useful for conducting research and collecting data in a very precautionary manner. Conducting research and data collection in spatial management areas under an EFP may be especially useful in areas of higher ecological concern, including those areas designated by PRiSM as high-bycatch-risk areas. Such data could assist NMFS in ensuring the DeSoto Canyon Spatial Management Area is meeting conservation and management goals, consistent with the objectives of Amendment 15.

Data Collection Alternatives (''B'' Alternatives)

Comment 24: Several commenters, including the SCDNR and the NCDMF, stated that the calculated effort caps in the proposed monitoring areas are too low to collect adequate data to inform an assessment of the area. Some commenters stated that most of the sets would be made in a short period of time providing limited information over the duration of the monitoring area timing. Furthermore, once the effort cap is close to being reached, fishermen would be unlikely to embark on additional data collection trips to avoid broken trips

(*i.e.,* the effort cap is reached on the way to the fishing grounds or while fishing), reducing the effective size of the effort cap. The SCDNR stated that the effort cap calculation is slightly flawed and offered two suggestions for a more appropriate effort cap calculation: (1) an average of monthly sets in the monitoring area during open times could be applied to the monitoring area or (2) the reference area in the current calculation could exclude areas that are not fished, including the closed areas within the reference area. The FWC commented that effort caps should not be calculated based on the ratio of monitoring area to reference area and instead should be based on an analysis determining minimum sample size to meet program goals. After issuance of the FEIS, NMFS received a comment requesting an explanation about the final, preferred alternative to expand the effort cap for the Charleston Bump and East Florida Coast monitoring areas.

Response: Based in part on public comments and through inter-office coordination within NMFS, including with the SEFSC, NMFS refined the effort cap calculations. For the Charleston Bump, we used fishing effort data from January and May, the months surrounding the time when the spatial management area has been closed (February through April). For the East Florida Coast, similar data are not available given that the area has been closed year-round for over 20 years. As such, we modified the proposed calculations so that the reference area included only areas open for fishing. See Sections 3.2.3.1 and 5.2.3.1 of the Final Amendment for details and explanations on effort cap calculations. NMFS considered sample size analyses similar to that suggested by the SCDNR but determined that they were not feasible. In consultation with the SEFSC, it was determined that without fishery-dependent data from the areas, it is not possible to calculate minimum sample size of effort caps *a priori* at a sufficient level to characterize the fishery. Once some data is collected, NMFS can consider whether adjustments to effort caps are warranted. Under the preferred alternative, NMFS will use effort caps (Sub-Alternative B3a) in combination with real-time reporting (Alternative B3 and Sub-Alternatives B3a and B3e) to allow for real-time monitoring of bycatch. As a special access area, monitoring areas could be closed early and/or not reopened if conditions warrant, and real-time bycatch monitoring will provide critical data to inform such decisions. The revised calculations, described above, resulted in higher effort caps than what was proposed. For the Charleston Bump monitoring area, the effort caps increased from a proposed 69 sets (February 1 through April 30/each year) to 380 sets (same time period). For the East Florida Coast monitoring area, the effort caps increased from a proposed 124 sets per year to 250 sets per year. Additionally, we have modified the preferred alternative to provide that, through separate rulemaking, NMFS may consider apportioning effort caps across different time frames (*e.g.,* quarterly or monthly) to ensure enough data to assess the areas throughout the time frame of the relevant spatial area is collected. *See* Section 5.2.3.1 in Amendment 15 for further explanation. The ecological impacts of the changes in effort caps levels in monitoring areas are likely to be neutral because of the conditions and restrictions associated with the monitoring areas and the fact that the spatial and temporal aspects of the monitoring areas are specified locations and times for which the risk of interactions with the PRiSM-modeled bycatch species are relatively low. See Section 5.2.3 and 5.2.6 in Amendment 15 for more information on the ecological impacts of effort caps in monitoring areas.

Comment 25: NMFS received a comment that effort caps (Sub-Alternative B3a) should not be implemented in the monitoring areas and that more direct bycatch controls such as bycatch caps (in other words, a bycatch threshold level for closing the monitoring area) (Sub-Alternative B3b) or per-trip set limits (Sub-Alternative B3c) should be used instead. Bycatch caps in particular would more closely match those of the Northeastern United States Pelagic Longline Monitoring Area and the Spring Gulf of America Pelagic Longline Monitoring Area. After issuance of the FEIS, NMFS received a comment expressing concerns that the FEIS did not include bycatch caps or threshold levels that would trigger closure of the monitoring areas.

Response: NMFS disagrees. While bycatch caps worked for the Northeastern United States Pelagic Longline Monitoring Area and the Spring Gulf of America Pelagic Longline Monitoring Area, bycatch caps would not work for preferred monitoring areas that would be established under Amendment 15 for a number of practical reasons. First, interactions between the pelagic longline fishery and bycatch species are relatively rare events in comparison to interactions with target species, and the rate of interactions varies. The uncertainty regarding the likelihood of interactions with various species makes it difficult to select which species should have bycatch caps and to determine the appropriate level of each bycatch cap. As more species are included, as is the case in these monitoring areas, the complexity and difficulty of monitoring and administering bycatch caps increases. Second, the calculated bycatch caps for some species are so small as to not be practical. For example, the calculated bycatch cap for some species, such as longbill spearfish, would be one fish in some areas. It is likely that species would not be encountered for multiple years, but in the instance where it was, the area would close contrary to the goals of Amendment 15. In other words, such a small bycatch cap would be difficult to enforce even with the enhanced rate of EM monitoring in the monitoring areas under this action and would not provide flexibility for rare events. In a situation where there are bycatch caps for several species, and the catch of any of the caps would result in terminating access to the area, the smallest cap would function as the default cap. Third, although VMS reporting of catch is relatively quick, other reporting methods that may need to be used to corroborate VMS reports have a longer time frame. Data from logbooks, observer reports, or electronic monitoring systems are not available until well after the trip has been completed. Given that there may be incentives to underreport bycatch, corroboration of VMS data may be required to provide a full accounting of bycatch events. If there is a time delay between the catch events and full accounting for bycatch, the effectiveness of a specific numerical bycatch cap at actually limiting catch would be reduced. If attainment of a bycatch cap were to result in closing access to the monitoring area, highly mobile species may no longer be in the area by the time the monitoring area is closed. While the above issues were also considered when developing the Northeastern United States Pelagic Longline Monitoring Area and the Spring Gulf of America Pelagic Longline Monitoring Area, in those areas, NMFS was primarily concerned with one species, bluefin tuna. Because of the single-species application of the stringent reporting requirements for fishermen and dealers regarding bluefin tuna compared to other pelagic longline catch, bycatch caps (called incidental catch limits in the case of bluefin tuna) were a reasonable option at that time. With the breadth of species that need to be monitored in the areas under

consideration in Amendment 15 and the small bycatch caps for some species, bycatch caps are not practicable at this time.

Trip-level effort controls in monitoring areas (*i.e.,* limiting the number of hooks and sets an individual vessel operator may take in a monitoring area), as with bycatch caps, would also be impracticable at this time. While the trip-level effort controls would likely be set at a level near the average number of hooks per set and sets per trip, NMFS found that these limits could still result in data collection that does not match normal fishing practices. This mismatch could reduce the utility of comparing spatial management catch rates and composition with those that occur outside the area. Trip-level effort controls also do not limit total effort; rather, they slow the rate of effort, and they may limit target catch, contrary to the intention of Amendment 15. Regarding the FEIS comment, NMFS emphasizes that the use of effort caps in combination with VMS reporting still provides NMFS the ability to monitor bycatch in near real-time. As stated in Amendment 15, as a special access area, monitoring areas could be closed early, even before relevant effort caps are reached and even without a numerical bycatch cap, if warranted by conservation and management needs such as unexpectedly high bycatch. The various reporting requirements associated with the monitoring areas will provide critical data to inform such early closure decisions, as well as potential decisions to not reopen the monitoring areas, or modify their effective time periods, in following years. Further, as described in Amendment 15, the preferred E alternative, in conjunction with the preferred C alternatives, provides for NMFS to further modify of the spatial management areas as needed based on ongoing review of bycatch levels through the data that comes out from the monitoring areas.

Comment 26: NMFS received comments supporting the use of cooperative EFP research in high- and low-bycatch-risk areas to collect data for analysis.

Response: NMFS agrees that EFPs provide opportunities for high quality data collection while ensuring conservation goals are met. NMFS is finalizing Alternative B4, which would allow for EFP research in high- and low-bycatch-risk areas of Charleston Bump and East Florida Coast Spatial Management Areas and the entirety of the high-bycatch-risk DeSoto Canyon Spatial Management Area. Alternative B4 sets forth elements for such EFPs, including effort caps, bycatch caps, a study plan, and observer or EM coverage. To be considered covered under and consistent with the Amendment 15 impacts analyses for Alternative B4, an EFP application should incorporate these elements. This final rule also continues the shark research fishery and issuance of shark research permits (Alternative B1) and allows EFPs and SRPs for the Mid-Atlantic Shark Spatial Management Area.

Comment 27: NMFS received comments that NMFS would not be able to issue cooperative research EFPs (Alternative B4) in high-bycatch-risk areas since they have been unable to issue EFPs for closed area research in the past.

Response: NMFS disagrees. As described in Chapters 1 and 4 of the Amendment, from 2008 through 2010, NMFS approved a research project that collected data in the East Florida Coast closed area from three vessels over three years (73 FR 450, January 3, 2008). In 2017 NMFS approved another research project for that area (82 FR 37566, August 11, 2017), but that research did not occur. Additionally, NMFS regularly issues shark research fishery permits, which are a type of cooperative research EFP, for research in the Mid-Atlantic Shark closed area. As stated in the Amendment and in preferring Alternative B4, NMFS is willing to consider applications for and issuance of EFPs and SRPs that meet the appropriate requirements for research in closed areas.

Comment 28: NMFS received comments stating that closed area EFP research should employ proper experimental design and be subject to robust scientific review to ensure projects provide useful results.

Response: NMFS agrees. Under preferred Alternative B4, NMFS will accept EFP applications to perform gear-specific research in a spatial management area to gather data that would be useful in assessing spatial management areas. The current application and reporting forms would not change and applicants would use the same procedure for application submission. However, consistent with Amendment 15, applicants would be informed that, in order to be considered covered under and consistent with the FEIS impacts analyses, an EFP application should incorporate elements set forth in Alternative B4 (*i.e.,* effort caps, bycatch caps, *etc.*). These elements ensure research activities do not jeopardize conservation goals or result in excessive gear conflicts with other user groups. As with the current EFP program, submission of an application would not guarantee approval. Instead, each application would be considered independently and in the context of Agency objectives and other research applications.

Comment 29: NMFS received comments, including from the FWC, asserting that the proposed cooperative EFP data collection alternative circumvents the established public review and comment process for EFPs, reducing transparency. The FWC commented in opposition of reopening any formerly closed areas for pelagic longline harvest for the purpose of data collection, stating that the fishery-dependent data that would be collected under the EFP program would not provide sufficient data to assess the performance of spatial management areas given the effort caps. The FWC also commented that previous EFP research in closed areas has been insufficient to inform spatial management area performance. The FWC also stated that there has not been an adequate NEPA review of impacts to streamlining the EFP process as provided in the proposed rule. After issuance of the FEIS, NMFS received a comment reiterating concerns that preferred Alternative B4 reduces public transparency and scrutiny of EFP proposals in spatial management areas.

Response: NMFS disagrees that the proposed cooperative EFP data collection alternative circumvents the established public review and comment process for EFPs. The preferred cooperative EFP data collection alternative (Alternative B4) will follow the established public review and comment process that applies to all HMS EFPs under regulations at 50 CFR 600.745 and 635.32. NMFS publishes a notice of intent to issue EFPs and similar permits for research annually with opportunity for public comment. This annual notice is general and provides information on the types of EFP applications NMFS expects to receive (*e.g.,* tagging of HMS, capture of HMS for public display, collection of biological samples). The HMS FMP and its amendments anticipate and include analyses for routine EFPs. For example, some EFPs request exemptions from specific regulations but result in catch within established quotas. Ecological, economic and social impacts of the quotas were addressed in the HMS FMP and its amendments and the associated NEPA analyses. If NMFS receives EFP applications that are consistent with the analyses in Amendment 15 but are known to be controversial or sensitive in nature, due in part to public comment on the annual notice, NMFS

may provide an opportunity for additional public comment on that specific EFP application. However, if the EFP requires consideration and analyses beyond what has already been reviewed by the public in the HMS FMP and its amendments (including Amendment 15), NMFS will conduct those analyses and provide an opportunity for public comment. These are the same steps NMFS takes for every EFP application and are the steps that would be used for the EFPs discussed above in the response to Comment 27. The preferred Alternative B4 will facilitate the consideration of research and data collection EFPs in spatial management areas by standardizing components that applicants must address in their applications. However, the EFP regulations at 50 CFR 600.745 and 635.32, including the requirements related to public review and comment, still apply. Note that, while Amendment 15 refers to EFPs under the preferred Alternative B4, as discussed in Comment 3, such activities also include those permitted through EFPs and SRPs, which are issued for similar activities. NMFS generally issues an EFP when the research activity is conducted on a recreational and/or commercial fishing vessel and issues an SRP when the research is conducted on a scientific research vessel. See 50 CFR 635.32(b)(SRPs) and 600.10 (defining scientific research activity, scientific research vessel, and related terms).

Comment 30: Several comments were submitted about using monitoring areas to collect data within existing closed areas. NMFS received comments stating that modifications to spatial management areas should be accompanied by enhanced monitoring and data collection. Commenters stated that monitoring areas should be implemented in any newly-opened areas with 100-percent EM coverage, effort caps, bycatch caps, and trip-level effort controls to reduce the potential for negative conservation impacts. One commenter stated that Sub-Alternatives B3d (100-percent observer coverage in monitoring area) and B3e (100-percent EM in monitoring areas) would be important to collect timely, high-quality data. After issuance of the FEIS, NMFS received a comment requesting justification on the final, preferred alternative to implement a 50-percent video review rate in monitoring areas.

Response: NMFS agrees that monitoring areas provide an opportunity for data collection within currently closed areas while ensuring management and conservation goals are not jeopardized. NMFS also agrees that enhanced monitoring ensures conservation and management goals are not compromised and provides opportunities for enhanced data collection. NMFS is using the term ''monitoring area'' to describe spatial management areas that allow commercial fishing and have associated restrictions that result in a relatively high level of information and precautionary management. Under the preferred alternatives, monitoring areas would be designated within low-bycatch-risk areas (*i.e.,* areas with low fisheries interactions with bycatch species modeled using PRiSM) of the Charleston Bump and East Florida Coast Spatial Management Areas (Sub-Alternatives A2f and A3f). Commercial pelagic longline vessels who choose to fish inside the monitoring areas will be permitted to do so, subject to certain conditions and other applicable regulations. The purpose of a monitoring area is to collect data from within the spatial management area and provide fishing opportunities consistent with the objectives of the spatial management area. More specifically, access to the area is intended to provide data on the costs and benefits of the spatial management area and the status of achievement of relevant objectives. To the extent practicable, the monitoring area would allow commercial fishing gear and practices similar to that employed outside the area, in order to be comparable to fishing using routine practices. Because fishing has not occurred in the monitoring area during the closure months, there is uncertainty regarding the type and level of bycatch that may occur if normal commercial fishing were to occur there. Therefore, fishing in the monitoring area will be subject to conditions and restrictions to ensure that bycatch and bycatch mortality is minimized to the extent practicable and incidental catch is monitored and managed. Various tools to ensure that the monitoring area meets its objective will be implemented, including enhanced EM video review and effort caps.

In the Draft Amendment, the preferred alternative provided for video data from 100 percent of sets to be reviewed, as this would provide the most detailed level of information and the cost of video review ($1,680 per vessel for a typical ten day trip/six sets) was not expected to deter interest in fishing. However, as described in Comment 31 below, NMFS received a number of comments that indicated that because of costs, fishermen would not fish in the monitoring areas if they had to pay for 100 percent of the EM video review. After considering public comment and consistent with the goal of data collection, NMFS is lowering the EM video review rate in the monitoring areas to 50 percent to ensure that conservation and management objectives in Amendment 15 are met. Under the revised Sub-Alternative B3e, NMFS anticipates that some vessels will choose to fish in the monitoring areas, and the 50-percent video review rate will provide detailed information on bycatch and incentivize accurate bycatch reporting by fishermen. Before deploying sets in a monitoring area, vessel owners and/or operators will be required to indicate their intention to do so during the pre-trip or in-trip VMS hail-out. The agency has the authority to further restrict or end access to the monitoring areas for those vessels if warranted by conservation and management concerns raised by unexpectedly high bycatch, high data collection efforts, fishing effort that is overly clustered temporally or spatially, or other relevant considerations. Based on these concerns, access to the monitoring areas could be prohibited during its effective time period in a given calendar year, and the Agency could choose to keep the area closed during its effective time period in the following calendar year as well if the concerns still exist. Final Sub-Alternative B3e (the establishment of monitoring areas with EM and 50-percent video review) is expected to have neutral short-term and minor beneficial long-term ecological impacts for bycatch and incidentally caught species. This is because of the conditions and restrictions also associated with the monitoring areas (effort caps under preferred Sub-Alternative B3a and cooperative research via exempted fishing permit under preferred Alternative B4) and the fact that monitoring areas are specified locations and times for which the risk of interactions with the PRiSM-modeled bycatch species are relatively low. See Ecological Impacts in Section 5.2.3 of Amendment 15 for other ecological impacts; Section 5.1 of Amendment 15 for detailed analyses of ecological, economic and social impacts of spatial management areas; and Section 2.5 of Amendment 15 for explanation of identification of high-bycatch-risk areas.

Comment 31: The SCDNR commented that the requirement to pay for expanded EM review in the Charleston Bump Monitoring Area may dissuade fishermen from collecting data in the area. They suggested looking for ways to decrease the cost through a lower review rate or a combination of

observers and EM on a subset of trips. NMFS received a comment that the 100-percent EM video data review requirement in monitoring areas (Sub-Alternative B3e) would be too expensive and would result in low data collection because less fishing would occur. Another commenter noted that, because the costs are unsustainable for smaller operations, Sub-Alternatives B3d (100-percent observer coverage paid by the vessel) and B3e are inconsistent with Executive Order (E.O.) 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.

Response: NMFS acknowledges that the requirement for fishermen to pay for expanded EM review if choosing to fish within monitoring areas may dissuade individuals from entering into the East Florida Coast or Charleston Bump monitoring areas. Monitoring areas provide opportunities for voluntary access for vessels to fish in previously closed areas. NMFS believes that owners of vessels choosing to fish in these monitoring areas should pay for the additional review that is required for the benefit of special access. As described above in Comment 33, NMFS has lowered the EM video review rate in the monitoring areas to 50 percent to ensure that conservation and management objectives are met. Monitoring areas are special access areas, wholly located within currently closed areas. Any fishing that would occur there is different from the fishing practices of the past 20 years while the spatial management areas were completely closed to fishing. Those vessels that wish to fish in monitoring areas would need to comply with the applicable requirements. Thus, any vessel owner who does not wish or is not able to incur the costs of enhanced EM video review could avoid such costs by maintaining current fishing practices and locations. On January 20, 2025, E.O. 13985 was rescinded and succeeded by E.O. 14151, which renounced the reasoning of E.O. 13985 and established the current directive against all ''equity'' actions, initiatives, and programs.

Comment 32: NMFS received a comment suggesting monitoring of shortfin mako shark and leatherback sea turtle bycatch year-round in the Charleston Bump Monitoring Area.

Response: Monitoring shortfin mako shark and leatherback sea turtle bycatch is important. However, NMFS does not agree that those species warrant extending portions of the Charleston Bump Spatial Management Area to year-round monitoring. Fishermen are already required to report catches of these species year-round in logbooks, regardless of where they are caught. They are also required to carry observers (if selected) who collect information on those species. Additionally, vessels must have working EM installed and powered on at all times when fishing to monitor shortfin mako shark disposition in addition to bluefin tuna interactions. As such, there are currently a number of ways for NMFS to collect data on those species in all areas, not just in the Charleston Bump. Additional monitoring is not needed at this time.

Comment 33: NMFS received comments that data collection activities should include backstops to reverse course in the event of unexpected conservation impacts. After issuance of the FEIS, NMFS received a comment stating that the FEIS was unclear in how frequently bycatch in the monitoring areas would be reviewed.

Response: NMFS agrees that there should be backstops in case of unexpected conservation impacts. As discussed in Comments 3 and 25, the preferred alternatives for all the monitoring areas include ways for NMFS to monitor the data in near real-time via VMS reports and to close the relevant monitoring area in the event of unexpected conservation impacts such as high levels of bycatch (Alternative B3). Additionally, NMFS will review all the data (*e.g.,* logbooks, EM video reports, observer reports) more fully at least every three years (Alternative C2) or sooner if specific concerns such as unexpectedly high bycatch arise (Alternative C4) and could initiate rulemaking to modify the areas if appropriate.

Comment 34: NMFS received a comment that low-bycatch-risk areas should be opened to normal commercial pelagic longline fishing.

Response: NMFS disagrees that the areas should be opened without further data collection and backstops. The Charleston Bump, East Florida Coast, and DeSoto Canyon Spatial Management Areas were closed to reduce bycatch in the pelagic longline fishery over 20 years ago. Since that time, as described in the Amendment, there have been many changes in the environment, the species involved, fishing methods, and regulations. While NMFS developed a predictive spatial modeling tool (PRiSM) to assist in identifying low-bycatch-risk areas, NMFS requires data to confirm the results of the model. As data are collected, the model will be improved. Those improvements to the model will provide information that NMFS will use to inform pelagic longline access in the future. Over time, if the data collected confirm that fishing in the areas would not hinder conservation needs, NMFS could consider reopening the areas. Alternatively, the data could show that the areas continue to remain important in reaching the conservation and management goals of the Magnuson-Stevens Act, and NMFS could modify the areas or keep the areas closed.

Evaluation Timing Alternatives (''C'' Alternatives)

Comment 35: Some commenters, including the SCDNR and the Maryland Department of Natural Resources, indicated support for NMFS's preferred approach of Alternative C2 to evaluate spatial management areas once three years of data are available.

Response: NMFS agrees. NMFS believes scheduling regular evaluations of spatial management areas would allow for more adaptive management and ensure that the objectives of the monitoring area are met on a continuing basis. Specifying a time for a future evaluation addresses the future status of a spatial management area and reduces uncertainty. An interval of three years between evaluations, which is relatively short, would address potential concerns that spatial management areas would be in place for long periods of time before the costs and benefits are evaluated. The three-year evaluation time interval would be used in combination with triggered evaluation to more frequently assess spatial management areas if conservation concerns arise.

Comment 36: NMFS received a comment that future analyses of spatial management areas should include target-to-bycatch ratio goals in each area to allow for comparison across areas on bycatch impacts.

Response: NMFS acknowledges the recommendation to include target-to-bycatch ratios and will consider this suggestion when evaluating spatial management areas in the future.

The Spatial Model, PRiSM

Comment 37: NMFS received comments that the time series of catch data inputs used in the predictive spatial modeling tool, PRiSM, ends in 2019 and does not incorporate more recent changes in fishing techniques since that time. Specifically, some pelagic longline fishermen have, since 2019, begun deploying deep-set pelagic longline gear in deeper water below the thermocline. Some fishermen report better target catch and reduced bycatch when deploying deep sets, and such changes in catch are not incorporated into the model. Other commenters noted that COVID-related impacts, particularly landings and fishing effort in 2020,

could impact model predictions and impacts assessments.

Response: As explained in Section 2.1 of Amendment 15, PRiSM is a modeling tool that uses fishery observer data and environmental data to make predictions about fishery interactions with modeled bycatch species. NMFS agrees that because this fishing practice is relatively new, few deep-set pelagic longline observer reports were included in the model, and changes in catch composition due to the new fishing technique may not be included. This would be the case even if NMFS used fishery observer data from after 2019 since use of the technique was adopted by only a few fishermen at first, and the use expanded in subsequent years. For pelagic longline, NMFS used observer data that was available when the agency conducted its PRiSM modeling work. NMFS believes that this data from a 20+ year period (1997 through 2019) is appropriate for purposes of predictive modeling in PRiSM and consistent with MSA requirements under NS2. The recent use of deep setting the longline is one of many changes in techniques that has occurred in the fishery since the areas were first closed. These types of changes constitute one of the reasons why Amendment 15 prefers alternatives that would allow for both evaluation of the efficacy of the areas on a regular basis and modification of the areas depending on the results. If vessels that choose to fish in the newly established monitoring areas under Amendment 15 use the deep-set technique, and if the deep-set technique shows lower bycatch, then future analyses of the data from the monitoring areas would likely show lower bycatch rates, and any future management changes would take them into consideration.

COVID-related changes to landings and fishing effort are evident in the data, particularly in 2020. However, those changes are unlikely to affect the analyses in Amendment 15. While PRiSM analyses and predictions used data from 1997 through 2019, impacts analyses for the spatial management area sub-alternatives used more recent information (including 2020 information) (Chapter 5) on effort, CPUE and catch estimates, in order to inform the agency's understanding of potential economic and social impacts. Even before COVID-related interruptions to the fishery, there was a trend of declining effort. See Section 4.5.3 for more information about pelagic longline effort.

Comment 38: NMFS received comments that PRiSM is complicated, may not be fully understood by the public, and should not be used as the sole scientific basis for management changes. The commenter further stated that predictive spatial models are not usually applied in HMS management, but one was used in Amendment 15 without explanation. After issuance of the FEIS, NMFS received an additional comment further noting that PRiSM should not be used as the sole scientific basis for management changes.

Response: NMFS agrees that spatial modeling is complicated, as are many other statistical analyses and models used for fisheries management (*e.g.,* stock assessments). Although the models in PRiSM are complex, the science behind spatial modeling is not new, nor is its application in fisheries management. For example, NOAA has used similar spatial models including EcoCast in NOAA's West Coast Regional Office and Distribution Mapping and Analysis Portal in NMFS's Office of Science and Technology to identify the distribution of a variety of species, including bycatch species that fishermen should avoid. Additionally, NMFS has used other types of spatial models over the course of decades in order to define EFH or when first establishing the closed areas discussed under Amendment 15. Recognizing that this particular use may be unfamiliar to many, NMFS created a series of additional outreach materials, beyond those typically prepared for management actions, to better inform the public. These materials include a PRiSM manuscript explainer, a detailed spatial management StoryMap, and an additional chapter in the Amendment (Chapter 2). StoryMaps are an interactive, multimedia presentation that uses maps to provide a narrative, often helping to communicate complex spatial information. See Chapter 2, paragraph 2 for information about communication and outreach about PRiSM for a wide range of audiences, including links to the website explaining PRiSM and the StoryMap website.

PRiSM is not the sole scientific basis for management changes in Amendment 15. As described in Chapter 2 of the Amendment, PRiSM was used as a tool to help define potential options to consider for initial changes to the spatial management areas. As described in Chapter 5 of the Amendment, NMFS used other data and analyses to determine the impacts of the alternatives analyzed and made final decisions after considering potential impacts and public comment. NMFS disagrees that PRiSM was used in Amendment 15 without explanation. As described above and in Amendment 15, NMFS began this rulemaking with scoping, including public hearings, in 2019. PRiSM was developed after scoping based on the need identified in the comments received during scoping. During its development, NMFS presented the idea and the results several times to the HMS Advisory Panel and considered their concerns and comments to further develop the model. After publication of Draft Amendment 15, NMFS continued to provide information about PRiSM at Advisory Panel meetings and during public hearings and webinars. Lastly, both the scientific journal (*Marine Biology*) article that describes PRiSM and Amendment 15 itself describe the need for PRiSM and how it was used. *See* Amendment 15 Section 2.9 (providing citation to *Marine Biology* article).

Comment 39: NMFS received a comment that the pelagic longline interaction rate table in Appendix 1 gives an inaccurate representation of the pelagic longline fishery's impact on billfish. NMFS received a separate comment that cited this table to support a request for increased protections for billfish since the interaction rate for those species is higher than those for shortfin mako sharks, leatherback sea turtles, and loggerhead sea turtles.

Response: The interaction rates in the Appendix 1 tables in Amendment 15 do not speak to and are not intended to make inferences about impacts on species. The purpose of the table is to demonstrate which species have a large enough sample size so that the relationship between environmental variables and catch could be calculated. In order to determine a relationship between two variables, a minimum sample size must be used. The minimum sample size largely depends on the variance of the data, but generally, a larger number of samples would more robustly establish the relationship between two variables then a smaller number of samples. To that end, the pelagic longline interaction rate table in Appendix 1 simply lists the occurrence rate (proportion of sets in which at least one individual was caught) of each species in observed pelagic longline sets (15-year time series) in the Atlantic and Gulf of America regions without breaking out locations, months, or years. As described in Section 2.3, the occurrence rate was used to select species that could be modeled through PRiSM, and the purpose of the table is to demonstrate which species have a large enough sample size that the relationship between environmental variables and catch can be calculated. No further inferences from the tables regarding the

conservation or sustainability impact of the pelagic longline fishery are appropriate. In addition, the billfish interaction rate reflects the total occurrence rate of five species (blue marlin, white marlin, roundscale spearfish, longbill spearfish, and sailfish), which can make the rate seem higher. Individually, billfish species occurrence rates are much lower. In the Atlantic, occurrence rates for individual billfish species are 14 percent for blue marlin (meaning that 14 percent of all observed pelagic longline sets across all areas from 1997 through 2018 had a catch of at least one blue marlin), 25 percent for white marlin/roundscale spearfish, 1 percent for longbill spearfish, and 9 percent for sailfish. As described in more detail in Comment 40 below, billfish were aggregated in PRiSM to improve the sample size. See response to Comment 8, which provides information on existing billfish conservation and management measures.

Comment 40: NMFS received a comment that billfish should not be combined and modeled together in PRiSM since all five species have unique behaviors and distribution. One commenter expressed concerns that blue marlin were grouped together with other billfish species since it is the only billfish species that is overfished. After issuance of the FEIS, NMFS received comments reiterating concerns regarding the grouping of blue marlin with other billfish species.

Response: NMFS agrees that all five billfish species have unique behaviors and distribution, though blue marlin is not the only overfished billfish species (white marlin, roundscale spearfish, and sailfish are also overfished). However, as described in the response to Comment 39 above, not all of the billfish species have a high enough occurrence rate to calculate the relationship between environmental variables and catch. Combining all five species improves the sample size for modeling and provides for more statistical confidence in the results. Additionally, combining all five species generally results in a more temporally and spatially expansive (*i.e.,* more conservative) high-bycatch-risk area, providing more conservation-cautious interaction predictions. Based on a 2024 stock assessment, the status of blue marlin is now overfished with no overfishing occurring; this status is a change from the status during the comment period, which was overfished with overfishing occurring. The white marlin/roundscale spearfish stock assessment is ongoing, and the results are expected at the 2025 ICCAT annual meeting in November. Blue marlin and other billfish are subject to various measures, beyond spatial management areas, that conserve and manage the species. Amendment 15 does not change those management measures. See response to Comment 8, which provides information on existing conservation and management measures for blue marlin and other billfish.

Furthermore, as described in the response to Comment 38 above, the preferred management actions are not based solely on PRiSM results. Instead, PRiSM was used only as a tool to help define potential options to consider for initial changes to the spatial management areas.

Comment 41: NMFS received comments stating that PRiSM should incorporate fishery-dependent data from other gear types, including recreational hook and line.

Response: NMFS disagrees. Because the four spatial management areas considered in Amendment 15 (Mid-Atlantic Shark, Charleston Bump, East Florida Coast, and DeSoto Canyon closed areas) are all specific to commercial longline gear, gear-specific fishery interaction predictions are necessary. Recreational gear (or other gear types) are not directly comparable to pelagic or bottom longline gear; therefore, their use in PRiSM to measure longline interactions would be inappropriate. In other words, if fishery managers want to know what would be caught on pelagic longline gear, catch data from pelagic longline gear (derived from logbooks, observers, EM, and other reporting) would be more informative than catch data from rod and reel gear since each gear type is fished differently and catches different species at different rates. *See generally* Section 4.9.1 of Amendment 15 (describing use of survey- and census-based approaches, as well as tournaments information, to estimate recreational landings). Furthermore, there is no source of recreational fishery-dependent data off the southeastern United States that would be comparable to the commercial fishery observer data used in PRiSM. In the context of Amendment 15, PRiSM helps guide conservation-risk-appropriate, gear-specific consideration of areas of high and low bycatch risk. For example, PRiSM informs preferred pelagic longline data collection inside the Charleston Bump closed area where pelagic longline is prohibited during portions of the year. For this purpose, it is critical that PRiSM provides pelagic longline-specific fishery interaction predictions.

Comment 42: NMFS received a comment that the PRiSM metrics used two different time periods without explanation (1997 through 2019 and 2017 through 2019) and raised questions about the validity of the model and metrics.

Response: As explained in Section 2.1 of Amendment 15, PRiSM used two different time periods: (1) a longer period was used to address environmental variables and variability, and (2) a shorter, recent period was used to address current fishery conditions. First, as fully described in the peer-reviewed, scientific journal (*Marine Biology*) article regarding PRiSM and in Chapter 2 of the Amendment, NMFS used observer data from 1997 through 2019 to calculate the relationship between environmental variables and catch. These data can be considered a source of actual catch data because these data are not predictions or model outputs. Once the relationship between environmental variables and catch is established, the model can predict fishery interactions in any area or time period. Second, in the context of Amendment 15, PRiSM is used to predict what fishery interactions would be if longline fishing were allowed in areas and times that currently prohibit longline fishing. Since we want to better understand what fishery interactions would be now, we need to apply the model relationships to more recent environmental conditions to understand recent fishery conditions and predicted catch. Additionally, due to natural fluctuations in environmental conditions (*e.g.,* warmer and cooler years), using an average across multiple years smooths out anomalies. To accommodate the need for recent environmental data across multiple years, PRiSM used average conditions across 2017 through 2019 to provide current predicted fishery interactions. In summary, metrics that compare actual catch data to predicted fishery interaction will necessarily, and appropriately, use different time periods.

Comment 43: One commenter suggested that instead of solely using interactions, PRiSM should incorporate mortality to allow for refined predictions on impacts to target stocks and bycatch populations. After issuance of the FEIS, NMFS received a comment suggesting that the number/frequency of interactions with bycatch species from the video monitoring data be compared to the PRiSM interaction frequencies in each spatial management area.

Response: Incorporating mortality could further refine PRiSM and provide usable information for future iterations and related management decisions. NMFS may consider this suggestion in

future iterations of PRiSM. At this time, Amendment 15 uses the less complex presence/absence information since a mortality-specific model is unlikely to produce widely different relative predictions on interaction locations and times. A mortality-specific model would likely have nearly identical interaction location and time predictions as the current iteration of PRiSM but would add additional prediction information about catch disposition and/or post-release mortality. NMFS may consider the utility of such predictions in future iterations of PRiSM.

As suggested in the comment submitted after release of the FEIS, NMFS intends to further validate PRiSM using actual catch data from the monitoring areas. Such data will provide increased tuning of the model and will further inform future iterations of the model and spatial management measures.

Comment 44: One commenter stated that PRiSM is used only to narrow the scope of closed areas and not to expand them into areas of high billfish bycatch. Another commenter stated that PRiSM was used to rationalize reintroducing pelagic longline gear into closed areas rather than to rationalize expanding the closed areas into areas with high bycatch risk. The commenter noted that PRiSM predicted a higher rate of billfish interactions with pelagic longline gear outside of the Charleston Bump closed area compared to within it. The commenter questioned the intention of using PRiSM to inform broadening or shrinking the boundaries of closed areas.

Response: At the draft stage, NMFS preferred some sub-alternatives that considered expanding the closed areas. After considering public comment, including comments that provided information on locations within the spatial management areas that could incentivize data collection, NMFS changed those sub-alternatives. As a result, the final preferred sub-alternatives in Amendment 15 focus on data collection inside low-bycatch-risk areas of the Charleston Bump and East Florida Coast Spatial Management Areas to improve spatial management in the future and maintain the status quo for the DeSoto Canyon and Mid-Atlantic Shark Spatial Management Areas. PRiSM model outputs provided bycatch predictions for areas both inside and outside of spatial management areas; however, Amendment 15 focuses on assessing bycatch risk within spatial management areas during times when they are closed. As data is collected within spatial management areas, NMFS will have more information to compare relative bycatch risk among different areas including inside and outside closed areas. Preferred Alternatives C2 and C4 provide for the timing of such analyses and Alternative E2 provides considerations for the review of spatial management areas. We note that billfish are subject to various measures, beyond spatial management areas, that conserve and manage the species. See response to Comment 8 (providing information on existing billfish measures).

Comment 45: NMFS received a comment that the rulemaking process is too slow to employ PRiSM since dynamic ocean conditions change by the time actions are implemented.

Response: PRiSM is capable of providing valuable information and predictions in light of the duration of the rulemaking process. In Amendment 15, PRiSM was used to help assess closed areas that have not been changed in decades. The flexible design of PRiSM allows for fishery interaction predictions across a range of time periods, including near real-time predictions, which will be more responsive to dynamic ocean conditions. Even at slightly longer time scales than near real-time (such as recent average conditions over three years), PRiSM predictions can provide more responsive management to changes in bycatch locations in comparison to the static closure of areas that have been in effect. Additionally, as detailed in the ''C'' and ''E'' alternatives, Amendment 15 establishes a flexible framework that will give NMFS the ability to make adjustments to the spatial management areas as a result of a changing environment or changes in the industry in a timelier manner than was previously available.

Comment 46: NMFS received comments that PRiSM is a valuable tool to assess and modify areas. One commenter said that PRiSM is a scientifically-sound tool to help evaluate and modify spatial management areas. Other commenters noted that the pelagic longline fishery uses sophisticated software to avoid bycatch, similar to the information provided by PRiSM.

Response: NMFS agrees that PRiSM and similar spatial models are valuable tools for fishery management. Such models use many of the same environmental data and principles employed by the fishing fleet to select fishing locations.

Comment 47: NMFS received a comment that publication of the PRiSM methodology paper in the journal, *Marine Biology,* raises conflict of interest questions because one of the authors is an Associate Editor at the journal.

Response: NMFS disagrees. It is common practice for associate editors to continue to publish in journals they serve, and doing so in no way represents a conflict of interest so long as they are not assigned to handle the review of their own papers, which is a basic practice at any reputable journal, including *Marine Biology.* The author complied with the journal's Submission Guidelines regarding Competing Interests, which state: ''Where an Editor or Editorial Board Member is on the author list they must declare this in the competing interests section on the submitted manuscript. If they are an author or have any other competing interest regarding a specific manuscript, another Editor or member of the Editorial Board will be assigned to assume responsibility for overseeing peer review. These submissions are subject to the exact same review process as any other manuscript. Editorial Board Members are welcome to submit papers to the journal. These submissions are not given any priority over other manuscripts, and Editorial Board Member status has no bearing on editorial consideration.'' NMFS reviewed the PRiSM methodology paper and determined that it is consistent with NS2 (best scientific information available) and, after the independent peer review described in comment/response 48, determined that application of the PRiSM approach in Amendment 15 is also consistent with NS2.

Comment 48: NMFS received comments about the Center for Independent Experts (CIE) review of sections of the Amendment. The comments stated that CIE review does not lend credibility to Amendment 15 since the reviewers were instructed to not focus on the PRiSM methodology. Additionally, the commenters identified several suggestions and comments from the reviewers that appeared to be serious concerns and that NMFS did not address or respond to.

Response: NMFS disagrees that the CIE review was inappropriately focused and that the agency failed to address reviewer suggestions and comments. On July 8, 2022, NMFS submitted portions of the Draft Amendment 15 to CIE for review by three independent experts. NMFS requested that the reviewers provide comments on the description and communication of the spatial management alternatives and the application of the analytical approach including PRiSM's use in developing the alternatives and analyzing impacts. The portions of the Amendment

selected for CIE review were those applicable to this request for reviewer comment. Because the PRiSM methodology had already been peer-reviewed and published in the scientific journal *Marine Biology,* we requested that reviewers not focus on the specific PRiSM methodology. However, NMFS did provide background material and answered questions to ensure the reviewers had a complete understanding of the spatial modeling tool. On August 24, 2022, NMFS received review reports from the three CIE-selected independent experts. In general, all three reviewers were supportive of the analytical approach in Amendment 15. Each reviewer also found that the approach was well-described and communicated. In addition to the overall supportive findings, each reviewer also provided suggestions for near-term and long-term improvements in the approach and communication of the alternatives. Most of the suggestions were incorporated into the Amendment. Appendix 6 to Draft and Final Amendment 15 provides responses and/or actions taken to address each of the comments, suggestions, or questions in the reviewer reports.

Comment 49: NMFS received a comment expressing concern that PRiSM was intended to benefit recreational fishing at the expense of pelagic longline fishing.

Response: The intent of using PRiSM was not to reduce pelagic longline fishing access. Rather, NMFS used PRiSM as a tool to help define potential options to consider for initial changes to the pelagic and bottom longline spatial management areas.

Electronic Monitoring Cost Allocation

Comment 50: NMFS received many comments, including from state agencies, local governments, U.S. Senators, pelagic longline industry groups, EM vendors, and pelagic longline fishermen, expressing concerns with the proposed EM alternative (Alternative F2) and the practicality of the proposal. Generally, commenters noted that requiring pelagic longline owners to fund the EM program fleet-wide could have negative economic impacts, and one commenter stated that the proposed measure would likely ''devastate local, state, and coastal communities along the east coast'' and Gulf of America. Many commenters suggested that NMFS either continue to fund the EM program or remove the requirement from the current HMS regulations (Alternative F3), with several commenters stating that the EM Cost Allocation Policy appears inconsistent with various NSs, the Magnuson-Stevens Act Limited Access Privilege Program cost recovery threshold, and E.O. 13985.

The Environmental Protection Agency, noting the adverse economic impact of the fleet-wide EM cost allocation preferred alternative (F2) in the draft Amendment 15, commented that additional analyses should be done to determine how the reduction in revenue, if realized, would affect fishermen and to identify potential mitigation strategies for the loss of income.

Response: The proposed EM cost allocation alternative (Alternative F2) was changed to no action (Alternative F1) based in part on public comment. As noted in Section 3.6.1, many of these comments, particularly from industry participants and representatives and from EM vendors, indicated that the proposed alternative to modify the EM program fleet-wide presented practical implementation impediments that NMFS believes warrant further consideration. For example, commenters noted fleet-wide implementation difficulties like billing individual vessel owners and on-vessel support with a dispersed fleet. With respect to Alternative F3, the EM program continues to be needed to support compliance with the bluefin tuna IBQ program. Thus, NMFS is not requiring fleet-wide vessel owner payment for EM at this time (Alternative F3 is not preferred) due to uncertain impacts on compliance with IBQ reporting requirements. NMFS may initiate future rulemaking to consider modifications to the HMS EM program as appropriate. Additionally, as described in numerous comments above, the FEIS preferred alternative to implement monitoring areas inside the Charleston Bump and East Florida Coast Spatial Management Areas requires pelagic longline vessels voluntarily choosing to fish in monitoring areas to abide by enhanced EM requirements and for vessel owners to pay the associated sampling costs. On January 20, 2025, E.O. 13985 was rescinded and succeeded by E.O. 14151, which renounced the reasoning of E.O. 13985 and established the current directive against all ''equity'' actions, initiatives, and programs.

General Miscellaneous Comments

Comment 51: Many commenters, both in support of and in opposition to Amendment 15, stated that the U.S. pelagic longline industry provides U.S. and international consumers access to important food sources. Many commenters noted that the pelagic longline fishery is already heavily regulated and that Amendment 15 would add more and unsustainable regulations. Some of these commenters requested that NMFS not add more regulations on the pelagic longline industry and/or lift regulations. Some commenters noted NOAA's National Seafood Strategy and encouraged NMFS to prioritize the resilience and longevity of the pelagic longline fleet. Other commenters noted that Amendment 15 would likely lead to a decrease of seafood exports and an increase of imported seafood. One commenter noted that NMFS created an unfair marketplace by importing seafood from foreign countries that do not meet U.S. standards. One commenter requested that NMFS improve regulations in other countries outside of the United States for better environmental conditions. One commenter noted that the United States imports over 90 percent of its seafood. One commenter noted that declining U.S. catch will lead to a reduction of U.S. quota and more imports from foreign countries resulting in a decrease of price for U.S. fishermen.

Response: The seafood supplied by the pelagic longline fleet is valuable as both a source of food and income supporting local jobs, communities, and the broader economy. The context in which vessels operate, including current regulations, was a relevant factor NMFS considered in determining whether new regulations are justified. NMFS took into consideration many factors in selecting preferred measures that address the diverse objectives of Amendment 15 in a balanced manner. Chapter 6 of the Amendment contains a cumulative impacts analysis which is broad in scope and takes into consideration past, present, and reasonably foreseeable factors. In addition, Chapter 2 of the Amendment contains a description of methods used to develop the spatial management alternatives, and Chapters 3 and 5 describe and provide analysis of the impacts of the alternatives. The Final Regulatory Flexibility Analysis includes a description of the steps taken to minimize the economic impacts on small entities, and the reasons for the preferred measures. The United States manages fisheries within its EEZ in accordance with applicable U.S. laws and in response to the unique characteristics of its fisheries, and therefore the U.S. regulations regarding Atlantic HMS are different from the rules affecting citizens of other countries, which operate under different laws and circumstances. NMFS also actively engages in international fora, such as ICCAT, where decisions

regarding HMS conservation and management are agreed to, and is dedicated to improving sustainable fishing practices beyond the U.S. EEZ.

Comment 52: NMFS received comments noting that Amendment 15 would decrease the viability of the pelagic longline industry and that such a decrease would also have a resulting significant negative impact on shoreside businesses (including restaurants and supply shops) and fishing businesses overall along the coast. Commenters suggested that vessel owners are proactively trying to sell boats and remove themselves from the fishery before the implementation of Amendment 15.

Response: Comments referencing adverse economic impacts largely focused on impacts from the Draft Amendment 15 preferred EM cost allocation alternative (Alternative F2) and preferred Charleston Bump and DeSoto Canyon Spatial Management Area Sub-Alternatives A2c and A4d that would have reduced fishing access. Amendment 15 preferred alternatives have changed to Alternative F1 (no action for EM cost allocation fleet-wide) and Sub-Alternatives A2f (Charleston Bump Spatial Management Area) and A4a (no action for DeSoto Canyon Spatial Management Area). As a result, the large economic impacts described in the Draft Amendment regarding alternatives preferred therein are no longer expected. In the Final Amendment, NMFS has updated the economic analyses for the preferred spatial management areas and for the sampling costs of EM for owners of vessels that choose to fish in the monitoring areas (*See* Sections 5.2.3 and 5.6 of Amendment 15 for those economic analyses). Those analyses found that more limited industry funding of voluntary fishing and data collection would provide net economic benefits to those fishermen that choose to engage in monitoring area data collection. A future rulemaking will likely consider the cost of shifting the sampling costs of EM to the pelagic longline fishery fleet-wide.

Comment 53: NMFS received mixed comments regarding the complexity of Amendment 15. Numerous commenters stated that Amendment 15 contained too much information, was too complex, and was difficult to understand. Others were concerned that the online version of Amendment 15 was unusable and limited the ability for stakeholders to provide comments, suggesting that NMFS should have provided hard copies of the Amendment to pelagic longline constituents, particularly those in rural communities with more limited internet access. Other commenters stated that the complexity is indicative of a well-considered action with clear logic, strategy, and thorough consideration of a range of alternatives that would result in a high likelihood achieving the diverse objectives of the Amendment. Some environmental organizations expressed appreciation of the Agency's outreach and communication efforts, particularly the StoryMap, and requested that NMFS use StoryMaps more frequently in the future.

Response: Recognizing that Amendment 15 is a complex and nuanced action, at the draft stage, NMFS created several supporting outreach materials to simplify and more effectively communicate the contents of the action. These materials included a StoryMap, an electronic monitoring cost allocation infographic, and public hearing posters. All of these materials were accessible on the NMFS Amendment 15 website. See Chapter 2, paragraph 2 for information about communication and outreach about PRiSM for a wide range of audiences, including links to the website explaining PRiSM and the StoryMap website. Posters and hard copies of the Amendment were provided at the four in-person hearings held in Manteo, NC; Jupiter, FL; Panama City, FL; and Houma, LA. These locations for public hearings were selected to provide as broad outreach as possible to communities in proximity to the spatial management areas and in areas with a large number of affected permit holders. Additionally, per usual practice, NMFS printed and shipped numerous hard copies of the Amendment to stakeholders in response to specific requests. NMFS conducted several public hearings, both in person and via webinar. These hearings were designed to inform the public of the proposed measures in a readily understandable format, as well as provide opportunities for the public to comment and ask questions. To the extent possible, NMFS facilitated communication with the public via the internet and website and, where specifically requested, had individual discussions with stakeholders to walk through the Amendment and the proposed measures. The amount and complexity of information in the Amendment reflect the scope of the objective of Amendment 15 and the number of alternatives analyzed. The complexity is also due to the diversity of the pelagic and bottom longline fisheries and the number of applicable laws and processes. In finalizing the Amendment, NMFS has attempted to describe things more simply in response to these comments. NMFS will also be providing a small entity compliance guide (as required under the Small Business Regulatory Enforcement Fairness Act) and will be updating some of the outreach materials created for the Draft Amendment and proposed rule. NMFS will consider using StoryMaps more in the future as needed.

Comment 54: A commenter requested that the Agency withdraw Draft Amendment 15 and restart the rulemaking process with an Advanced Notice of Proposed Rulemaking (ANPR). Some commenters requested that NMFS extend the public comment period to allow more time to understand the Draft Amendment 15 and to provide public comment. After issuance of the FEIS, NMFS received a comment requesting that NMFS re-propose Amendment 15 with a revised DEIS.

Response: NMFS disagrees that withdrawing or re-proposing Amendment 15 and restarting the rulemaking process is needed. On May 16, 2019, NMFS provided formal notice to the public that NMFS intended to prepare an environmental impact analysis, announced the availability of an Issues and Options paper and the start of the public scoping process (with a comment period of May 16 through July 31, 2019), and solicited public comments (84 FR 22112). NMFS held five scoping meetings, including a webinar, and conducted scoping during the spring HMS Advisory Panel meeting pertaining to spatial management research. During the development of the proposed rule, NMFS considered public comments received on the Issues and Options paper, including comments provided at the May 2019 HMS Advisory Panel Meeting. Between 2019 and the release of the proposed rule in 2023, NMFS developed the PRiSM spatial model and presented it several times to the HMS Advisory Panel (Fall 2020, Fall 2021, Spring 2023, and Fall 2023 HMS Advisory Panel Meetings), which is conducted in meetings open to the public. In 2020 and 2021, the meetings were fully online; the meetings in 2023 had both in-person and online options. Transcripts of all meetings are available online (see **ADDRESSES**). Those Advisory Panel discussions helped NMFS develop the proposed rule and Draft Amendment. NMFS published the proposed rule and Draft Amendment 15 on May 5, 2023 (88 FR 29050). In that proposed rule, NMFS announced that the public comment period would end on September 15, 2023. Due to requests from multiple constituents, NMFS extended the comment period for this

action to October 2, 2023 (88 FR 62044, September 8, 2023). The five-month duration of the comment period provided reasonable opportunity for the public to comment on the proposed management measures.

As stated in Amendment 15 and this final rule, the preferred modifications to the Charleston Bump and East Florida Coast spatial management areas in this action were developed based on public comments and additional analyses and is a combination of modification sub-alternatives analyzed in Draft Amendment 15. These measures strike a balance between collecting fishery-dependent data to assess closed areas, minimizing bycatch, and reducing gear conflict while increasing access to productive fishing grounds in order to fulfill Amendment 15's objectives. Given the robust public comment on the Draft Amendment 15 alternatives and proposed rule, which directly led to the development of the Final Amendment 15-preferred alternatives, NMFS does not believe re-proposal of the Amendment is necessary.

Comment 55: Noting the complexity of the document, some commenters stated that Amendment 15 should be split into separate actions. One commenter suggested that NMFS implement the EM Cost Allocation policy prior to establishing the spatial management areas.

Response: NMFS included spatial management areas and EM cost allocation components together in Amendment 15 because of the link between the monitoring areas and EM. In Final Amendment 15, NMFS is finalizing changes to spatial management areas, including enhanced EM requirements in the East Florida Coast and Charleston Bump Monitoring Areas. To monitor those areas, many of the proposed EM cost allocation measures (Alternative F2) are being finalized in Amendment 15. NMFS is not finalizing the broader EM measures to switch sampling costs to the pelagic longline fleet overall. See response to Comment 50 for further explanation.

Comment 56: NMFS received comments noting the proposed measures protect fish stocks ocean-wide. Some commenters suggested that NMFS maintain the current closed areas to allow fish stocks to continue to rebound. One commenter noted that tuna are abundant. Another commenter stated that Amendment 15 fails to protect Atlantic billfish, including marlins.

Response: NMFS agrees that these closed areas have played an important role in rebuilding overfished species, conserving protected species, and maintaining sustainable stocks. The goal of this Amendment is to enhance management and conservation goals of existing closed areas by collecting data and reassessing the areas. As described in Amendment 15, in the future, NMFS will regularly, and on an as-needed basis, evaluate these areas to consider what potential modifications need to be made to balance conservation and management requirements, including any conservation needs of tunas and billfish. See response to Comment 8 for information on billfish conservation and management measures.

Comment 57: NMFS received a comment expressing concern that the Agency has not provided the stock assessment status of sailfish. This comment further noted that the stock assessment worked on in 2023 was not released to the public.

Response: West Atlantic sailfish is assessed internationally through the Standing Committee on Research and Statistics (SCRS), the scientific body of ICCAT, a regional fishery management organization established by treaty of which the United States is a member. U.S. scientists participate in SCRS stock assessments. The most recent stock assessment for West Atlantic sailfish was conducted at the 2023 Atlantic Sailfish Data Preparatory and Stock Assessment Meeting held in June 2023, which was during the proposed rule comment period for Amendment 15. The results were not formally accepted until the annual ICCAT meeting in November 2023. No new measures regarding sailfish were adopted at the 2023 ICCAT annual meeting; the current measure adopted in 2016 (Recommendation 16–11) remains in place. The results of the stock assessments indicated that the West Atlantic sailfish stock is overfished with B2021/BMSY = 0.96 (0.59 − 1.49), but not experiencing overfishing with F2021/FMSY = 0.59 (0.36 − 0.95). More information regarding the 2023 Atlantic Sailfish stock assessment can be found in the 2023 ICCAT SCRS Report available at *https://www.iccat.int/Documents/Meetings/Docs/2023/REPORTS/2023_SCRS_ENG.pdf* and the stock assessment meeting report available at *https://www.iccat.int/Documents/Meetings/Docs/2023/REPORTS/2023_SAI_ENG.pdf.* The schedule of all SCRS meetings as well as meeting reports are made publicly available on the ICCAT website *(https://www.iccat.int/)*. In addition, SCRS stock assessment results and scientific advice were presented during the October 2023 U.S. ICCAT Advisory Committee meeting, during the session open to the public (88 FR 67731, October 2, 2023). There were no changes to the Amendment 15 analyses needed based on the Atlantic sailfish stock assessment.

Comment 58: Comments were submitted stating that the recreational fishery has a larger impact on billfish than the pelagic longline fleet.

Response: The purpose of Amendment 15 is to address spatial management regulations on the commercial longline fishery. Management of the recreational billfish fishery is outside the scope of this action. While this Amendment would not change any regulatory requirements for recreational fishermen, NMFS recognizes and describes potential impacts on and by recreational fisheries in Chapter 4 of the Amendment.

Comment 59: NMFS received a comment opposed to Amendment 15 asserting that offshore wind farms cause ecosystem effects that can benefit and harm marine environments, and undersea cables from wind farms have the potential to alter the movements and migrations of fish. The comment stated that resources should be directed toward studying environmental stressors and assess the physiological and behavioral responses of fish to offshore wind farms.

Response: Amendment 15 considers the modification, data collection, and assessment of longline spatial management measures in the Atlantic and Gulf of America, as well as changes to the administration and funding of the HMS EM program. This comment is outside the scope of this action. However, information about related potential impacts to HMS can be found in Chapter 6 on cumulative impacts. Information regarding renewable energy, including offshore wind energy, can be found at *https://www.boem.gov/renewable-energy.* NMFS agrees that resources should be directed towards studying the impacts of offshore wind on fish, and information regarding NMFS's role in offshore wind development, including various research efforts, can be found at *https://www.fisheries.noaa.gov/topic/offshore-wind-energy.*

Comment 60: NMFS received several comments that Amendment 15 is unconstitutional.

Response: The commenters do not specify what constitutional concern they believe Amendment 15 raises. NMFS disagrees that Amendment 15 is unconstitutional. It complies with the Magnuson-Stevens Act and other applicable laws as described in Chapter 9 of Amendment 15.

Comment 61: NMFS received a comment requesting a moratorium on

new recreational vessels entering the fishery.

Response: This comment is outside of the scope of this action. The purpose of Amendment 15 is to collect data to assess whether spatial management measures are meeting conservation and management goals.

Comment 62: Some commenters noted that reporting requirements for pelagic longline fishermen are unfair compared to those for other commercial and recreational HMS fisheries.

Response: This comment is outside of the scope of this action. The purpose of Amendment 15 is to collect data to assess whether certain spatial management measures affecting longline gear are meeting conservation and management goals. NMFS has undertaken separate actions to address reporting more broadly. On May 12, 2023, NMFS released and took comment on an advanced notice of proposed rulemaking regarding electronic reporting (88 FR 30699). Furthermore, on September 6, 2024, NMFS published a proposed rule regarding electronic reporting (89 FR 72796) which considers the reporting requirements across all HMS fisheries, both commercial and recreational.

Changes From the Proposed Rule (88 FR 29050, May 5, 2023)

This section explains the changes in the regulatory text from the proposed rule to the final rule. The changes are being made in response to public comment and/or refined analyses or to clarify text. For the Charleston Bump and East Florida Coast spatial management areas, we developed new sub-alternatives A2f and A3f, respectively, based on public comment and additional analyses, that are combinations of other sub-alternatives analyzed in Draft Amendment 15. These new sub-alternatives and modifications to other proposed measures, which are finalized in this rule, fall within the scope of, or are a logical outgrowth of, the alternatives in the proposed rule and Draft Amendment 15. The changes from the proposed rule include changes to the boundaries and/or timing of the Mid-Atlantic shark, Charleston Bump, East Florida Coast, and DeSoto Canyon spatial management areas, changes to the monitoring area requirements, removal of the proposed fleet-wide vessel owner payment for of EM program sampling costs, and revisions to the proposed EM requirements for application within monitoring areas. The changes from the proposed rule text in the final rule are described below.

1. Modification to the Spatial Management Areas (§§ 635.2, 635.9, 635.35)

Mid-Atlantic Shark Spatial Management Area

NMFS proposed modifications to both the geographic boundary and closure timing of the current Mid-Atlantic shark closed area. These proposed modifications extended the eastern boundary of the current closed area and shifted the closure timing to begin on November 1 of one year and end on May 31 of the following year. This proposed area was designated as a high-bycatch-risk area named the ''Mid-Atlantic Bottom Longline Restricted Area.'' This final rule maintains the current geographic boundary of the existing Mid-Atlantic shark closed area as a high-bycatch-risk area and finalizes the proposed shift in timing (November 1–May 31) and name change. There will be no new data collection methods instituted through this final rule for the Mid-Atlantic area, with data collection continuing to be conducted as it is currently via shark research permits and exempted fishing permitted activities under the scope of § 600.745. Such activities include EFPs and SRPs per § 635.32.

Charleston Bump Spatial Management Area

NMFS proposed modifications to both the geographic boundary and closure timing of the current Charleston Bump closed area. The proposed geographic modifications included delineating high- and low-bycatch-risk areas with a diagonal bisect from the northeastern corner of the current closure southwest to a point near the Charleston Bump bathymetric feature on the southern boundary; the overall footprint of the current Charleston Bump closed area was not proposed to change. The area inshore of the boundary was proposed to be designated as a high-bycatch-risk area. As proposed, this area would have been closed to pelagic longline gear year-round (as opposed to the current closure of February 1 through April 30 of every year) and would have been combined with the high-bycatch-risk area of the East Florida Coast closed area to create the ''South Atlantic Pelagic Longline Restricted Area.'' The area offshore of the boundary was proposed to be designated as a low-bycatch-risk area named the ''Charleston Bump Monitoring Area.'' In this area, fishermen with HMS permits who were fishing with pelagic longline gear could have fished with additional restrictions and requirements from February 1 through April 30. These additional requirements included limiting the level of fishing effort in the Monitoring Area. Specifically, NMFS proposed setting an effort cap of 69 pelagic longline sets from February 1 through April 30 and requiring that vessels arrange and pay for an enhanced EM video review rate of 100 percent of all sets if choosing to fish in the monitoring area.

As described in the response to comments, we have modified this measure in several ways. First, the final rule shifts the proposed boundary between the high- and low-bycatch-risk areas to a diagonal line approximately 45 nautical miles from shore at the northern and southern extents within the 100-fathom bathymetric line. The area inshore of the boundary, designated as a high-bycatch-risk area, will now be named the ''Charleston Bump Pelagic Longline Restricted Area,'' and will be closed to pelagic longline gear from February 1 through April 30. This high-bycatch-risk area will no longer be combined, as proposed, with the East Florida Coast high-bycatch-risk area to create the South Atlantic Pelagic Longline Restricted Area. Second, the final rule increases the pelagic longline effort cap in the Charleston Bump Monitoring Area to 380 pelagic longline sets from February 1 through April 30. Through separate rulemaking, NMFS may consider apportioning these effort caps across different time frames to ensure enough data to assess the monitoring area throughout its effective time period. Third, the final rule establishes an enhanced EM video review rate of 50 percent at the vessel owner's expense if their vessels choose to fish in a monitoring area. Lastly, NMFS is clarifying in this final rule that should reopening of a monitoring area, after its initial closure during that calendar year, be warranted due to the original reasons prompting closure no longer being valid (*e.g.,* effort cap has not actually been reached or conservation and management concerns no longer exist), NMFS will file for publication with the Office of the Federal Register an action to reopen the monitoring area. For instance, if NMFS closed an area due to an effort cap but later determined that the cap was not in fact reached, NMFS would file an action with the **Federal Register** to reopen the monitoring area for the remainder of its effective time period during that calendar year. If the effort cap was reached later that year, NMFS has authority to close the area again.

As proposed, this final rule provides that data collection in the high-bycatch-risk area will be available through issuance of EFPs for research. While Amendment 15 refers to EFPs in

Alternative B4, such activities include those permitted through EFPs and SRPs (*see* 50 CFR 635.32(b)). EFPs and SRPs are issued for similar activities; however, NMFS generally issues an EFP when the research activity is conducted on a recreational and/or commercial fishing vessel and issues an SRP when the research is conducted on a scientific research vessel (as defined by 50 CFR 600.10). For the low-bycatch-risk area, in addition to enhanced EM review (described above), the final rule provides (as proposed) that vessels that choose to fish in the area would be subject to enhanced vessel monitoring system (VMS) reporting requirements (hail-out and reporting on specific bycatch species within 12 hours after completion of each set). NMFS will also consider applications for EFPs or SRPs in the low-bycatch-risk area.

East Florida Coast Spatial Management Area

NMFS did not propose changes to the overall footprint of the East Florida Coast closed area. Similar to the proposed changes for the Charleston Bump closed area, the proposed rule would establish high- and low-bycatch-risk areas along a diagonal boundary within that footprint. The proposed area inshore of the boundary would have been designated as a high-bycatch-risk area. As noted earlier, this area would have been combined with the proposed Charleston Bump high-bycatch-risk area to create the South Atlantic Pelagic Longline Restricted Area. The area offshore of the boundary would have been designated as a low-bycatch-risk area named the ''East Florida Coast Monitoring Area.'' Within this monitoring area, fishermen with HMS permits who are fishing with pelagic longline gear could have fished in the area year-round with additional restrictions and requirements. To limit the level of fishing effort in the monitoring area, NMFS proposed setting an effort cap of 124 pelagic longline sets per year. NMFS also proposed requiring that vessels arrange and pay for enhanced EM video review rate of 100 percent of all sets if they choose to fish in the monitoring area.

As described in the response to comments, NMFS has modified this measure in several ways. First, the final rule shifts the diagonal boundary to a diagonal line beginning inside of the 100-fathom shelf break in the north, extending southeast to a point at the eastern edge of the current closure around Sebastian, Florida. The area inshore of the boundary, designated as a high-bycatch-risk area, will now be named the ''East Florida Coast Pelagic Longline Restricted Area'' and will be closed to pelagic longline gear year-round. The high-bycatch-risk area will no longer be combined with the Charleston Bump high-bycatch-risk area to create the South Atlantic Pelagic Longline Restricted Area. Second, the final rule increases the pelagic longline effort cap in the East Florida Coast Monitoring area to 250 pelagic longline sets per year. Through separate rulemaking, NMFS may consider apportioning effort caps across different time frames to ensure enough data to assess the monitoring area throughout its effective time period. Third, the final rule establishes an enhanced EM video review rate of 50 percent within a monitoring area. This enhanced rate will be at the vessel owner's expense if their vessels choose to fish within a monitoring area. Data collection and reporting within the high- and low-bycatch-risk areas would be the same as described for the Charleston Bump spatial management area. Lastly, the final rule makes the same clarifications regarding potential reopening of the monitoring area after initial closure during the calendar year as with Charleston Bump spatial management area.

DeSoto Canyon Spatial Management Area

NMFS proposed modifications to the geographic boundary of the current DeSoto Canyon closed area. This modification changed the overall footprint of the DeSoto Canyon closed area to create a parallelogram, designated as a high-bycatch-risk area named the ''DeSoto Canyon Pelagic Longline Restricted Area,'' which would have been closed year-round to pelagic longline gear. The areas outside the parallelogram that are currently closed year-round would have been designated as low-bycatch-risk areas and would have been open to normal commercial pelagic longline fishing activities.

As described in the response to comments, in this final rule, we are maintaining the status quo for the boundaries and timing of the existing DeSoto Canyon closed area. The current DeSoto Canyon closed area will be fully designated as a high-bycatch-risk area named the ''DeSoto Canyon Pelagic Longline Restricted Area.'' As with all the high-bycatch-risk areas, this final rule provides that data collection would be available via EFPs and SRPs.

In summary, for the regulatory text related to the spatial management areas (§ 635.35), NMFS has made changes from the proposed regulatory text to (1) implement the final modifications detailed above, (2) change the current names of the areas from ''closed'' to ''gear restricted'' as relevant, (3) separate out the requirements between gear restricted areas and monitoring areas, (4) reorder monitoring area paragraphs to consolidate information related to effort caps and the effective period of a monitoring area and to reiterate other applicable requirements from other sections, (5) delete proposed § 635.35(f)(ii) (usefulness of information from catches) as it overlaps with other spatial management area review factors, and (6) make minor clarifications or changes to other factors based on consultations with the SEFSC and as a result of Executive Orders that have been added or revoked since January 20, 2025.

2. Modification of the Electronic Monitoring Cost Allocation (§ 635.9)

NMFS proposed requiring pelagic longline vessel owners fleet-wide to pay sampling costs associated with the EM program. Vessels under the program currently have NMFS-provided EM systems. The proposed rule provided that NMFS would continue funding the administrative portions of the EM Program. The proposed payment requirements would have been phased in over a three-year period and would have included components designed to create a standardized EM Program that may be implemented by NOAA certified vendors. In conjunction with the phase-in of sampling costs, the proposed rule included requirements for (1) the EM vendor application and approval process, (2) EM vendor requirements (including developing vessel monitoring plans in consultation with vessel owners), (3) vessel owner and operator requirements, and (4) modification of current IBQ Program's EM spatial/temporal requirements to require EM within EM Data Review Areas in order to operationalize the sampling plan design. Additionally, due to the proposed fleet-wide requirement for vessel owners to pay for EM sampling costs, NMFS did not differentiate between the necessary EM system requirements inside and outside the monitoring areas. At this time, NMFS is not requiring the pelagic longline industry fleet-wide to pay for EM sampling costs. Thus, the final rule retains existing EM regulations at § 635.9(a)–(g) with some revisions, explained below, and is not finalizing the proposed EM Data Review Areas. However, vessel owners would be required to pay for EM sampling costs if their vessels choose to fish in the Charleston Bump Monitoring Area or the East Florida Coast Monitoring Area. Thus, this rule adds a new paragraph (h)

related to EM within monitoring areas, which includes requirements for EM vendors and vessel owners and operators from the proposed rule. As described above, the required EM video review rates in monitoring areas are now 50 percent of all sets, a change from the 100-percent rate that was originally proposed.

Current § 635.9(d) requires an EM system to allow authorized NMFS or U.S. Coast Guard officers or any NMFS-approved contractor to observe live video on the system monitor. Proposed § 635.9(g) replaced ''NMFS-approved contractor'' with ''approved EM vendor'' and added state law enforcement officers and a citation to the MSA confidentiality of information provision, 16 U.S.C. 1881a(b)(1). To simplify the text, the final rule deletes the citation to 16 U.S.C. 1881a(b)(1). Because vessel owners will not be required to pay for EM sampling costs fleet-wide, final rule § 635.9(d) retains the reference to ''NMFS-approved contractor;'' clarifies that vessel owners or operators must provide access to EM systems, including data, upon request, ''to any NMFS-approved contractor;'' clarifies ''authorized officers'' consistent with the MSA, 16 U.S.C. 1861; and adds text to address EM systems used for monitoring areas and certified EM vendors who provide services for those areas. Final § 635.9(e)(4) clarifies that the hard drive mailing requirement applies regardless of whether a vessel fished inside or outside of a monitoring area.

New paragraph § 635.9(h) sets forth EM requirements for monitoring areas: EM cost responsibilities, the EM vendor application and approval process, EM vendor requirements, EM system requirements, and vessel owner and operator requirements from proposed § 635.9(b), (c), (d), and (e) with revisions to tailor the proposed fleet-wide provisions to just the monitoring areas. Sampling costs (vessel owner responsibility) include, but are not limited to, the costs of enhanced EM video review described above, data transmittal, and equipment and equipment maintenance and upkeep. At this time, vessel owners that choose to select an EM vendor that is different from the EM vendor that NMFS uses for the fleet-wide EM Program may need to purchase additional cameras or other equipment, if different cameras or equipment are required by their EM vendor. The final rule refers to approved vendors as ''certified'' (*see* § 635.9(h)(2)(ii)–(iv), (3)).

Paragraph § 635.9(h)(3)(ii) acknowledges that a certified EM vendor may determine that a part of, or none of, the NMFS-provided EM system is compatible with the vendor's equipment, software, *etc.,* and may require a vessel owner whose vessel chooses to fish in a monitoring area to buy or lease EM system components. Thus paragraph (h)(3)(ii) clarifies the necessary EM system capabilities for monitoring areas. Section 635.9(c) sets forth EM system components and capabilities for EM systems used fleet-wide. For the monitoring areas, the final rule would require the same capabilities as in paragraph (c) (*e.g.,* camera(s) with sufficient resolution to determine the number and species of fish caught, ability to initiate video recording at the time gear retrieval starts, *etc.*), but not the exact components currently required (*e.g.,* removable hard drives are not required). Because hard drives are not required, final § 635.9(h)(3)(ii) adds that the EM system must be capable of protecting all electronic data (video, metadata, and sensor data if any) from tampering and collecting and sending all electronic data to the vessel's EM vendor. NMFS is not requiring vessel owners to pay for the sampling costs of the EM Program fleet-wide at this time. NMFS may initiate a future rulemaking to consider modifications to the HMS EM program as appropriate.

3. Technical Adjustments (§§ 635.21, 635.71, and Other Sections Throughout the Rule)

In addition to the changes described above, the final rule makes a number of technical changes throughout the existing regulations both to clarify the language as needed and to correct cross-references or other inconsistencies for paragraphs that are changing based on the changes in this final rule. These changes can be found throughout the regulatory text and do not affect the substance of the final rule or the existing regulations. In § 635.9(h)(3)(i), the final rule streamlines the text by deleting details about vessel monitoring plans (VMPs) and cross-referencing paragraph (e), which contains those details. In § 635.21, given the number of cross-reference corrections, we are simplifying the amendatory instructions for paragraphs (c) and (d) regarding existing sea turtle provisions by including entire paragraphs even when no changes are made to the existing text. Additionally, we are clarifying at § 635.35(c)(4) that research activities can be conducted within the Northeast Distant gear restricted area (NED) via EFPs or SRPs. Such permits are currently issued to fishing vessels participating in specific research authorized under § 635.32. In this action, NMFS is clarifying such research activities for public transparency. These changes are editorial in nature.

Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with section 304(g) and other provisions of the Magnuson-Stevens Act, the HMS FMP and its amendments, ATCA, and other applicable law.

As described above, NMFS prepared an FEIS for Amendment 15. The Notice of Availability for the FEIS was published in the **Federal Register** on May 10, 2024 (89 FR 40481). In approving Amendment 15, NMFS issued a Record of Decision identifying the selected alternatives. A copy of the Record of Decision for the FEIS, which includes detailed analyses of a reasonable range of alternatives to meet rulemaking objectives, is available from NMFS (see **ADDRESSES**).

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of E.O. 13175 is not required and has not been prepared.

Final Regulatory Flexibility Analysis

A FRFA was prepared. The FRFA incorporates the initial regulatory flexibility analysis (IRFA), a summary of the significant issues raised by the public comments in response to the IRFA, NMFS responses to those comments, and a summary of the analyses completed to support the action. A summary of the FRFA, which must address each of the requirements in 5 U.S.C. 604(a)(1)–(5), is below. The entire FRFA is included in Amendment 15 and is available as provided in the **ADDRESSES** section above. Some clarifications regarding the preferred alternatives and Small Business size standards that differ from the standalone FRFA are included in the summary below.

Section 604(a)(1) of the Regulatory Flexibility Act (RFA) requires agencies to state the objective of, and legal basis for, the action. The objectives of, and legal basis for, this final rule are set forth in the Background section above.

Sections 604(a)(2) and (3) of the RFA requires that a FRFA include a summary of significant issues raised by public comment or by the Chief Counsel for Advocacy of the Small Business Administration in response to the IRFA and proposed rule, a summary of the assessment of the agency of such issues, and a statement of any changes made in the rule as a result of such comments. NMFS did not receive any comments on the proposed rule from the Chief Counsel for Advocacy of the Small Business Administration. Additionally, NMFS did not receive any public comments specifically on the IRFA; however, the agency did receive some comments regarding the anticipated or perceived economic impact of the rule. Below is a summary of those comments and responses that pertain specifically to such economic impacts. A summary of all of the comments received and the Agency's responses are provided above.

NMFS received comments that closure of the Charleston Bump year round or for certain months would have negative impacts on businesses. Some commenters noted the Draft Amendment 15-preferred alternative would eliminate access to the western edge of the Gulf Stream along the 100-fathom shelf break year-round, preventing shorter day trips, increasing the need for fuel, and forcing fishermen to travel further to fish in more dangerous areas in the mid-winter months. Some commenters that operate in the area stated that they would need to relocate to other areas or exit the fishery completely. Based on public comments and additional analyses, NMFS reconsidered the boundaries of the high-bycatch-risk area of the Charleston Bump spatial management area and designed a new preferred sub-alternative (Sub-Alternative A2f) that is a combination of several of the other sub-alternatives considered. The new preferred Sub-Alternative A2f moves the eastern boundary of the high-bycatch-risk area, relative to the current Charleston Bump closed area, westward, inside of the 100-fathom shelf break, to a diagonal line 45 nmi from shore at the northern and southern extents. The western boundary of this management area remains the same as the current western boundary of Charleston Bump closed area. The area inshore of the boundary is designated high-bycatch-risk area and offshore of that boundary is designated low-bycatch-risk area. The temporal extent of both the high-bycatch-risk area and low-bycatch-risk area is February 1 through April 30. This modification of the area and temporal extent of the closure is consistent with the intention to not limit fishing access, should reduce the potential for unintended limitations to fishing, including on species managed under other FMPs, since no new areas/times would be closed to pelagic longline fishing. Additionally, this modification is expected to encourage data collection by providing access to desired fishing grounds, based on public comment stating that the 100-fathom depth contour is one of the most productive fishing grounds in the area and that it becomes less productive further offshore.

In another comment, the FWC cautioned that the proposed DeSoto Canyon Spatial Management Area modification would impact many HMS and non-HMS tournaments which are important economic drivers in coastal communities. In response to this comment, NMFS has reconsidered the proposed changes to the shape of the DeSoto Canyon spatial management area. The new preferred alternative would maintain the current footprint of the closed area. Thus tournaments should not be affected by the preferred alternative in Final Amendment 15.

Several comments noted that the requirement for vessel owners choosing to fish in monitoring areas to pay for expanded EM review in the proposed Charleston Bump and East Florida Coast monitoring areas would be expensive and may dissuade fishermen from collecting data in the areas. They suggested looking for ways to decrease the cost through a lower review rate or a combination of observers and EM on a subset of trips. NMFS acknowledges that the requirement for fishermen to pay for expanded EM review if they choose to fish in a monitoring area may dissuade individuals from entering into the relevant monitoring areas. Monitoring areas provide special access for vessels to fish under certain requirements in currently closed areas that vessels would otherwise be prohibited from fishing in. These requirements include data collection. Any vessel owner who does not wish or is not able to incur the costs of enhanced EM video review could avoid such costs by maintaining current fishing practices and locations. After considering public comment and consistent with the goal of data collection, NMFS has lowered the EM video review rate for vessels choosing to fish in the monitoring areas to 50 percent to ensure that conservation and management needs are met. Under the revised Sub-Alternative B3e, NMFS anticipates that some vessels will choose to fish in the monitoring areas, and the 50-percent video review rate will provide detailed information on bycatch and incentivize accurate bycatch reporting by fishermen. The amount of fishing effort in a monitoring area will reflect commercial fishermen's decisions to fish in the area based on market conditions, fish availability, and the restrictions of the monitoring area (*see* Amendment 15 Section 5.2.3).

NMFS received many comments expressing concerns with the proposed EM Alternative (Alternative F2) and the practicality of the proposal. Generally, commenters noted that transitioning the cost of EM from the agency to the pelagic longline fleet could have negative economic impacts that would likely devastate local, state, and coastal communities along the east coast and Gulf of America. Based in part on these public comments, NMFS changed the proposed EM cost allocation alternative to maintain the status quo (Alternative F1) since many of these comments, particularly from industry participants and representatives and from EM vendors, indicated the proposed alternative to modify the EM program presented practical implementation impediments that could warrant further consideration. While the final rule does not require vessel owners fleet-wide to pay for sampling costs of the EM program, NMFS intends to initiate future rulemaking to consider modifying the HMS EM program as appropriate. Additionally, this final rule provides that vessel owners are responsible for EM sampling costs if their vessels choose to fish in the monitoring areas.

Many commenters, both in support of and in opposition to Amendment 15, stated that the U.S. pelagic longline industry provides U.S. and international consumers access to important food sources, and they are concerned about fairness in the marketplace and the effects this rule and Amendment 15 may have on imports and exports of seafood. NMFS notes that seafood supplied by the pelagic longline fleet is valuable as both a source of food and for the generation of local jobs, communities, and the broader economy. The context in which vessels operate, including current regulations, was a relevant factor NMFS considered in determining whether new regulations are justified. NMFS took into consideration many factors in selecting preferred measures that address the diverse objectives of Amendment 15 in a balanced manner. The FRFA includes a description of the steps taken to minimize the economic

impacts on small entities and the reasons for the preferred measures. Steps taken to minimize economic impacts on small entities include increased access to potentially productive fishing grounds and reduced EM costs relative to the proposed rule to access those grounds. Vessel that do not wish to incur additional EM costs can continue to fish in areas and times that have been authorized prior to this final rule.

NMFS received comments noting that Amendment 15 would decrease the viability of the pelagic longline industry and that such a decrease would also have a resulting significant negative impact on shoreside businesses (including restaurants and supply shops) and fishing businesses overall along the coast. Commenters suggested that vessel owners are proactively trying to sell boats and remove themselves from the fishery before the implementation of Amendment 15. Comments referencing adverse economic impacts largely focused on impacts from the preferred EM cost allocation alternatives and the Charleston Bump and DeSoto Canyon spatial management area modifications that would have reduced fishing access. Preferred alternatives for those portions of Amendment 15 have changed. As a result, the large economic impacts described in the Draft Amendment regarding those alternatives are no longer expected. In the Final Amendment, NMFS has updated the economic analyses for the preferred spatial management areas and EM. The updated analysis considers the costs to vessel owners whose vessels choose to fish in the monitoring areas and who would, therefore, still incur the costs related to paying for the sampling costs of EM for voluntary trips in the monitoring areas. A future rulemaking will likely consider the cost of requiring all pelagic longline vessels to pay for EM sampling costs.

Section 604(a)(4) of the RFA requires Agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) authorizes an agency to develop its own industry-specific size standards after consultation with the SBA Office of Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Pursuant to this process, NMFS issued a final rule that established a small business size standard of $11 million in annual gross receipts for all businesses in the commercial fishing industry (North American Industry Classification System (NAICS) code 11411) for RFA compliance purposes (80 FR 81194; December 29, 2015; effective on July 1, 2016). SBA has established size standards for all other major industry sectors in the U.S., including the scenic and sightseeing transportation (water) sector NAICS code 487210, for-hire), which includes charter/party boat entities. SBA has defined a small charter/party boat entity as one with average annual receipts (revenue) of less than $14.0 million. In 2020, NMFS conducted an informal review of the small business size standards and determined that no changes to the 2016 standards were needed at that time. In 2025, NMFS completed a review of the small business size standard on that resulted in maintaining the existing size standard (90 FR 52917, November 24, 2025).

NMFS considers all HMS permit holders to be small entities because they had average annual receipts of less than $11 million for commercial fishing. None of the commercial fishing business owners reported having more than $11 million in gross receipts on the annual Federal permit application form for their limited access fishing permit renewal. Regarding those entities that would be directly affected by the measures implemented by this final rule, the average annual revenue per active pelagic longline vessel is estimated to be $222,000, based on approximately 82 active vessels that produced an estimated $18.2 million in revenue in 2020, well below the NMFS small business size standard for commercial fishing businesses of $11 million. No single pelagic longline vessel has exceeded $11 million in revenue in recent years. HMS bottom longline commercial fishing vessels typically earn less revenue than pelagic longline vessels and, thus, would also be considered small entities. Therefore, this final rule will directly affect 95 small entities (the number of active vessels permitted in the pelagic and bottom longline fisheries).

NMFS has determined that the final rule measures will not likely directly affect any small organizations or small government jurisdictions defined under RFA, nor would there be disproportionate economic impacts between large and small entities.

Section 604(a)(5) of the RFA requires Agencies to describe any new reporting, record-keeping and other compliance requirements. This final rule contains revised or new collection-of-information requirements subject to review and approval by the Office of Management and budget (OMB) under the Paperwork Reduction Act (PRA). *See* FRFA in Final Amendment 15 at Section 8.5 for further details. Public reporting burden for these collections of information, including the times for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information, are estimated below (see Paperwork Reduction Act).

Under section 604(a)(6) of the RFA, agencies must describe the steps to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the measures adopted in the final rule and why the agency rejected each one of the other significant alternatives to the rule considered by the agency that affect the impact on small entities. These elements are summarized below. The full text of the FRFA is contained in the Final Amendment 15, Chapter 8.

Evaluation and Modification of Closed Areas

Mid-Atlantic Shark Spatial Management Area

Sub-Alternative A1a, the no action sub-alternative, would maintain the current Mid-Atlantic shark closed area with respect to its spatial and temporal extent. This sub-alternative would likely maintain the recent catch levels and revenues, because the spatial and the temporal extents would remain unchanged and economic impacts are expected to be neutral. Median earnings across the shark research fishery and non-shark research fishery per trip (taking into account operating costs) ranged between $609 and $1,192 from 2017 through 2020 in nominal dollars ($614 to $1,192 in inflation adjusted 2020 dollars). Estimated total ex-vessel revenue from sharks in 2020 is $2,311,319. Based on permit and target species, some fishermen direct effort on sharks while others retain only incidentally caught sharks. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic.

Sub-Alternative A1b, the preferred sub-alternative, will maintain the current Mid-Atlantic shark closed area with respect to its spatial extent as a high-bycatch-risk area and shift the temporal extent to November 1 through May 31 from January 1 through July 31 (*i.e.,* same seven-month duration, but shifted two months earlier). The economic impacts of Sub-Alternative A1b are expected to be neutral. There is relatively little bottom longline fishing effort in the Mid-Atlantic region during

open time periods, including and adjacent to the area defined by this spatial management area. Effort is low enough that data regarding totals for the area, even during open time periods, cannot be provided due to confidentiality concerns. This sub-alternative will maintain the recent catch levels and revenues, and there will likely be low levels of data collection from within the spatial management area. Overall revenues from shark research fishery trips are likely to continue in the range noted in Sub-Alternative A1a.

In the Draft Amendment, NMFS preferred Sub-Alternative A1d. While NMFS received several comments in support of Sub-Alternative A1d, NMFS also received comments in opposition to the eastern expansion of the proposed preferred alternative in the Draft Amendment both because of the low fishing effort overall and because of concern that the expansion could impact bottom longline fishermen that hold HMS permits and fish in the area under other FMPs, including those that fish for snowy grouper and blueline tilefish. In part because of these comments, NMFS is no longer preferring Sub-Alternative A1d and is instead preferring Sub-Alternative A1b, thereby reducing impacts on small entities. Based on permit and target species, some fishermen direct effort on sharks while others retain only incidentally caught sharks. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic.

Sub-Alternative A1c would modify both the spatial and temporal extent of the current Mid-Atlantic shark closed area. Specifically, this sub-alternative would extend the eastern boundary of the current Mid-Atlantic shark closed area eastward to the 350-m shelf break and shift the north boundary south to Cape Hatteras (35°13′12″ N lat.). The temporal extent would shift to November 1 through May 31 from January 1 through July 31. The economic impacts of Sub-Alternative A1c would be expected to be neutral. There is relatively little bottom longline fishing effort in the Mid-Atlantic region during open time periods, including and adjacent to the area defined by this spatial management area. Effort is low enough that data regarding totals for the area, even during open time periods, cannot be provided due to confidentiality concerns. This sub-alternative would maintain the recent catch levels and revenues, and there would likely be low levels of data collection from within the spatial management area. Overall revenues from shark research fishery trips would likely continue to be in the range noted in Sub-Alternative A1a. Based on permit and target species, some fishermen direct effort on sharks while others retain only incidentally caught sharks. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic.

Sub-Alternative A1d would modify both the spatial and temporal extent of the current Mid-Atlantic shark closed area. Specifically, this sub-alternative would extend the eastern boundary of the current Mid-Atlantic shark closed area eastward to the 350-m shelf break. The temporal extent would shift to November 1 through May 31 from January 1 through July 31. The economic impacts of Sub-Alternative A1d are expected to be neutral. There is relatively little bottom longline fishing effort in the Mid-Atlantic region during open time periods, including and adjacent to the area defined by this spatial management area. Effort is low enough that data regarding totals for the area, even during open time periods, cannot be provided due to confidentiality concerns. This sub-alternative would maintain the recent catch levels and revenues, and there would likely be low levels of data collection from within the spatial management area. Overall revenues from shark research fishery trips are likely to continue in the range noted in Sub-Alternative A1a. Based on permit and target species, some fishermen direct effort on sharks while others retain only incidentally caught sharks. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic.

Charleston Bump Spatial Management Area

Sub-Alternative A2a, the no action sub-alternative, would maintain the current Charleston Bump closed area with respect to its spatial and temporal extent. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. The estimated combined target species revenue for the pelagic longline fishery overall is $4,419,261 (2021 real dollars). This sub-alternative would maintain the recent fishing effort, catch levels, and revenues, resulting in direct neutral economic impacts on pelagic longline fishermen. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery.

Sub-Alternative A2b would maintain the current Charleston Bump closed area (high-bycatch-risk area) with respect to its spatial extent and would shift the temporal extent to start on December 1 of one year and end on March 31 of the following year from starting on February 1 and ending on April 30 (*i.e.,* starting two months earlier and ending one month earlier; change from a three-month closure to a four-month closure). NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. This sub-alternative would generate less revenue from swordfish and bigeye tuna, but more from yellowfin tuna than the no action sub-alternative. When combined, the total revenue difference between this sub-alternative and the no action sub-alternative is −$205,237. However, fishermen are unlikely to fish in areas with lower catch rates, so reductions in revenue may not have been realized. Sub-Alternative A2b would likely result in minor adverse to neutral economic impacts. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

Sub-Alternative A2c would modify both the spatial and temporal extent of the current Charleston Bump closed area. This sub-alternative would move the eastern boundary of the current Charleston Bump closed area westward. Specifically, the eastern boundary of this sub-alternative would be formed by the line connecting the northeast corner of the current Charleston Bump closed area for the high-bycatch-risk area (34°00′ N lat., 76°00′ W long.) to a point on the current southern border of Charleston Bump closed area (31°00′ N lat., 79°32′46″ W long.). The western boundary of this management area would remain the same as the current western boundary of Charleston Bump closed area. The temporal extent of the high-bycatch-risk area would increase from February 1 to April 30 to include the entire year. The remainder of the current closed area footprint would be designated a low-bycatch-risk area from February 1 through April 30 only. Outside those months, that area would be open to normal pelagic longline fishing. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic

longline revenue. This sub-alternative would generate more revenue from swordfish but less from yellowfin and bigeye tuna relative to the no action sub-alternative. The total revenue difference between this sub-alternative and the no action sub-alternative is $235,863, resulting in moderate positive direct economic impacts in the short- and long-term. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

Sub-Alternative A2d would modify both the spatial and temporal extent of the high-bycatch-risk area of the Charleston Bump spatial management area. Specifically, this sub-alternative would shift the eastern boundary westward 40 nm from the coastline, retain the current northern and southern boundaries of the current Charleston Bump closed area, and retain the current western boundary of Charleston Bump closed area. The temporal extent of the high-bycatch-risk area would be extended from February 1 through April 30 to October 1 through May 31. The remainder of the current closed area footprint would be designated a low-bycatch-risk area from February 1 through April 30 only. Outside those months, that area would be open to normal pelagic longline fishing. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. This sub-alternative would generate more revenue from swordfish but less from yellowfin and bigeye tuna relative to the no action sub-alternative. The total revenue difference between this sub-alternative and the no action sub-alternative is $390,532, resulting in moderate positive direct economic impacts in the short- and long-term. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

Sub-Alternative A2e would modify both the spatial and temporal extent of the high-bycatch-risk area of the Charleston Bump spatial management area. Specifically, this sub-alternative would reduce the spatial extent by moving the northern boundary of the current Charleston Bump closed area southward to 33°12′39″ N lat. and then shifting the eastern boundary westward to 78°00′ W long. The western boundary would be consistent with the current western boundary of Charleston Bump closed area. The temporal extent of the high-bycatch-risk area would be eight months (from October 1 through May 31) instead of three months (February 1 through April 30). The remainder of the current closed area footprint would be designated a low-bycatch-risk area from February 1 through April 30 only. Outside those months, that area would be open to normal pelagic longline fishing. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. This sub-alternative would generate more revenue from swordfish and yellowfin tuna but less from bigeye tuna relative to the no action sub-alternative. The total revenue difference between this sub-alternative and the no action sub-alternative is $83,590, resulting in minor positive direct economic impacts in the short- and long-term. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

Sub-Alternative A2f, the preferred sub-alternative, will modify the spatial extent of the high-bycatch-risk area relative to the Charleston Bump spatial management area. This sub-alternative will move the eastern boundary of the current Charleston Bump closed area westward, inside of the 100-fathom shelf break, to a diagonal line 45 nm from shore at the northern and southern extents. Specifically, the eastern boundary of this sub-alternative will be formed by a new line from a point on the northern border of the current Charleston Bump closed area (34°00′00″ N lat., 76°58′52″ W long.) to a point on the southern border of the current Charleston Bump closed area (31°00′00″ N lat., 80°26′42″ W long.). The western boundary of this management area will remain the same as the western boundary of the current Charleston Bump closed area. The temporal extent would remain unchanged. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. This sub-alternative would generate more revenue from swordfish but less from yellowfin and bigeye tuna relative to the no action sub-alternative. The total revenue difference between this sub-alternative and the no action sub-alternative is $383,076, resulting in moderate beneficial direct economic impacts in the short- and long-term. Preferred Sub-Alternative A2f is one of the two Charleston Bump spatial management area sub-alternatives with the greatest beneficial direct economic impacts to small entities. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

East Florida Coast Spatial Management Area

Sub-Alternative A3a, the no action sub-alternative, would maintain the current East Florida Coast closed area in effect with respect to its spatial and temporal extent. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. The estimated annual revenue for the combined target species revenue for the pelagic longline fishery overall is $4,196,431 (2021 real dollars). This sub-alternative would maintain the recent fishing effort, catch levels, and revenues, resulting in direct neutral economic impacts on pelagic longline fishermen. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery.

Sub-Alternative A3b would modify both the spatial and temporal extent of the current East Florida Coast closed area. Specifically, this sub-alternative consists of two different spatial configurations associated with two temporal periods. From May 1 through November 30 the spatial extent of the high-bycatch-risk area would be the same as the no action alternative. From December 1 through April 30 the spatial extent of the high-bycatch-risk area relative to the current East Florida Coast spatial management area would shift the eastern boundary to 40 nm from the coastline within the northern and southern boundaries of the current East Florida Coast closed area. The remainder of the current closed area footprint would be designated a low-bycatch-risk area from December 1 through April 30. (This date is corrected from the text of the FRFA in Amendment 15, which incorrectly stated that the remainder would be designated a low-bycatch-risk area from May 1 through November 30. This date was described correctly elsewhere in Amendment 15.) NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. This sub-alternative would generate slightly more revenue from swordfish but less from

yellowfin tuna and bigeye tuna relative to the no action sub-alternative. The total revenue difference between this sub-alternative and the no action sub-alternative is −$75,453. However, fishermen are unlikely to fish in portions of the areas with lower catch rates, so reductions in revenue may not be realized. This sub-alternative thus results in minor negative to neutral direct economic impacts in the short- and long-term. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

Sub-Alternative A3c would modify only the spatial extent of the current East Florida Coast closed area (high-bycatch-risk area). Specifically, this sub-alternative would reduce the spatial extent of the high-bycatch-risk area by shifting the eastern boundary of the current closed area to 40 nm from the coastline in areas north of the U.S.—Bahamas EEZ boundary at approximately 28°17′24″ N lat. All areas south of that boundary within the current closed area would remain the same relative to the no action alternative. The temporal extent would remain unchanged relative to the no action alternative. The remainder of the current closed area footprint would be designated a low-bycatch-risk area for the entire year. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. This sub-alternative would generate more revenue from swordfish but less from yellowfin and bigeye tuna relative to the no action sub-alternative. The total revenue difference between this sub-alternative and the no action sub-alternative is $15,145, resulting in minor positive direct economic impacts in the short- and long-term. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

Sub-Alternative A3d would modify only the spatial extent of the current East Florida Coast closed area (high-bycatch-risk area). Specifically, this sub-alternative would reduce the spatial extent of the high-bycatch-risk area by including areas east of the line connecting two points at 31°00′ N lat., 79°32′46″ W long. and 27°52′55″ N lat., 79°28′34″ W long. at the northern and southern boundaries, respectively, of the current closed area. All areas south of 27°52′55″ N lat. within the current closed area would remain the same relative to the no action alternative. The temporal extent would remain unchanged relative to the no action alternative. The remainder of the current closed area footprint would be designated a low-bycatch-risk area for the entire year. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. This sub-alternative would generate more revenue from swordfish but less from yellowfin and bigeye tuna relative to the no action sub-alternative. The total revenue difference between this sub-alternative and the no action sub-alternative is $37,845, resulting in minor positive direct economic impacts in the short- and long-term. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

Sub-Alternative A3e would modify both the spatial and temporal extent of the current East Florida Coast closed area (high-bycatch-risk area). Specifically, this sub-alternative consists of two different spatial configurations associated with two temporal periods. From June 1 through September 30 the spatial extent of the high-bycatch-risk area would consist of the area within 40 nm of the coastline within the northern and southern boundaries of the current East Florida Coast closed area. During this time period, the remainder of the current closed area footprint would be designated a low-bycatch-risk area. From October 1 through May 31, the spatial extent of the high-bycatch-risk area would include the area east of the Florida coast to a line connecting two points at 31°00′ N lat., 79°32′46″ W long. and 27°52′55″ N lat., 79°28′34″ W long. at the northern and southern boundaries, respectively, of the current closed area. As with the June to September area, from October to May the remainder of the current closed area footprint would be designated a low-bycatch-risk area. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. This sub-alternative would generate slightly more revenue from swordfish but less from yellowfin tuna and bigeye tuna relative to the no action sub-alternative. The total revenue difference between this sub-alternative and the no action sub-alternative is −$8,762. However, fishermen are unlikely to fish in portions of the areas with lower catch rates, so reductions in revenue may not be realized. Thus, this sub-alternative results in minor negative to neutral direct economic impacts in the short- and long-term. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

Sub-Alternative A3f, the preferred sub-alternative, will modify only the spatial extent of the current East Florida Coast closed area (high-bycatch-risk area) and is a combination of sub-alternatives analyzed in the DEIS. This sub-alternative will move the eastern boundary of the high-bycatch-risk area of the East Florida Coast spatial management area westward to a diagonal line beginning inside of the 100-fathom shelf break in the north, extending southeast to a point at the eastern edge of the current closure around Sebastian, Florida. Specifically, the eastern boundary of this sub-alternative will be formed by a new line from a point on the northern border of the current East Florida Coast closed area (31°00′00″ N lat., 80°26′42″ W long.) to a point on the current eastern border of the current East Florida Coast closed area (27°52′55″ N lat., 79°28′34″ W long.). The temporal extent will remain unchanged. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. This sub-alternative would generate more revenue from swordfish but less from yellowfin and bigeye tuna relative to the no action sub-alternative. The total revenue difference between this sub-alternative and the no action sub-alternative is −$10,453. However, fishermen are unlikely to fish in portions of the areas with lower catch rates, so reductions in revenue may not be realized. Thus, this sub-alternative results in minor negative to neutral direct economic impacts in the short- and long-term. Sub-Alternative A3f is the preferred modification sub-alternative for the East Florida Coast spatial management area, a change from the Draft Amendment 15 preferred Sub-Alternative A3d. Sub-Alternative A3d was expected to have +$37,845 total revenue difference compared to the no action alternative, while Sub-Alternative A3f is expected to have a −$10,453 difference. However, NMFS made the change in its preferred sub-

alternative in response to public comments and based on additional analyses. NMFS received comments stating that pelagic longline vessels are unlikely to voluntarily collect data throughout most of the proposed monitoring area (Sub-Alternative A3d) because target catch rates may be low. Commenters indicated that pelagic longline fishermen are more likely to engage in data collection activities if they can access portions of the 100-fathom shelf break. Sub-Alternative A3f provides access to the 100-fathom shelf break. Under either Sub-Alternative A3f or A3d, the impacts are not expected to be significant with regard to overall pelagic longline revenue. Moreover, as explained above, reductions in revenue may not be realized given fishing behavior. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

DeSoto Canyon Spatial Management Area

Sub-Alternative A4a, the no action sub-alternative and the preferred sub-alternative for the area, will maintain the current DeSoto Canyon closed area in effect with respect to its spatial and temporal extent. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. The estimated annual revenue for the combined target species revenue for the pelagic longline fishery overall is $4,618,912 (2021 real dollars). This sub-alternative will maintain the recent fishing effort, catch levels, and revenues, resulting in neutral direct economic impacts on pelagic longline fishermen. Sub-Alternative A4a is the preferred modification sub-alternative for the DeSoto Canyon spatial management area, a change from the Draft Amendment 15 preferred Sub-Alternative A4d. The preferred sub-alternative was changed in part in response to public comment and other considerations, including pending critical habitat designation for Rice's whale in the Gulf of America. Public comment indicated that expanding the closed area would reduce fishing opportunities inconsistent with goals of the Amendment. Some public comment also indicated concern with the impact of pelagic longline data collection on target and non-target species and other fisheries. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery.

Sub-Alternative A4b would modify both the spatial and temporal extent of the current DeSoto Canyon closed area (high-bycatch-risk area). Specifically, the sub-alternative would maintain the current spatial extent of the DeSoto Canyon spatial management area while changing the timing of the closed areas. Both boxes that make up the DeSoto Canyon closed area would be high-bycatch-risk areas and would remain closed from April 1 to October 31 instead of all year. Additionally, from November to March, the top northwest box would be a high-bycatch-risk area while the bottom southeast box would be designated a low-bycatch-risk area. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. This sub-alternative would generate more revenue from swordfish but less from yellowfin tuna and similar from bigeye tuna relative to the no action sub-alternative. The total revenue difference between this sub-alternative and the no action sub-alternative is $38,188, resulting in minor positive direct economic impacts in the short- and long-term. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

Sub-Alternative A4c would modify only the spatial extent of the high-bycatch-risk area of the DeSoto Canyon spatial management area. Specifically, this sub-alternative would reduce the spatial extent of the high-bycatch-risk area by including areas within the current spatial extent that occur north of 27°00′ N lat. The temporal extent would remain unchanged relative to the no action alternative. The remainder of the current closed area footprint would be designated a low-bycatch-risk area throughout the year. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. This sub-alternative would generate more revenue from swordfish and yellowfin tuna but less from bigeye tuna relative to the no action sub-alternative. The total revenue difference between this sub-alternative and the no action sub-alternative is $278,627, resulting in moderate positive direct and indirect economic impacts in the short- and long-term. For the reasons explained under Sub-Alternative A4b, economic impacts would not be equally shared among all 82 active vessels.

Sub-Alternative A4d would modify the spatial extent of the high-bycatch-risk area of the DeSoto Canyon spatial management area; the temporal extent would remain unchanged (*i.e.,* area would remain closed year-round). Specifically, this sub-alternative would shift the spatial extent of the high-bycatch-risk area, putting a parallelogram through the current area. The parallelogram connects southern points 27°00′ N lat., 86°30′ W long. and 27°00′ N lat., 83°48′ W long., while the northern boundary would be defined by the state water boundary between 88°24′58″ W long. and 85°22′34″ W long. NMFS used the target species catch estimates and ex-vessel prices for swordfish, yellowfin tuna, and bigeye tuna to estimate the effect of the sub-alternative on commercial pelagic longline revenue. This sub-alternative would generate less revenue from all three target species relative to the no action sub-alternative. The total revenue difference between this sub-alternative and the no action sub-alternative is −$224,295, resulting in moderate negative direct economic impacts in the short- and long-term. However, fishermen are unlikely to fish in portions of the areas with lower catch rates, so reductions in revenue may not be realized. For the reasons explained under Sub-Alternative A4b, economic impacts would not be equally shared among all 82 active vessels.

Commercial Data Collection

Alternative B1, the no action alternative and a preferred alternative for certain areas, will not implement any new closed area data collection approaches to support HMS spatial management. Because Alternative B1 will not implement any new data collection programs, direct economic impacts to fishermen will be neutral in the short-term. In the long-term, as described above, because there would not be any way to collect data from the spatial management areas and modify them accordingly, the impacts to the species, and therefore the impacts to the fishermen and the economy, are unknown. If the spatial management areas are appropriate and the species and their habitat are protected, fishermen and related industries might experience an increase in revenue as species become more abundant. However, if the spatial management areas finalized in Amendment 15 do not effectively protect the species and their habitat in the long term, fishermen and related industries might experience a decrease in revenue as the species

abundance declines. Alternative B1 is the data collection alternative with the least economic impact. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic with bottom longline gear.

Alternative B2 would create a new research fishery, similar to the existing bottom longline shark research fishery, where permitted commercial longline fishing vessels may apply and a small number would be selected for participation in the spatial management area research fishery. The selected vessels would conduct fishing operations guided by a research plan developed by NMFS and be subject to conditions. Alternative B2 would be a voluntary program, and fishermen would continue to decide whether to fish based on market conditions, fish availability, and the restrictions and conditions of the research fishery. Because of the limited nature of the research fishery, large beneficial economic impacts to fishermen as a result of the opportunity to participate in the fishery are not expected, though there may be some minor beneficial impacts. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic with bottom longline gear.

Alternative B3, a preferred alternative, will implement monitoring areas to allow fishermen to voluntarily fish in portions of previously-closed areas to collect data while following strict effort restrictions and monitoring and reporting requirements. Under this alternative, a specific geographic area within a spatial management area will be designated a monitoring area, and commercial longline vessels who choose to will be permitted to fish inside the monitoring area subject to the conditions laid out in this rule and the other existing applicable regulations (*e.g.,* permit requirements). As part of Alternative B3, two sub-alternatives are preferred as well: Sub-Alternative B3a (effort caps) and Sub-Alternative B3e (enhanced EM video review). Under Sub-Alternative B3a, NMFS will monitor the number of longline sets occurring in the monitoring area, and when the number of sets reaches the effort cap, will prohibit fishing with the relevant gear type in the monitoring area as described above. Additionally, vessel owner/operators choosing to fish in a monitoring area during a trip will be required to (1) declare that intention via VMS hail out (NMFS clarifies here that this declaration could be before or during the trip) and (2) in addition to current bluefin tuna reporting requirements, report the catch of blue marlin, white marlin, roundscale spearfish, sailfish, leatherback sea turtles, loggerhead sea turtles, and shortfin mako sharks through VMS within 12 hours after the end of a longline set. Sub-Alternative B3e will require that longline vessels that choose to fish for all, or a part of a trip in a monitoring area have 50 percent of the EM data reviewed for that trip, and paid for by the owner of the vessel.

Fishing effort and resulting data collection in the monitoring area(s) will rely on commercial fishermen's willingness to voluntarily fish in the area based on market conditions, fish availability, and the requirements of the monitoring area. Although it is difficult to predict the amount of fishing effort and fish availability that will occur in the monitoring areas, the economic impact is likely to be neutral to minor beneficial. Alternative B3 does not have the lowest economic impact of the data collection alternatives, but participation is voluntary and could provide some benefits to fishermen. Access to monitoring areas for data collection will provide the flexibility to fish in locations previously closed to fishing. If access to fishing in monitoring areas decreases the amount of steaming time required to reach the fishing locations, operating costs may be reduced, and a shorter trip duration would facilitate participation in the fishery. Shorter transit times would also result in reduced fuel consumption. Owners of fishing vessels can often have difficulty finding and hiring crew willing to work on vessels, in part due to the duration of fishing trips and the impact of fishing trips on crew members' lives. The increased revenue and flexibility associated with voluntarily fishing in monitoring areas will be limited by the associated requirements, such as effort caps or the cost of electronic monitoring. Vessel owners will be required to pay for the expanded review of EM if their vessels choose to fish in monitoring areas: specifically, 50-percent video review of all sets that occur within the monitoring area. The per-set cost for enhanced EM video review will be approximately $145; thus, for a trip consisting of six sets, the EM video review would cost $870. Monitoring areas are relevant only to pelagic longline vessels. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels would choose to fish in monitoring areas so economic impacts would not be equally shared among all active vessels. Under the preferred alternatives, the maximum number of sets across all the monitoring areas totals 630, and the total annual cost across the fleet would be $91,350. If all the vessels fished equally in the monitoring areas, that equates to approximately $1,114 per vessel, offset by an unknown amount of cost savings and/or increased revenue.

Under Alternative B4, a preferred alternative, data will be collected from within a spatial management area, which would otherwise be closed, through the issuance of a permit for exempted fishing activities under the scope of § 600.745. As described above, such activities include those permitted through EFPs and SRPs per § 635.32. Such permits will be issued to fishing vessels participating in specific research and exempt them from certain regulatory requirements for specific research during a limited timeframe. Consideration of an application for gear-specific research in closed areas will require incorporation of elements to ensure research activities do not jeopardize conservation needs or result in excessive gear conflicts with other user groups. Fishermen participating in research under an EFP or SRP are likely to be compensated through some combination of commercial target catch sales and research funds. Since the fishermen are likely to operate in areas of unknown target catch rates, researchers may partially or fully fund fishing activities to ensure trips do not have negative profits. As such, fishermen operating under the permit are unlikely to experience adverse economic impacts nor are they expected to realize larger profits than regular commercial fishing. Thus, Alternative B4 would have neutral economic impacts. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic with bottom longline gear.

Evaluation Timing of Spatial Management Areas

Under Alternative C1, the no action alternative, NMFS would not commit to a schedule to evaluate the spatial management modifications using data collected under the data programs (''B'' Alternatives) analyzed in Amendment 15. Evaluations of spatial management areas are administrative in nature and would not have any short-term direct economic impacts on fishermen or

indirect impacts on supporting businesses. In the long-term, evaluation of spatial management areas could result in minor beneficial (though not currently quantifiable) economic impacts due to the ability of the agency to adjust spatial management to maximize the ecological and socioeconomic benefits of spatial management areas. This no action alternative has no time period for reviews or factors to consider when reviewing areas and thus provides less clarity regarding the process for reevaluating management areas than Alternatives C2, C3 and C4. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic with bottom longline gear.

Under Alternative C2, a preferred alternative, NMFS will evaluate the four spatial management areas once three years of catch and effort data is finalized and available. Subsequent reviews will occur after three full years of data are available after the conclusion of the previous evaluation. Evaluations of spatial management areas are administrative in nature and would not have any short-term economic impacts on fishermen or indirect impacts on supporting businesses. In the long-term, evaluation of spatial management areas could result in minor beneficial (though not currently quantifiable) economic impacts due to the ability of the agency to adjust spatial management to maximize the ecological and economic benefits of spatial management areas. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic with bottom longline gear.

Under Alternative C3, NMFS would evaluate the four spatial management areas once five years of catch and effort data is finalized and available. Subsequent reviews would occur after five full years of data are available after the conclusion of the previous evaluation. Evaluations of spatial management areas are administrative in nature and would not have any short-term economic impacts on fishermen. In the long-term, evaluation of spatial management areas could result in minor beneficial (though not currently quantifiable) economic impacts due to the ability of the agency to adjust spatial management to maximize the ecological and economic benefits of spatial management areas. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic with bottom longline gear.

Under Alternative C4, a preferred alternative, NMFS will monitor data collection activities and begin an evaluation if conditions warrant it instead of, or in addition to, scheduled regular evaluation. Evaluations of spatial management areas are administrative in nature and will not have any short-term economic impacts on fishermen or indirect impacts on supporting businesses. In the long-term, evaluation of spatial management areas could result in minor beneficial (though not currently quantifiable) economic impacts due to the ability of the agency to adjust spatial management to maximize the ecological and economic benefits of spatial management areas. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic with bottom longline gear.

Under Alternative C5, NMFS would set a default end date for a spatial management area and the area and associated restrictions would be removed unless action is taken to maintain or modify the area. Eliminating spatial management areas after a set number of years would provide additional flexibility for fishermen to fish in areas that were previously closed to fishing and therefore increase the total amount of area to pursue target species. Further, the newly open area may include locations with potential advantages such as higher catch rates or lower trips costs. However, a sunset provision may increase the risk of increased interactions with bycatch or incidental catch species, potentially resulting in both adverse ecological and economic impacts depending on the extent of the increased interactions. Thus, Alternative C5 would likely result in minor beneficial economic impacts. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic with bottom longline gear.

Preferred Alternative Packages

The D1 Mid-Atlantic Shark Spatial Management Area Preferred Alternative Package will include implementation of four alternatives and sub-alternatives analyzed among the ''A,'' ''B,'' and ''C'' alternatives. Thus, economic impacts to small entities resulting from implementation of the D1 Preferred Alternative Package will be the combination of the impacts of the following alternatives and sub-alternatives described above: Sub-Alternative A1b (temporal modification to the area), Alternative B1 (no action data collection), Alternative C2 (three year evaluation), and Alternative C4 (triggered evaluation). Impacts of each of the alternatives are described above and the details are not repeated here. The preferred alternative package will be the combination of the preferred A, B, and C alternatives for the area and the impacts for this preferred alternative package are the combination of the impacts for those alternatives. The preferred alternatives for this area have a range of neutral to minor beneficial economic impacts. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic.

The D2 Charleston Bump Spatial Management Area Preferred Alternative Package will include implementation of four alternatives and sub-alternatives analyzed among the ''A,'' ''B,'' and ''C'' alternatives. Thus, economic impacts to small entities resulting from implementation of the D2 Preferred Alternative Package will be the combination of the impacts of the following alternatives and sub-alternatives described above: Sub-Alternative A2f (spatial modification to the area), Alternative B3 (monitoring area), Alternative B4 (cooperative research EFP), Alternative C2 (three year evaluation), and Alternative C4 (triggered evaluation). Detailed impacts of each of the alternatives are not repeated here. The preferred alternative package will be the combination of the preferred A, B, and C alternatives for the area and the impacts for this preferred alternative package are the combination of the impacts for those alternatives. The preferred alternatives for this area have a range of neutral to moderate beneficial economic impacts. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts will not be equally shared among all active vessels.

The D3 East Florida Coast Spatial Management Area Preferred Alternative Package will include implementation of four alternatives and sub-alternatives analyzed among the ''A,'' ''B,'' and ''C'' alternatives. Thus, economic impacts to small entities resulting from

implementation of the D3 Preferred Alternative Package will be the combination of the impacts of the following alternatives and sub-alternatives described above: Sub-Alternative A3f (spatial modification to the area), Alternative B3 (monitoring area), Alternative B4 (cooperative research EFP), Alternative C2 (three year evaluation), and Alternative C4 (triggered evaluation). Detailed impacts of each of the alternatives are not repeated here. The preferred alternative package will be the combination of the preferred A, B, and C alternatives for the area and the impacts for this preferred alternative package are the combination of the impacts for those alternatives. The preferred alternatives for this area have a range of minor adverse to minor beneficial economic impacts. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

The D4 Preferred DeSoto Canyon Spatial Management Area Preferred Alternative Package will include implementation of four alternatives and sub-alternatives analyzed among the ''A,'' ''B,'' and ''C'' alternatives. Thus, economic impacts to small entities resulting from implementation of the D3 Preferred Alternative Package would be the combination of the impacts of the following alternatives and sub-alternatives described above: Sub-Alternative A4a (no modifications to the area), Alternative B1 (no action data collection), Alternative B4 (cooperative research EFP), Alternative C2 (three year evaluation), and Alternative C4 (triggered evaluation). Detailed impacts of each of the alternatives are not repeated here. The preferred alternative package will be the combination of the preferred A, B, and C alternatives for the area and the impacts for this preferred alternative package are the combination of the impacts for those alternatives. The preferred alternatives for this area have a range of neutral to minor beneficial economic impacts. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery, though not all vessels are active in the area so economic impacts would not be equally shared among all active vessels.

Spatial Management Area Regulatory Provisions

Alternative E1, the no action alternative, would make no changes to the framework adjustment regulations at 50 CFR 635.34(d), which outline the management measures that NMFS may change through regulatory action and factors that must be considered in doing so. Consideration of high-level spatial management design elements or factors are administrative in nature and would not have any short-term or long-term economic impacts on fishermen. Thus, all economic impacts would be neutral. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic with bottom longline gear.

Alternative E2, the preferred alternative, revises the HMS regulations at 50 CFR 635.35(f) to add considerations for review of spatial management areas, including the high-level design of specific objectives, timing of evaluation, data collection and access within spatial management areas. Adding these considerations is administrative in nature and will not have any short-term or long-term economic impacts on fishermen. Thus, all economic impacts will be neutral. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery. In 2020, there were 13 active vessels (vessels that had trips where 75 percent of the landings by weight were sharks) targeting sharks in the Atlantic with bottom longline gear.

Electronic Monitoring

Under Alternative F1, the preferred alternative, NMFS will not require vessel owners to pay for sampling costs of the EM program fleet-wide and will continue to fund the HMS EM program (both administrative and sampling costs) and utilize contracts with one or more vendors to conduct EM system installation, maintenance, and repair, as well as data storage, video review, and analyses. Since this alternative will not implement any changes, direct economic impacts on pelagic longline fishermen will be neutral. Alternative F1 is the EM cost allocation with the least economic impact. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery.

Alternative F2 would require vessel owners to pay for 100 percent of HMS pelagic longline EM sampling costs fleet-wide over a three-year period (phased-in) and would include components designed to create a standardized EM program that may be implemented by NOAA certified vendors. In conjunction with the phase-in of sampling costs, this alternative would include four distinct components: (1) vendor requirements, (2) vessel requirements, (3) vessel monitoring plan requirements, and (4) modification of current IBQ Program's EM spatial/temporal requirements. The requirement for vessel owners to pay for EM sampling costs would likely lead to a substantial increase in economic costs for vessel owners. The cost to industry would be estimated to be approximately $280 per set before mitigation measures (*e.g.,* multiple vendors, changes to EM spatiotemporal requirements) are factored in. On a median length trip of 10 days with 6 sets, the cost would be $1,680/trip or $168/sea-day. This cost estimate equates to approximately 19 percent of net revenue on a median trip. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery.

Alternative F3 would remove all of the current HMS EM program requirements applicable to pelagic longline vessels. Bluefin tuna interactions with pelagic longline gear would be monitored using a combination of VMS data, logbook data, observer reports, and landings data from dealers. Since the Agency funds nearly 100 percent of the EM program, removing EM requirements would not have a large economic impact on the fishery. However, the fishery would no longer incur costs associated with activities such as shipping hard drives and coordinating equipment repair and replacement. Thus, small economic benefits would be likely. From 2018 through 2020, there were 82 active pelagic longline vessels in the fishery.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide (the guide) was prepared and posted to the Amendment 15 website. Copies of this final rule are available from the Office of Sustainable Fisheries, and the guide is available upon request (see **ADDRESSES**).

Paperwork Reduction Act (PRA)

This final rule contains collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) (PRA). The collection of information requirements contained in this final rule were pre-approved by OMB on March 31, 2025.

As part of Amendment 15, this rule contains measures that modify existing

reporting, record-keeping, or other compliance requirements that require PRA filing, as described below. This final rule will change the existing requirements for collection-of-information under OMB Control Number 0648–0372, ''Electronic Monitoring Systems for Atlantic Highly Migratory Species.'' However, due to the existence of concurrent actions for that collection, which came up for renewal before this final rule was published, the collection-of-information requirements in this final rule have been assigned a temporary Control Number, 0648–0816, that will later be merged into Control Number 0648–0372.

This rule establishes two pelagic longline monitoring areas in which pelagic longline vessel owners and/or operators that are approved to fish will be required to report interactions with select bycatch species by set via their vessel monitoring system (VMS) units. We estimate no more than 20 pelagic longline vessel operators will be required to submit a total of 630 bycatch reports each year with no additional recordkeeping and reporting costs except labor costs. These reports will take an estimated 15 minutes to complete for 158 hours of burden per year across the fleet.

Amendment 15 will not alter the fleet-wide EM requirements in support of the bluefin tuna IBQ program. Amendment 15 does, however, implement changes to EM requirements for those choosing to fish in newly designated monitoring areas. Vessel owners voluntarily fishing in monitoring areas will be responsible for arranging and paying for enhanced EM video review. While NMFS will continue to cover EM sampling costs for pelagic longline trips conducted exclusively outside of the new monitoring areas, all owners of pelagic longline vessels that choose to deploy pelagic longline gear within the established monitoring areas will be required to cover the EM sampling costs associated with the additional video review of 50 percent of sets required within those areas. For trips voluntarily conducted wholly or partially within a monitoring area, the vessel owner will have the choice of paying the NMFS-contracted EM provider for the extra video review or using another NMFS-certified EM service provider to provide support for EM requirements including equipment maintenance and replacement and review of video data. To facilitate the availability of NMFS-certified EM service providers, this final rule establishes a process pursuant to which EM vendors apply to be certified by NMFS based on requirements set forth in the regulations. This process is expected to mitigate economic impacts by encouraging additional EM vendors to enter the market. This final rule establishes new reporting requirements for EM vendors; vendors will be required to assist vessel owners in the development of vessel monitoring plans and provide quarterly EM video review reports, non-compliance reports, and debriefs to NMFS staff as needed.

While the EM vendor provisions of this final rule are new, many requirements of the current EM regulations are not substantively changed by this final rule. Generally, we estimate 20 pelagic longline vessel operators at most would choose to fish within the newly established monitoring areas and be subject to paying for the associated EM monitoring costs, with an estimated maximum total annual cost to the public of $100,800 in recordkeeping and reporting costs. Under this final rule, vessel owners will be responsible for the full cost of EM video processing for pelagic longline trips voluntarily taken within, or partially within, the new monitoring areas. Currently, pelagic longline vessel operators are required to mail in their EM hard drives after every other trip, which is currently estimated to be 6 times per year and take 1 hour. For those vessels voluntarily fishing within monitoring areas, we estimate they will submit EM hard drives for trips taken within the monitoring areas 3 times per year. We estimate vessel owners would have $1,680 in recordkeeping and reporting costs each time they submit video data for trips that voluntarily fished within the monitoring areas.

We also anticipate up to 4 EM vendors will apply to be certified as EM service providers to the pelagic longline fleet and that no more than 3 vendors will receive approval. EM vendor estimated total annual burden hours would be 671 hours, with $14,363 estimated total annual recordkeeping and reporting costs. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The estimated time per response varies by item within the suite of information collected, as follows: EM service provider applications, 45 hours; copies of contracts and other documents, 30 minutes; appeals, 4 hours; application revisions, 2 hours; EM certificate of installation, 30 minutes; vessel monitoring plans, 4 hours; quarterly EM review reports, 40 hours; technical assistance, 20 minutes; non-compliance reports, 20 minutes; data storage, 15 minutes; and debriefs of EM staff, 2 hours.

NMFS invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps NMFS assess the impact of our information collection requirements and minimize the public's reporting burden. Written comments and recommendations for this information collected should be submitted on the following website: *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0816.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: February 12, 2026.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. This authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

■ 2. Amend § 635.2 by:
■ a. Removing the definition of ''Charleston Bump closed area'';
■ b. Adding in alphabetical order definitions of ''Charleston Bump Monitoring Area'' and ''Charleston Bump Pelagic Longline Restricted Area''.
■ c. Removing the definition of ''DeSoto Canyon closed area'';
■ d. Adding in alphabetical order the definition of ''DeSoto Canyon Pelagic Longline Restricted Area'';
■ e. Removing the definition of ''East Florida Coast closed area'';
■ f. Adding in alphabetical order definitions of ''East Florida Coast Monitoring Area'' and ''East Florida Coast Pelagic Longline Restricted Area''.

■ g. Removing the definitions of ''Edges 40 Fathom Contour closed area'' and ''Madison-Swanson closed area'';
■ h. Adding the definition of ''Mid-Atlantic Bottom Longline Restricted Area'';
■ i. Removing the definitions of ''Mid-Atlantic shark closed area'', ''Northeastern United States Pelagic Longline Monitoring Area'', ''Spring Gulf of America Pelagic Longline Monitoring Area'', and ''Steamboat Lumps closed area'';
■ j. Adding the definition of ''Straight line''; and
■ k. Revising the definition of ''Vessel Monitoring Plan''.

The additions and revision read as follows:

§ 635.2 Definitions.

* * * * *

Charleston Bump Monitoring Area means the area within the Atlantic Ocean bounded by straight lines by the following coordinates: starting from 34°00′00″ N lat., 76°58′52″ W long.; then proceeding due east to 34°00′00″ N lat., 76°00′00″ W long.; then proceeding due south to 31°00′00″ N lat., 76°00′00″ W long.; then proceeding due west to 31°00′00″ N lat., 80°26′42″ W long.; and then proceeding northeast in a straight line to the first point at 34°00′00″ N lat., 76°58′52″ W long.

Charleston Bump Pelagic Longline Restricted Area means the area within the Atlantic Ocean that is bounded by the following coordinates: starting at a point intersecting the inner boundary of the U.S. EEZ at 34°00′00″ N lat. (near Wilmington Beach, NC); then proceeding due east to 34°00′00″ N lat., 76°58′52″ W long.; then proceeding southwest in a straight line to 31°00′00″ N lat., 80°26′42″ W long.; then proceeding due west to intersect the inner boundary of the U.S. EEZ at 31°00′ N lat. (near Jekyll Island, GA); and then proceeding northward following the inner boundary of the U.S. EEZ to the first point at 34°00′00″ N lat.

* * * * *

DeSoto Canyon Pelagic Longline Restricted Area means the area within the Gulf of America bounded by straight lines with the following coordinates: starting at 30°00′00″ N lat., 88°00′00″ W long.; then proceeding due east to 30°00′00″ N lat., 86°00′00″ W long.; then proceeding due south to 28°00′00″ N lat., 86°00′00″ W long.; then proceeding due east to 28°00′00″ N lat., 84°00′00″ W long.; then proceeding due south to 26°00′00″ N lat., 84°00′00″ W long.; then proceeding due west to 26°00′00″ N lat., 86°00′00″ W long.; then proceeding due north to 28°00′00″ N lat., 86°00′00″ W long.; then proceeding due west to 28°00′00″ N lat., 88°00′00″ W long.; and then proceeding due north to the first point at 30°00′00″ N lat., 88°00′00″ W long.

* * * * *

East Florida Coast Monitoring Area means the area within the Atlantic Ocean bounded by the following coordinates: starting at 31°00′00″ N lat., 80°26′42″ W long.; then proceeding due east to 31°00′00″ N lat., 78°00′00″ W long.; then proceeding southwest in a straight line until the outer boundary of the EEZ is reached at 28°17′10″ N lat., 79°11′24″ W long.; then following the outer boundary of the EEZ southwest to 27°52′55″ N lat., 79°28′34″ W long.; and then proceeding northwest in a straight line to the first point at 31°00′00″ N lat., 80°26′42″ W long.

East Florida Coast Pelagic Longline Restricted Area means the area within the Atlantic Ocean bounded by the following coordinates: starting at a point that intersects the inner boundary of the U.S. EEZ at 31°00′00″ N lat. (near Jekyll Island, GA); then proceeding due east to 31°00′00″ N lat., 80°26′42″ W long.; then proceeding southeast to 27°52′55″ N lat., 79°28′34″ W long.; then proceeding along the outer boundary of the EEZ to the intersection of the EEZ with 24°00′00″ N lat.; then proceeding due west to 24°00′00″ N lat., 81°47′00″ W long.; then proceeding due north to intersect the inner boundary of the U.S. EEZ at 81°47′00″ W long. near Key West, FL; and then proceeding northward following the inner boundary of the U.S. EEZ to the first point at 31°00′00″ N lat.

* * * * *

Mid-Atlantic Bottom Longline Restricted Area means the Atlantic Ocean area bounded by the following coordinates: starting at a point intersecting the inner boundary of the U.S. EEZ at 35°41′00″ N lat. (just south of Oregon Inlet, North Carolina); then proceeding due east to 35°41′00″ N lat., 74°51′00″ W long.; then proceeding southeast in a straight line to 35°30′00″ N lat., 74°46′00″ W long.; then proceeding southwest in a straight line, roughly following the 55 fathom mark, to 33°51′00″ N lat., 76°24′00″ W long.; then proceeding due west to intersect the inner boundary of the U.S. EEZ at 33°51′00″ N lat., 77°53′00″ W long. (near Cape Fear, North Carolina); and then proceeding northward following the inner boundary of the U.S. EEZ to the first point at 35°41′00″ N lat.

* * * * *

Straight line means in this part:

(1) For regulated areas, a straight line means a geodesic line with the shortest length connecting two or more points. Straight lines will be displayed as a rhumb line on a map with a Mercator-based projection.

(2) For measuring fish, a straight-line measurement means a measurement between two points of the fish that is not made along the curve of the body.

* * * * *

Vessel monitoring Plan (VMP) means an on-board, EM system reference document required by §§ 635.9 and 635.35.

* * * * *

■ 3. In § 635.9, revise paragraphs (a), (b)(1), (d), and (e)(4) and add paragraph (h) to read as follows:

§ 635.9 Electronic monitoring.

(a) *Applicability.* An owner and/or operator of a commercial vessel permitted or required to be permitted in the Atlantic Tunas Longline category under § 635.4, and that has pelagic longline gear on board, is required to have installed and maintain at all times during fishing trips, a fully operational EM system on the vessel, as specified in this section. Vessel owners and/or operators can contact NMFS or a NMFS-approved contractor for more details on procuring an EM system. Owners and/or operators of vessels fishing with pelagic longline gear within the Charleston Bump and East Florida Coast Monitoring Areas while they are effective (see §§ 635.2 and 635.35(d)(3)) must comply with the EM requirements in paragraph (h) of this section.

(b) * * *

(1) NMFS or a NMFS-approved contractor will assess individual Atlantic Tunas Longline permitted vessels that are currently eligible for IBQ shares; install and test all EM systems; provide training to vessel owners or operators or their designees; and develop in consultation with vessel owners or operators or their designees required operational plans (Vessel Monitoring Plan or VMP) for the EM systems, as described in paragraph (e) of this section.

* * * * *

(d) *Data maintenance, storage, and viewing.* The EM system under paragraph (c) of this section must have the capacity to allow authorized officers of NMFS, the USCG, or Federal or State agencies with enforcement agreements with NMFS (see 16 U.S.C. 1861) to observe the live video on the EM systems monitor and any EM systems data. The EM system used for monitoring areas under paragraph (h) of this section must also have the capacity to allow authorized officers to observe any EM systems data and, if available, live video. Vessel owners or operators must also provide access to EM systems,

including the data, upon request, to any NMFS-approved contractor. The certified EM vendor must provide access to data stored by that vendor as provided under paragraph (h)(3)(iii) of this section.

(e) * * *

(4) *Completion of trip(s).* Except when at capacity after one trip or otherwise stated by NMFS in writing, EM hard drives may be used to record up to two trips. Within 48 hours of completing a second fishing trip, or within 48 hours of completing one trip in the case where the hard drive does not have sufficient capacity for a second trip, the vessel owner and/or operator must mail the removable EM system hard drive(s) from the NMFS-provided EM system containing all data to NMFS or NMFS-approved contractor, and must mail hard drive(s), if any, from their certified EM vendor's system to the vendor (see paragraph (h) of this section), according to instructions provided by NMFS. The vessel owner and/or operator must comply with the 48-hour mailing requirement regardless of whether a vessel fished inside or outside of the monitoring areas as defined in § 635.2 and specified in § 635.35(d)(3). The vessel owner and/or operator is responsible for using shipping materials suitable to protect the hard drives (*e.g.,* bubble wrap), tracking the package, and including a self-addressed mailing label for the next port of call so replacement hard drives can be mailed back to the sender. Prior to departing on any trip, the vessel owner and/or operator must ensure that any EM system hard drive that is installed has the capacity needed to enable data collection and video recording for the entire trip. The vessel owner and/or operator is responsible for contacting NMFS or NMFS-approved contractor if they have requested but not received a replacement hard drive(s) for the NMFS-provided EM system and for informing NMFS or NMFS-approved contractor of any lapse in the hard drive management procedures described in the VMP. Further requirements for EM within monitoring areas are in paragraph (h) of this section.

* * * * *

(h) *Within the Monitoring Areas.* This paragraph applies to the Charleston Bump and East Florida Coast Monitoring Areas as defined under § 635.2 when these areas are effective as specified for each area in § 635.35(d)(3) of this section. In addition to the general EM requirements in this section, owners of vessels fishing with pelagic longline gear within the boundaries of the monitoring areas during the months specified for each area must utilize EM services from NMFS-certified EM vendors and pay for sampling costs. This section sets forth EM cost responsibilities; NMFS' application, approval, and removal process for EM vendors; requirements for NMFS-certified EM vendors providing services pursuant to contracts to vessels owners; and requirements for vessel owners and/or operators. Unless otherwise specified, owners and/or operators of vessels permitted or required to be permitted in the Atlantic Tunas Longline category under § 635.4 must comply with this paragraph and are jointly and severally responsible for their vessel's compliance with this section.

(1) *EM Cost responsibilities.* The owner of a vessel fishing with pelagic longline gear in a monitoring area is responsible for the sampling costs, described in paragraph (h)(1)(i) of this section, related to EM requirements for the monitoring areas. NMFS is responsible for the administrative costs described in paragraph (h)(1)(ii) of this section. For fishing outside of the monitoring areas, NMFS is responsible for sampling and administrative costs for EM requirements in paragraphs (a) through (g) of this section in support of the IBQ program under § 635.15.

(i) *Sampling costs.* Sampling costs may include, but are not limited to, equipment purchases, leases, and installation; equipment maintenance and upkeep; training for captain and crew; development and implementation of VMPs (see paragraph (h)(3)(i) of this section); data transmittal; video processing, review, and storage; and payment to a NMFS-certified vendor as appropriate for services rendered. The sampling costs for the equipment (*e.g.,* purchases, leases, maintenance) apply only to any equipment that is bought, leased, or installed by or under the direction of an certified EM vendor with whom a vessel owner has a contract (see paragraphs (h)(3) and (4) of this section).

(ii) *Administrative costs.* Administrative costs may include, but are not limited to, program administration support; certification of EM service providers; EM program sample design and performance monitoring; compliance monitoring; data analysis for management and enforcement purposes; and storage of Federal records.

(2) *EM vendor approval and evaluation.* An entity seeking to provide EM services for vessel owners or operators deploying pelagic longline gear in the monitoring areas must submit a complete application to NMFS, at an address designated by NMFS. Once received, NMFS will review the application for completeness and possible approval.

(i) *Contents of application.* Application forms and instructions for their completion are available from NMFS. An application is complete when all requested forms, information, and documentation have been received, including the information described in this paragraph. NMFS will notify the applicant of any deficiency in the application, including failure to provide information required to be submitted under this part. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered abandoned. An application to become a certified EM vendor shall include, but is not limited to, the following:

(A) Identification of the management, organizational structure, and ownership structure of the applicant's business, including identification by name and general function of all controlling management interests in the company, including but not limited to owners, board members, officers, authorized agents, and staff. If the applicant is a corporation, the articles of incorporation must be provided. If the applicant is a partnership, the partnership agreement must be provided.

(B) A list of all physical and electronic mailing addresses and any relevant phone or fax numbers where the owner(s) can be contacted for official correspondence, and the current physical location for each office.

(C) A description of the applicant's ability to carry out the responsibilities and duties of EM vendors under paragraph (h)(3) of this section.

(D) A statement signed under penalty of perjury by an authorized agent of the applicant EM vendor that each owner, board member, officer, and employee of the EM vendor has no conflict of interest as described in paragraph (h)(2)(iii) of this section.

(E) Procedures for hiring and training of competent program staff to carry out EM field services and data services, including procedures to train, and maintain the skills of, EM data processing staff in: use of data processing software; species identification; metadata reporting requirements; data processing procedures; data tracking; and reporting and data upload procedures.

(ii) *Application evaluation and certification.* NMFS shall review and evaluate each complete application submitted under paragraph (h)(2)(i) of this section. A decision to approve or deny an application shall be made by NMFS within 90 business days of

receipt of the complete application by NMFS.

(A) Issuance of approval as an EM vendor shall be based on a determination by NMFS of the applicant's ability to perform the responsibilities and duties under paragraph (h)(3) of this section, as demonstrated in the application information, and the absence of conflict of interest (see paragraph (h)(2)(iii) of this section).

(B) If NMFS approves the application, NMFS will notify the vendor in writing that it has certified the vendor and will provide any information pertinent to its participation in the EM program. NMFS will also add the EM vendor's name to the list of certified EM vendors found on the NMFS website and in any outreach information to the industry.

(C) If NMFS determines that the applicant is unable to perform the responsibilities and duties under paragraph (h)(3) of this section or has conflicts of interest pursuant to paragraph (h)(2)(iii) of this section, NMFS shall deny the application. NMFS shall notify the applicant in writing of the reason for the denial. Within 30 days of the applicant's receipt of the denial notification, an applicant may request reconsideration by submitting additional information to rectify any deficiencies specified in the written denial. If the applicant does not submit additional information within that 30-day period, they must resubmit a new application containing all of the information required under paragraph (h)(2)(i) of this section in order to be reconsidered for the list of certified EM vendors.

(iii) *Limitations on conflict of interest for EM vendors.* Other than providing EM services to vessel owners and/or operators in the fishery, a certified EM vendor and its employees must not:

(A) Have a direct or indirect interest in a fishery managed under Federal regulations, including, but not limited to, a fishing vessel, fish dealer, and/or fishery advocacy group; and

(B) Solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who conducts fishing or fishing related activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or non-performance of the responsibilities and duties of an EM vendor.

(iv) *Removal from the list of certified vendors.* An EM vendor that fails to meet the responsibilities and duties under paragraph (h)(3) of this section or that is shown to have a conflict of interest as described in paragraph (h)(2)(iii) of this section, shall be notified by NMFS, in writing, that it is subject to removal from the list of certified EM vendors. Such notification shall specify the reasons for the pending removal. Within 30 days of receiving such notification, an EM vendor may submit written evidence to rebut the reasons for removal from the list. Within 30 days of receiving any rebuttal, NMFS shall notify the EM vendor of its decision. If no rebuttal is received by NMFS within the first 30-day period, the EM vendor shall be automatically removed from the list of certified EM vendors. The decision to remove an EM vendor from the list, either after reviewing a rebuttal or if no rebuttal is submitted, shall be the final decision of NMFS and the Department of Commerce. Removal from the list of approved EM vendors does not necessarily prevent an EM vendor from obtaining an approval in the future if a new application is submitted that demonstrates that the reasons for removal are remedied.

(3) *Responsibilities and duties of EM vendors.* To maintain a certified EM vendor status, an EM vendor must demonstrate an ability to provide or support pelagic longline vessel owners and/or operators with the following services:

(i) *VMP for the Monitoring Areas.* A certified EM vendor must, in consultation with the vessel owner with whom the vendor has a contract for EM services in the monitoring areas, develop a required VMP for EM systems, as described in paragraph (e) of this section. The VMP is only valid when there is an existing, signed contract between a certified EM vendor and the vessel owner; the vendor and vessel owner have signed and dated the VMP; and NMFS or NMFS-approved contractor has signed and dated the VMP to indicate that the plan is approved. A VMP that is produced in compliance with the EM requirements outside of the monitoring areas may suffice in the monitoring areas if the vessel owner has a contract with the same NMFS-approved contractor that is providing EM services across the fleet for all trips.

(ii) *EM installation and maintenance for the Monitoring Areas.* A certified EM vendor is responsible for ensuring that an EM system, as specified in the VMP, is installed and tested and has the following capabilities: camera(s) with sufficient resolution to determine the number and species of fish caught; camera(s) placed in a location(s) that provides clear, unobstructed views of the area(s) where pelagic longline gear is retrieved and of catch being removed from hooks and placed on the vessel; lighting sufficient to clearly illuminate individual fish; ability to initiate video recording at the time gear retrieval starts and to continue recording until catch is removed from the hooks and placed on the vessel; a GPS receiver that allows for collection of location coordinates, heading, and velocity data of the vessel; a monitor that allows for the monitoring of the state of the EM system; a method of protecting all electronic data, including video and metadata and sensor data if hydraulic and gear sensors are installed, from tampering; and a method of collecting and sending all electronic data, including video and metadata and, if applicable, sensor data, to the EM vendor for review. In addition, each EM system must comply with the requirements in paragraph (d) of this section including the capacity to allow authorized officers to observe any EM systems data and, if available, live video. The EM vendor may determine that the NMFS-provided EM system already on the vessel (see § 635.9(a) through (c)) is compatible for use in the monitoring areas (*e.g.,* compatible with the vendor's equipment, software, data transmission, data storage, *etc.*). Alternatively, the EM vendor may determine that only a part of, or none of, the NMFS-provided EM system is compatible for use and may, therefore, require the vessel owner to buy or lease EM system components. In both situations, the certified EM vendor is responsible for ensuring the EM system meets the capabilities described above and enables the vendor to meet its requirements under paragraph (h)(3) of this section. The certified EM vendor is also responsible for assisting the vessel owner and/or operator in meeting all the requirements listed in paragraph (h)(4) of this section and for providing training to vessel owners or operators or their designees on how to use the EM system. After confirming that the EM system meets the capabilities described above, is properly installed, has been tested, and training and a VMP are completed, the EM vendor will provide a Certificate of Installation to the vessel owner or operator. If the EM system stops working properly, the EM vendor will assist the vessel owner and/or operator in repairing or replacing malfunctioning equipment and returning the system to working order. If the malfunctioning parts are NMFS-provided, the EM vendor will work with NMFS to have the equipment repaired or replaced and to return the system to working order. If the EM vendor is notified by the vessel owner or operator that the EM

system has stopped functioning properly while the vessel is at sea and in the monitoring areas, the EM vendor will notify NMFS and provide instructions to the vessel owner and/or operator consistent with NMFS' guidance.

(iii) *Data integrity and storage requirements.* A certified EM vendor must receive, access, and store video data consistent with the VMP and paragraphs (d) and (h)(3) of this section; store video and metadata for a minimum of 2 years after the date received; and provide access to stored data upon request by any authorized officers of NMFS.

(iv) *Video review requirements.* A certified EM vendor must:

(A) Ensure that all EM data processing staff has been trained in species identification consistent with the procedures submitted under paragraph (h)(2)(i)(E) of this section;

(B) At NMFS' request, conduct additional video review to verify catch reports, and provide information for regulatory, enforcement, or for other management purposes; and

(C) On a calendar year quarterly basis, receive all of the electronic data, including video and metadata and, if applicable, sensor data, collected by the EM systems on all vessels for which the certified EM vendor has a contract for EM services. Once all data are received, the certified EM vendor must review 50 percent of the sets submitted from the vessels that fished in the Charleston Bump Monitoring Area and 50 percent of the sets submitted from the vessels that fished in the East Florida Coast Monitoring Areas (see § 635.2 for definitions of the areas), when these areas are effective as specified in § 635.35(d)(3). NMFS may evaluate video review rates on a regular basis and modify them as appropriate through a framework adjustment per § 635.34.

(v) *Reporting requirements.* Each calendar year, a certified EM vendor must submit quarterly reports to NMFS for vessels for which the EM vendor has existing, signed contracts. Quarter 1 (January through March) report is due on or before June 30. Quarter 2 (April through June) report is due on or before September 30. Quarter 3 report (July through September) is due on or before December 31. Quarter 4 report (October through December) is due on or before March 31. The reports must include a list of vessels that submitted EM data for review; a list of vessels that did not submit EM data for review; the location, date, and time of gear retrieval of all sets submitted for review; identification of the sets reviewed (vessel name, location, date, and time of gear retrieval of all sets) for the quarterly report; species caught and amounts (retained and discarded) from the sets reviewed and disposition (dead or alive) of catch that is discarded; information on any technical difficulties (including poor video, no video, unreviewable video, misaligned camera angles, and any other issues that prevent effective video review of catch); information on how technical difficulties were addressed on the vessel and during the video review process; and/or any questions video reviewers may have about whether the vessel's fishing practices are compliant with applicable regulations. The metadata from all submitted trips and sets must accompany these quarterly reports. As appropriate, NMFS may respond to questions about fishing practices or possible regulatory violations in order to assist video reviewers and EM vendors in understanding the regulations and the EM program.

(4) *Vessel owner and operator requirements.* The owner of a vessel with pelagic longline gear on board and fishing with pelagic longline gear in an effective monitoring area, as described at the beginning of paragraph (h) of this section, must obtain EM services (see paragraph (h)(3)) of this section from a NMFS-certified EM vendor (see paragraph (h)(2) of this section). The vessel owner is responsible for the sampling costs (see paragraph (h)(1) of this section). For any trip where fishing with pelagic longline gear may occur in an effective monitoring area, the vessel owner and/or operator must:

(i) Declare intent to fish with pelagic longline in a monitoring area through hail-out via VMS unit prior to departing on the trip as required in § 635.69(e)(2));

(ii) Have an EM system on board with the capabilities required under paragraph (h)(3)(ii) of this section. The vessel owner and/or operator must monitor and maintain the EM system in working condition, which includes ensuring the proper continuous functioning of the EM system to meet the required capabilities under paragraph (h)(3)(ii) of this section;

(iii) Collect video data during hauling activities via an installed and working EM system and, if hydraulic and gear sensors are installed, collect sensor data during the duration of the trip;

(iv) Have on board and available for inspection an approved VMP pursuant to paragraph (h)(3)(i) of this section and ensure that all of the requirements, specifications and protocols outlined in the VMP have been implemented by the date specified in the VMP;

(v) Have on board and available for inspection a Certificate of Installation in accordance with paragraph (h)(3)(ii) of this section;

(vi) Prior to departing on the trip, activate the EM system and ensure the installed EM system has the capacity needed to enable data collection and video recording for the entire trip. The vessel cannot enter a monitoring area if the EM system does not have the capacity needed;

(vii) Prior to departing on the trip, test the functionality of the system and contact their certified EM vendor if the system is not functioning properly. If the EM system is not functioning properly, the vessel is prohibited from deploying pelagic longline sets in any effective monitoring area, as described in the beginning of paragraph (h) of this section. The vessel may still fish outside the monitoring area(s) if the EM system installed by the NMFS-approved contractor for use outside the monitoring areas functions properly consistent with paragraph (f) of this section. The vessel owner or operator must work with the EM vendor pursuant to paragraph (h)(3)(ii) of this section to correct any malfunctions with the EM system before fishing in the monitoring areas can resume;

(viii) Provide access to the EM system, including the data, as provided under paragraph (d) of this section;

(ix) During the trip, ensure the proper continuous functioning of all aspects of the EM system as required under paragraphs (h)(3)(ii) and (h)(4)(i) through (viii) of this section, including that: the EM system must remain powered on for the duration of each fishing trip in an effective monitoring area, as described at the beginning of paragraph (h) of this section; cameras must be functioning and cleaned routinely; the hydraulic and gear sensors, if installed, must be operational; the GPS signal must be functioning; and the EM system components must not be tampered with. If the vessel owner or operator becomes aware that the EM system is not functioning properly while the vessel is fishing in a monitoring area, the vessel owner or operator must contact their EM vendor and NMFS and follow the instructions given. Such instructions may include but are not limited to returning to port until the EM system is repaired. Once in port, an EM system must be functioning properly (*e.g.,* repaired, reinstalled, or replaced) consistent with the installation requirements under paragraph (h)(3)(ii) of this section before the vessel may fish with pelagic longline within an effective monitoring area;

(x) Ensure that all fish that are caught, even those that are released, are handled

in a manner that enables the video system to record such fish, and ensure that interactions occur in accordance with relevant regulations and the operational procedures outlined in the VMP;

(xi) Ensure that each retained fish is placed on the standardized reference grid (see paragraph (c)(7) of this section) in view of cameras in accordance with the operational procedures outlined in the VMP; and

(xii) At the completion of a trip or as agreed to with the certified vendor, submit all electronic data, including video and metadata and, if applicable, sensor data, to the certified EM vendor, consistent with the requirements in the VMP.

■ 4. Amend § 635.21 by:
■ a. Removing paragraph (a)(3);
■ b. Redesignating paragraph (a)(4) as (a)(3);
■ c. Removing paragraph (b)(2);
■ d. Redesignating paragraphs (b)(3) and (4) as (b)(2) and (3), respectively;
■ e. Revising paragraph (c); and
■ f. Revising paragraph (d).

The revisions read as follows:

§ 635.21 Gear operation and deployment restrictions.

* * * * *

(c) *Pelagic Longlines.* (1) If a vessel issued or required to be issued a permit under this part:

(i) Has bottom longline gear on board and is in one of the areas designated under § 635.35(c) or (d)(3), the vessel may not, at any time, possess or land any pelagic species listed in table 2 of appendix A to this part in excess of 5 percent, by weight, of the total weight of pelagic and demersal species possessed or landed, that are listed in tables 2 and 3 of appendix A to this part.

(ii) Has pelagic longline gear on board, persons aboard that vessel may not possess, retain, transship, land, sell, or store silky sharks, oceanic whitetip sharks, or scalloped, smooth, or great hammerhead sharks.

(iii) Has pelagic longline gear on board, persons aboard that vessel are required to release unharmed, to the extent practicable, porbeagle sharks that are alive at the time of haulback.

(iv) Has pelagic longline gear on board, persons aboard that vessel are required to promptly release in a manner that causes the least harm any shortfin mako shark that is alive at the time of haulback, consistent with the requirements specified at paragraphs (a)(1) and (c)(5)(i) of this section. When the commercial retention limit specified at § 635.24(a)(4)(v) is greater than zero, any shortfin mako shark that is dead at the time of haulback may be retained provided the electronic monitoring system is installed and functioning in compliance with the requirements at § 635.9.

(2) If pelagic longline gear is on board a vessel issued or required to be issued a LAP under this part, persons aboard that vessel may not fish or deploy any type of fishing gear in the NED at any time unless, the vessel complies with paragraphs (c)(2)(i) through (iii) and (c)(4) of this section:

(i) The vessel is limited to possessing on board and/or using only 18/0 or larger circle hooks with an offset not to exceed 10 degrees. The outer diameter of the circle hook at its widest point must be no smaller than 2.16 inches (55 mm) when measured with the eye on the hook on the vertical axis (y-axis) and perpendicular to the horizontal axis (x-axis), and the distance between the circle hook point and the shank (*i.e.,* the gap) must be no larger than 1.13 inches (28.8 mm). The allowable offset is measured from the barbed end of the hook and is relative to the parallel plane of the eyed-end, or shank, of the hook when laid on its side. The only allowable offset circle hooks are those that are offset by the hook manufacturer. If green-stick gear, as defined at § 635.2, is on board, a vessel may possess up to 20 J-hooks. J-hooks may be used only with green-stick gear, and no more than 10 hooks may be used at one time with each green-stick gear. J-hooks used with green-stick gear may be no smaller than 1.5 inch (38.1 mm) when measured in a straight line over the longest distance from the eye to any other part of the hook;

(ii) The vessel is limited, at all times, to possessing on board and/or using only whole Atlantic mackerel and/or squid bait, except that artificial bait may be possessed and used only with green-stick gear, as defined at § 635.2, if green-stick gear is on board;

(iii) All sea turtle bycatch mitigation measures specified in paragraph (c)(4) of this section, except for the mitigation measures specified in paragraph (c)(4)(iii)(B) and (C) of this section, as these paragraphs specify bait, hook size, and hook type requirements for vessels fishing outside the NED as defined in § 635.2. Instead, persons on board the vessel must comply with hook size and type requirements in paragraph (c)(2)(i) of this section and bait restrictions in paragraph (c)(2)(ii) of this section.

(3) In the Gulf of America, pelagic longline gear may not be fished or deployed from a vessel issued or required to have been issued a LAP under this part with live bait affixed to the hooks; and, a person aboard a vessel issued or required to have been issued a LAP under this part that has pelagic longline gear on board may not possess live baitfish, maintain live baitfish in any tank or well on board the vessel, or set up or attach an aeration or water circulation device in or to any such tank or well. For the purposes of this section, the Gulf of America includes all waters of the U.S. EEZ west and north of the boundary stipulated at 50 CFR 600.105(c).

(4) The owner and operator of a vessel permitted or required to be permitted under this part and that has pelagic longline gear on board must undertake the following sea turtle bycatch mitigation measures:

(i) *Possession and use of required mitigation gear.* Required sea turtle bycatch mitigation gear, which NMFS has approved under paragraph (c)(4)(iv) of this section as meeting the minimum design standards specified in paragraphs (c)(4)(i)(A) through (M) of this section, must be carried onboard, and must be used to disengage any hooked or entangled sea turtles in accordance with the handling requirements specified in paragraph (c)(4)(ii) of this section.

(A) *Long-handled line clipper or cutter.* Line cutters are intended to cut high test monofilament line as close as possible to the hook, and assist in removing line from entangled sea turtles to minimize any remaining gear upon release. NMFS has established minimum design standards for the line cutters, which may be purchased or fabricated from readily available and low-cost materials. The LaForce line cutter and the Arceneaux line clipper are models that meet these minimum design standards. One long-handled line clipper or cutter meeting the minimum design standards, and a set of replacement blades, are required to be onboard. The minimum design standards for line cutters are as follows:

(*1*) A protected and secured cutting blade. The cutting blade(s) must be capable of cutting 2.0–2.1 mm (0.078 in.–0.083 in.) monofilament line (400-lb test) or polypropylene multistrand material, known as braided or tarred mainline, and must be maintained in working order. The cutting blade must be curved, recessed, contained in a holder, or otherwise designed to facilitate its safe use so that direct contact between the cutting surface and the sea turtle or the user is prevented. The cutting instrument must be securely attached to an extended reach handle and be easily replaceable. One extra set of replacement blades meeting these standards must also be carried on board

to replace all cutting surfaces on the line cutter or clipper.

(*2*) An extended reach handle. The line cutter blade(s) must be securely fastened to an extended reach handle or pole with a minimum length equal to, or greater than, 150 percent of the height of the vessel's freeboard, or 6 feet (1.83 m), whichever is greater. It is recommended, but not required, that the handle break down into sections. There is no restriction on the type of material used to construct this handle as long as it is sturdy and facilitates the secure attachment of the cutting blade.

(B) *Long-handled dehooker for internal hooks.* A long-handled dehooking device is intended to remove internal hooks from sea turtles that cannot be boated. It should also be used to engage a loose hook when a turtle is entangled but not hooked, and line is being removed. The design must shield the point of the hook and prevent the hook from re-engaging during the removal process. One long-handled device, meeting the minimum design standards as described below, is required on board to remove internal hooks. The minimum design standards are as follows:

(*1*) *Hook removal device.* Marine-grade stainless steel (316 L or 304 L) or similar (*i.e.,* designed to resist corrosion during exposure to saltwater) must be used for all components. The hook removal device must be constructed of three-sixteenths to five-sixteenths of an inch (4.76–7.94 mm) marine-grade stainless steel and have a dehooking end no larger than 1⅞-inch (4.76-cm) outside diameter. The device must securely engage and control the leader while shielding the point of the hook to prevent the hook from re-engaging during removal. The hook removal device must not have any unprotected points (including blunt ones), as these could cause injury to the mouth and esophagus during hook removal. The device must be of a size appropriate to secure the range of hook sizes and styles used in the pelagic longline fishery targeting swordfish and tuna.

(*2*) *Extended reach handle.* The dehooking end must be securely fastened to an extended reach handle or pole with a minimum length equal to or greater than 150 percent of the height of the vessel's freeboard, or 6 ft (1.83 m), whichever is greater. It is recommended, but not required, that the handle break down into sections. The handle must be sturdy and strong enough to facilitate the secure attachment of the hook removal device.

(C) *Long-handled dehooker for external hooks.* A long-handled dehooker, meeting the minimum design standards, is required on board for use on externally hooked sea turtles that cannot be boated. The long-handled dehooker for internal hooks described in paragraph (c)(4)(i)(B) of this section meets this requirement. The minimum design standards are as follows:

(*1*) *Hook removal device.* Marine-grade stainless steel (316 L or 304 L) or similar (*i.e.,* designed to resist corrosion during exposure to saltwater) must be used for all components on any style of long-handled dehooker. If utilizing a wire-style dehooker (*e.g.,* a pigtail or J-style dehooker), the long-handled dehooker must be constructed of three-sixteenths to five-sixteenths of an inch (4.76–7.94 mm) marine-grade stainless steel. All long-handled dehookers must have a dehooking end no larger than 1⅞-inch (4.76-cm) outside diameter. Smaller dehooking ends may be appropriate when encountering small turtles. A 5-inch (12.7-cm) tube T-handle of 1-inch (2.54-cm) outside diameter is recommended, but not required. The design must be such that a fish hook can be rotated out, without pulling it out at an angle, as described in paragraphs (c)(4)(ii)(B) and (C) of this section, and in the NMFS–SEFSC TM–735 Careful Release Protocols. The dehooking end must be blunt with all edges rounded. The device must be of a size appropriate to secure the range of hook sizes and styles used in the pelagic longline fishery targeting swordfish and tuna.

(*2*) *Extended reach handle.* The dehooking end must be securely fastened to an extended reach handle or pole. The handle must be a minimum length equal to or greater than 150 percent of the height of the vessel's freeboard or 6 ft (1.83 m), whichever is greater.

(D) *Long-handled device to pull an ''inverted V.''* This tool is used to pull a ''V'' in the fishing line when implementing the ''inverted V'' dehooking technique, as described in paragraph (c)(4)(ii)(C) of this section and in the NMFS–SEFSC TM–735 Careful Release Protocols, for disentangling and dehooking entangled sea turtles. One long-handled device to pull an ''inverted V'', meeting the minimum design standards, is required on board. If a 6-ft (1.83-m) or longer J-style dehooker is used to comply with paragraph (c)(4)(i)(C) of this section, it will also satisfy this requirement. Minimum design standards are as follows:

(*1*) *Hook end.* This device, such as a standard boat hook, gaff, or long-handled J-style dehooker must be constructed of stainless steel or aluminum. A sharp point, such as on a gaff hook, is to be used only for holding the monofilament fishing line and must never contact the sea turtle.

(*2*) *Extended reach handle.* The handle must have a minimum length equal to or greater than 150 percent of the height of the vessel's freeboard, or 6 ft (1.83 m), whichever is greater. The handle must be sturdy and strong enough to facilitate the secure attachment of the gaff hook.

(E) *Boating the turtle.* A device to bring incidentally caught sea turtles aboard the vessel must be carried on board the vessel to facilitate safe handling of sea turtles by allowing them to be brought on board for fishing gear removal without causing further injury to the animal. Sea turtles must never be brought on board without a net or hoist. Using the involved fishing gear to raise the turtle can result in serious injury. The following devices are options to meet this requirement.

(*1*) *Dipnet.* The dipnet must have a sturdy net hoop of at least 31 inches (78.74 cm) of inside diameter and a bag depth of at least 38 inches (96.52 cm) to accommodate turtles below 3 ft (91.44 cm) carapace length. The bag mesh openings may not exceed 3 inches (7.62 cm) bar measure, defined as the non-stretched distance between a side knot and a bottom knot of a net mesh (also known as the square mesh measurement). There must be no sharp edges or burrs on the hoop, or where the hoop is attached to the handle. The dipnet hoop must be securely fastened to an extended reach handle or pole with a minimum length equal to, or greater than, 150 percent of the height of the vessel's freeboard, or at least 6 ft (1.83 m), whichever is greater. The handle must be made of a rigid material strong enough to facilitate the sturdy attachment of the net hoop and able to support a minimum of 100 lb (45.36 kg) without breaking or significant bending or distortion. It is recommended, but not required, that the extended reach handle break down into sections.

(*2*) *Collapsible hoop net.* The collapsible hoop net frame must be constructed of stiff wire cable that coils to compress the size for storage. This device must have a minimum 31-inch (78.74-cm) inside diameter and a bag depth of at least 38 inches (96.52 cm) to accommodate turtles up to 3 ft (91.44 cm) in straight carapace length. The bag mesh openings may not exceed 3 inches (7.62 cm) bar measure, defined as the non-stretched distance between a side knot and a bottom knot of a net mesh (also known as the square mesh measurement). There must be no sharp edges or burrs on the hoop. The device must be capable of lifting at least 100 lb

(45.36 kg). No extended reach handle is needed on this type of net, although the rope handle length must be 6 ft (1.83 m) or 150 percent of freeboard height, whichever is greater.

(*3*) *Turtle hoist.* A turtle hoist consists of a supportive frame with mesh netting. A turtle hoist can be used to bring turtles on board that cannot be boated using a dipnet or collapsible hoop net. The two sizes that meet the design standards are described in paragraphs (c)(4)(i)(E)(*3*)(*i*) and (*ii*) of this section. The size of the turtle hoist used should match the size of turtles encountered.

(*i*) *Small turtle hoist.* The frame must be capable of supporting at least 100 lb (45.36 kg), with a minimum inside diameter of 31 inches (78.74 cm) to accommodate turtles up to 3 ft (91.44 cm) straight carapace length. This frame can be hinged or otherwise designed so that it can be folded for ease of storage as long as it can be quickly reassembled. If the frame is designed to fold or break down for storage, the hardware must be self-contained (*e.g.,* barrel bolts on both sides to lock down frame with no loose pieces like through bolts and nuts), and there must be no sharp edges. The shape of the frame does not matter (*e.g.,* round, square, rectangular, or a ''U-shaped'' or ''J-shaped'' basket) as long as it meets the required specifications and securely contains the turtle. The frame may be constructed of heavy-duty stainless steel tubing welded into shape or polyvinyl chloride (PVC) pipe (recommended 2-inch (5.08-cm) diameter with a required minimum strength of Schedule 40) connected and glued at the corners using 90° elbow fittings. PVC pipes can be drilled to facilitate water drainage for ease of hauling. A shallow bag net with mesh openings not to exceed 3 × 3 inches (7.62 × 7.62 cm) (bar measure) must be securely affixed to the frame, and lines (*e.g.,* polypropylene, nylon, polyester) must be securely attached to each corner to control and retrieve the frame and net. The lines can be operated using a pulley system if available on the vessel. No rigid extended reach handle is needed on this type of net, although the rope handle length must be 6 ft (1.83 m) or 150 percent of freeboard height, whichever is greater.

(*ii*) *Large turtle hoist.* The large turtle hoist must be capable of lifting a minimum of half a ton. The structure of the hoist must consist of three circular aluminum bar rings (top, middle, and bottom) connected with mesh and spokes. The hoist should be designed so that when on board, the turtle is suspended above the deck on a platform of mesh netting (8 mm, 6.5 inches (16.51 cm) stretch knotless 600-ply polyethylene netting) stretched across the middle ring. The turtle should be contained within a webbing fence (at least 18 inches (45.72 cm) high) which is supported by the top and middle rings and made of 3 mm, 4.7 inches (11.94 cm) stretch mesh braided polyethylene webbing, and wrapped along the top ring with ½-inch (1.27-cm) polypropylene rope. The top and middle rings (1¾ inch (4.45 cm) 50 series aluminum round bar) should be 7 ft and 6 inches (2.29 m) in diameter. The bottom ring (1½ inches (3.81 cm) 50 series aluminum round bar) should be 4 ft (1.22 m) in diameter. The middle and bottom rings are connected using 12 spoke braces (approximately 23 inches (58.42 cm) long, 1 inch (2.54 cm) round 50 series aluminum round bar or 6061 T6 1 inch (2.54 cm) Schedule 40 pipe) angled at approximately 25° and welded in place with an appropriate welding wire (5052, 6061 or 3003 wire). Rubber cookies (8 × 2½ inches (20.32 × 6.35 cm), 4 per each of 12 sections) may be used on the middle ring to facilitate rolling the hoist up the side of the vessel and to cushion impact of the hoist against the side of the vessel. When deployed in rough seas, the hoist should be held to the side of the vessel to prevent swinging and collision with the vessel hull. A 3- or 4-point bridle is attached to the top ring using pair links and three-quarter-inch (1.91-cm) nylon 3-strand line, and a hydraulic lift is used to bring hoist aboard.

(F) *Cushion/support device for boated turtles.* Each vessel is required to carry a device that effectively cushions and supports a sea turtle while it is on board. The device used must be appropriately sized to support the sea turtle encountered. The device must be puncture proof (*e.g.,* no inner tubes, pool toys) and cannot be a primary safety device (*e.g.,* primary life ring or life jacket dedicated to personnel on board). Examples that meet current design standards include:

(*1*) *A standard automobile tire.* A standard (not from a truck or heavy equipment) passenger vehicle tire not mounted on a rim and free of exposed steel belts, is effective for supporting a turtle in an upright orientation while it is on board. An assortment of sizes is recommended to accommodate a range of turtle sizes. If the turtle is too large for the tire, it must be contained and supported on an alternative cushioned surface.

(*2*) *Boat cushion.* A standard boat cushion can effectively support smaller turtles.

(*3*) *Large turtle hoist.* This style is recommended for supporting large turtles such as leatherbacks, which need a supportive platform while on board. The large turtle hoist described in paragraph (c)(4)(i)(E)(*3*)(*ii*) of this section satisfies this requirement.

(G) *Short-handled dehooker for internal hooks.* One short-handled device, meeting the minimum design standards, is required on board for removing hooks that are internal or ingested. This dehooker is designed to remove internal hooks from boated sea turtles. It can also be used on external hooks or hooks in the front of the mouth. Minimum design standards are as follows:

(*1*) *Hook removal device.* Unless otherwise noted, all components must be made of marine-grade stainless steel (316 L or 304 L). If utilizing a wire-style dehooker (*e.g.,* a pigtail or J-style dehooker), the hook removal device must be constructed of three-sixteenths to five-sixteenths of an inch (4.76–7.94 mm) marine-grade stainless steel (316 L or 304 L) rod and have a dehooking end no wider than 1⅞ inches (4.76 cm) total width. The end must allow the hook to be secured and the point to be shielded without re-engaging during the removal process. It may not have any unprotected terminal points or sharp edges, as this could cause injury to the esophagus during hook removal. A sliding PVC bite block must be used to protect the beak and facilitate hook removal if the turtle bites down on the dehooking device. The bite block should be constructed of a three-quarter- to 1-inch (1.91–2.54 cm) inside diameter high-impact plastic cylinder (*e.g.,* Schedule 80 PVC) that is 4–6 in (10.16–15.24 cm) long to allow for at least 5 inches (12.7 cm) of slide along the shaft. The device must be of a size appropriate to secure the range of hook sizes and styles used in the pelagic longline fishery targeting swordfish and tuna.

(*2*) *Handle length.* The handle must be 16–24 inches (40.64–60.96 cm) in length, with a tube T-handle, wire loop handle, or similar type of handle that is approximately 4–6 inches (10.16–15.24 cm) long.

(H) *Short-handled dehooker for external hooks.* One short-handled dehooker for external hooks, meeting the minimum design standards, is required on board. The short-handled dehooker for internal hooks required to comply with paragraph (c)(4)(i)(G) of this section will also satisfy this requirement. Minimum design standards are as follows:

(*1*) *Hook removal device.* Marine-grade stainless steel (316 L or 304 L) must be used for all components. If utilizing a wire-style dehooker (*e.g.,* a pigtail or J-style dehooker), the dehooker must be constructed of three-sixteenths to five-sixteenths of an inch

(4.76–7.94 mm) marine-grade stainless steel (316 L or 304 L) and have a dehooking end no wider than 1⅞ inches (4.76 cm) total width. The design must be such that a hook can be rotated out without pulling it out at an angle. The dehooking end must be blunt, and all edges rounded. The device must be of a size appropriate to secure the range of hook sizes and styles used in the pelagic longline fishery targeting swordfish and tuna. (*2*) *Handle length.* The handle must be 16–24 inches (40.64–60.96 cm) long with a tube T-handle, wire loop handle, or similar type of handle that is approximately 4–6 inches (10.16–15.24 cm) long.

(I) *Long-nose or needle-nose pliers.* One pair of long-nose or needle-nose pliers is required to be on board. Such pliers must be a minimum of 11 inches (27.94 cm) in length, and should be constructed of stainless steel material or other material designed to resist corrosion during exposure to saltwater. The pliers can be used to remove embedded hooks from the turtle's flesh or hooks in the front of the mouth. The pliers are also useful for holding PVC splice couplings in place as mouth openers.

(J) *Bolt cutters.* One pair of bolt cutters is required on board. Such bolt cutters must be a minimum of 14 inches (35.56 cm) in total length, with a minimum of 4 inches (10.16 cm) long blades that are a minimum of 2¼ inches (5.72 cm) wide, when closed, and with 10- to 13-inch (25.40- to 33.02-cm) long handles. Such bolt cutters must be able to cut hard metals, such as stainless or carbon steel hooks, up to one-quarter of an inch (6.35 mm) in diameter, and they must be capable of cutting through the hooks used on a vessel. The required bolt cutters may be used to cut hooks to facilitate their removal. They should be used to cut off the eye or point of a hook, so that it can safely be pushed through a sea turtle without causing further injury. They should also be used to cut off as much of the hook as possible, when the remainder of the hook cannot be removed.

(K) *Monofilament line cutters.* One pair of monofilament line cutters is required on board. Such monofilament line cutters must be a minimum of 6 inches (15.24 cm) in overall length. The blades must be 1 inch (2.54 cm) in length and five-eighths inch (1.59 cm) wide, when closed, and are recommended to be coated with Teflon (a trademark owned by E.I. DuPont de Nemours and Company Corp.). The line cutters must be used to remove netting, entangling line, or fishing line as close to the eye of the hook as possible, if the hook is swallowed or cannot be removed safely.

(L) *Mouth openers/mouth gags.* Required mouth openers and mouth gags are used to open sea turtle mouths, and to keep them open when removing internal hooks from boated turtles. They must allow access to the hook or line without causing further injury to the turtle. Design standards are included in the item descriptions. At least 2 of the 7 different types of mouth openers/gags described below are required on board the vessel:

(*1*) *A block of hard wood.* Placed in the corner of the jaw, a block of hard wood may be used to gag open a turtle's mouth. A smooth block of hard wood of a type that does not splinter (*e.g.,* maple) with rounded edges must be sanded smooth. The dimensions should be appropriately sized for the size of turtles that may be caught or approximately $10 \times 0.75 \times 0.75$ inches ($25.40 \times 1.91 \times 1.91$ cm). A long-handled, wire shoe brush with a wooden handle, and with the wires removed, is an inexpensive, effective and practical mouth-opening device that meets these requirements. A wooden hammer handle (without the head attached) may also be suitable, provided it is made from wood that does not splinter under pressure (*e.g.,* ash, maple).

(*2*) *A set of three canine mouth gags.* Canine mouth gags are highly recommended to hold a turtle's mouth open, because the gag locks into an open position to allow for hands-free operation after it is in place. A set of canine mouth gags must include one of each of the following sizes: small (5 in; 12.7 cm), medium (6 in; 15.24 cm), and large (7 in; 17.78 cm). They must be constructed of stainless steel.

(*3*) *A set of two sturdy dog chew bones.* Placed in the corner of a turtle's jaw, canine chew bones are used to gag open a sea turtle's mouth. Required canine chews must be constructed of durable nylon, zylene resin, or thermoplastic polymer, and strong enough to withstand biting without splintering. To accommodate a variety of turtle beak sizes, a set must include one large (5.5–8 inches (13.97–20.32 cm) in length) and one small (3.5–4.5 inches (8.89–11.43 cm) in length) canine chew bone.

(*4*) *A set of two rope loops covered with hose.* A set of two rope loops covered with a piece of hose or flexible tubing can be used as a mouth opener, and to keep a turtle's mouth open during hook and/or line removal. A required set consists of two 3-ft (91.44-cm) lengths of poly braid rope (three-eighths of an inch (9.53 mm) in diameter is suggested), each covered with an 8-inch (20.32-cm) section of half-inch (1.27-cm) or three-quarter-inch (1.91-cm) light-duty garden hose or flexible tubing, and each tied into a loop. The upper loop of rope covered with hose is secured on the upper beak to give control with one hand, and the second piece of rope covered with hose is secured on the lower beak to give control with the user's foot.

(*5*) *A hank of rope.* Placed in the corner of a turtle's jaw, a hank of rope can be used to gag open a sea turtle's mouth. A 6-ft (1.83-m) lanyard with a minimum of three-sixteenths-inch (4.76-mm) braided soft rope may be folded to create a hank, (or a coiled or looped bundle), of rope. Any size braided soft rope is allowed; however, it must create a hank of approximately 2–4 inches (5.08–10.16 cm) in thickness.

(*6*) *A set of four PVC splice couplings.* PVC splice couplings can be positioned inside a turtle's mouth to allow access to the back of the mouth for hook and line removal. They are to be held in place with the needle-nose pliers. To ensure proper fit and access, a required set must consist of the following Schedule 40 PVC splice coupling sizes: 1 inch (2.54 cm), 1¼ inches (3.18 cm), 1½ inches (3.81 cm), and 2 inches (5.08 cm).

(*7*) *A large avian oral speculum.* A large avian oral speculum provides the ability to hold a turtle's mouth open and to control the head with one hand, while removing a hook with the other hand. The avian oral speculum must be 9 inches (22.86 cm) long and constructed of three-sixteenths-inch (4.76-mm) wire diameter surgical stainless steel (Type 304). It must be covered with 8 inches (20.32 cm) of clear vinyl tubing (five-sixteenths-inch (7.94-mm) outside diameter, three-sixteenths-inch (4.76-mm) inside diameter), friction tape, or similar material to pad the surface.

(M) *Turtle control devices.* One turtle control device, as described in paragraph (c)(4)(i)(M)(*1*) or (*2*) of this section, and meeting the minimum design standards, is required onboard and must be used to secure a front flipper of the sea turtle so that the animal can be controlled at the side of the vessel. It is strongly recommended that a pair of turtle control devices be used to secure both front flippers when crew size and conditions allow. Minimum design standards consist of:

(*1*) *Turtle tether and extended reach handle.* Approximately 15–20 ft (4.57–6.10 m) of half-inch (1.27 cm) hard lay negative buoyancy line or similar is used to make an approximately 30-inch (76.2-cm) loop to slip over the flipper.

The line is fed through a three-quarter-inch (1.91-cm) inside diameter fair lead, eyelet, or eyebolt at the working end of a pole and through a three-quarter-inch (1.91-cm) eyelet or eyebolt in the midsection. A half-inch (1.27-cm) quick release cleat holds the line in place near the end of the pole. A final three-quarter-inch (1.91-cm) eyelet or eyebolt should be positioned approximately 7 inches (17.78 cm) behind the cleat to secure the line, while allowing a safe working distance to avoid injury when releasing the line from the cleat. The line must be securely fastened to an extended reach handle or pole with a minimum length equal to, or greater than, 150 percent of the height of the vessel's freeboard, or a minimum of 6 ft (1.83 m), whichever is greater. There is no restriction on the type of material used to construct this handle, as long as it is sturdy. The handle must include a tag line to attach the tether to the vessel to prevent the turtle from breaking away with the tether still attached.

(*2*) *Ninja sticks and extended reach handles.* Approximately 30–35 ft (9.14–10.67 m) of one-half to five-eighths of an inch (1.27–1.59 cm) of soft lay polypropylene line, nylon line or similar line is fed through two PVC conduit, fiberglass, or similar sturdy poles and knotted using an overhand (recommended) knot at the end of both poles or otherwise secured. There should be approximately 18–24 inches (45.72–60.96 cm) of exposed rope between the poles to be used as a working surface to capture and secure the flipper. Knot the line at the ends of both poles to prevent line slippage if they are not otherwise secured. The remaining line is used to tether the apparatus to the boat unless an additional tag line is used. Two lengths of sunlight resistant three-quarter-inch (1.91-cm) schedule 40 PVC electrical conduit, fiberglass, aluminum, or similar material should be used to construct the apparatus with a minimum length equal to, or greater than, 150 percent of the height of the vessel's freeboard, or 6 ft (1.83 m), whichever is greater.

(ii) *Handling and release requirements*—(A) *Sea turtle bycatch mitigation gear and protocols.* Sea turtle bycatch mitigation gear, as required by paragraphs (c)(4)(i)(A) through (D) of this section, must be used to disengage any hooked or entangled sea turtles that cannot be brought on board. Sea turtle bycatch mitigation gear, as required by paragraphs (c)(4)(i)(E) through (M) of this section, must be used to facilitate access, safe handling, disentanglement, and hook removal or hook cutting of sea turtles that can be brought on board, where feasible. Sea turtles must be handled, and bycatch mitigation gear must be used, in accordance with the careful release protocols and handling/release guidelines specified in paragraphs (c)(4)(ii)(B) and (C) of this section, and in accordance with the onboard handling and resuscitation requirements specified in 50 CFR 223.206(d)(1).

(B) *Boated turtles.* When practicable, active and unresponsive sea turtles must be brought on board, with a minimum of injury, using a dipnet, collapsible hoop net, or turtle hoist, as required by paragraph (c)(4)(i)(E) of this section. All turtles less than 3 ft (91.44 cm) carapace length must be boated, if sea conditions permit. Turtles must be lifted and carried by holding the front and back of the carapace (shell) or by holding the shell by both sides. A turtle must be cradled while holding the shell and base of the flippers. A turtle must never be lifted or dragged by the flippers when it is brought on board, handled on deck, or released.

(*1*) *Preparation for gear and hook removal.* A boated turtle must be placed on a device that effectively cushions and supports a sea turtle while it is on board, as described in paragraph (c)(4)(i)(F) of this section. The turtle must be in an upright orientation to immobilize it and facilitate gear removal. Then, it should be determined if the hook can be removed without causing further injury.

(*2*) *External hook removal.* All externally embedded hooks must be removed, unless hook removal would result in further injury to the turtle. No attempt to remove a hook should be made if it has been swallowed and the insertion point is not visible, or if it is determined that removal would result in further injury.

(*3*) *Irremovable hook protocol.* If a hook cannot be removed, as much line as possible must be removed from the turtle using monofilament cutters as required by paragraph (c)(4)(i)(K) of this section, and the hook should be cut as close as possible to the insertion point before releasing the turtle, using bolt cutters as required by paragraph (c)(4)(i)(J) of this section.

(*4*) *Removable hook protocol.* If a hook can be removed, an effective technique may be to cut off either the barb, or the eye, of the hook using bolt cutters, and then to slide the hook out. When the hook is visible in the front of the mouth, a mouth-opener, as required by paragraph (c)(4)(i)(L) of this section, may facilitate opening the turtle's mouth and a gag may facilitate keeping the mouth open. Short-handled dehookers for internal hooks, long-nose pliers, or needle-nose pliers, as required by paragraphs (c)(4)(i)(G) through (I) of this section, should be used to remove visible hooks from the mouth that have not been swallowed, as appropriate.

(*5*) *Gear removal.* As much gear as possible must be removed from the turtle without causing further injury prior to its release. Refer to the careful release protocols and handling/release guidelines required in this paragraph (c)(4)(ii)(B), and the handling and resuscitation requirements specified in 50 CFR 223.206(d)(1), for additional information.

(C) *Non-boated turtles.* If a sea turtle is too large, or hooked in a manner that precludes safe boating without causing further damage or injury to the turtle, sea turtle bycatch mitigation gear required by paragraphs (c)(4)(i)(A) through (D) of this section must be used to disentangle sea turtles from fishing gear and disengage any hooks, or to clip the line and remove as much line as possible from a hook that cannot be removed, prior to releasing the turtle, in accordance with the protocols specified in this paragraph.

(*1*) *Preparation for hook removal.* Non-boated turtles should be brought close to the boat and provided with time to calm down. Then, it must be determined whether the hook can be removed without causing further injury. A front flipper or flippers of the turtle must be secured with an approved turtle control device from the list specified in paragraph (c)(4)(i)(M) of this section.

(*2*) *Hook removal protocol.* All externally embedded hooks must be removed, unless hook removal would result in further injury to the turtle. No attempt should be made to remove a hook if it has been swallowed, or if it is determined that removal would result in further injury. If the hook cannot be removed and/or if the animal is entangled, as much line as possible must be removed prior to release, using a line cutter as required by paragraph (c)(4)(i)(K) of this section. If the hook can be removed, it must be removed using a long-handled dehooker as required by paragraph (c)(4)(i) of this section.

(*3*) *Gear removal.* Without causing further injury, as much gear and line as possible must be removed from the turtle prior to its release. Refer to the careful release protocols and handling/release guidelines required in this paragraph (c)(4)(ii)(C), and the handling and resuscitation requirements specified in 50 CFR 223.206(d)(1) for additional information.

(iii) *Gear modifications.* The following measures are required of vessel owners and operators to reduce

the incidental capture and mortality of sea turtles:

(A) *Gangion length.* The length of any gangion on vessels that have pelagic longline gear on board and that have been issued, or are required to have, a swordfish, shark, or Atlantic Tunas Longline category LAP for use in the Atlantic Ocean including the Caribbean Sea and the Gulf of America must be at least 10 percent longer than any floatline length if the total length of any gangion plus the total length of any floatline is less than 100 meters.

(B) *Bait.* Vessels fishing outside of the NED, as defined at § 635.2, that have pelagic longline gear on board, and that have been issued or are required to be issued a LAP under this part, are limited, at all times, to possessing on board and/or using only whole finfish and/or squid bait except that if green-stick gear is also on board, artificial bait may be possessed, but may be used only with green-stick gear.

(C) *Hook size and type.* Vessels fishing outside of the NED, as defined at § 635.2, that have pelagic longline gear on board, and that have been issued or are required to be issued a LAP under this part are limited, at all times, to possessing on board and/or using only 16/0 or larger non-offset circle hooks or 18/0 or larger circle hooks with an offset not to exceed 10°. These hooks must meet the criteria listed in paragraphs (c)(4)(iii)(C)(1) through (3) of this section. A limited exception for the possession and use of J-hooks when green-stick gear is on board is described in paragraph (c)(4)(iii)(C)(4) of this section.

(*1*) For the 18/0 or larger circle hooks with an offset not to exceed 10°, the outer diameter of an 18/0 circle hook at its widest point must be no smaller than 2.16 inches (55 mm), when measured with the eye of the hook on the vertical axis (y-axis) and perpendicular to the horizontal axis (x-axis). The distance between the hook point and the shank (*i.e.,* the gap) on an 18/0 circle hook must be no larger than 1.13 inches (28.8 mm). The allowable offset is measured from the barbed end of the hook, and is relative to the parallel plane of the eyed-end, or shank, of the hook when laid on its side. The only allowable offset circle hooks are those that are offset by the hook manufacturer.

(*2*) For the 16/0 or larger non-offset circle hooks, the outer diameter of a 16/0 circle hook at its widest point must be no smaller than 1.74 inches (44.3 mm), when measured with the eye of the hook on the vertical axis (y-axis) and perpendicular to the horizontal axis (x-axis). The distance between the hook point and the shank (*i.e.,* the gap) on a 16/0 circle hook must be no larger than 1.01 inches (25.8 mm).

(*3*) Between the months of January through June of any given calendar year in the Gulf of America, all circle hooks must also be constructed of corrodible round wire stock that is no larger than 3.65 mm in diameter. For the purposes of this section, the Gulf of America includes all waters of the U.S. EEZ west and north of the boundary stipulated at 50 CFR 600.105(c).

(*4*) If green-stick gear, as defined at § 635.2, is also on board, a vessel that has pelagic longline gear on board, may possess up to 20 J-hooks. J-hooks may be used only with green-stick gear, and no more than 10 hooks may be used at one time with each green-stick gear. J-hooks used with green-stick gear may be no smaller than 1.5 inch (38.1 mm) when measured in a straight line over the longest distance from the eye to any other part of the hook.

(iv) *Approval of sea turtle bycatch mitigation gear.* NMFS will file with the Office of the Federal Register for publication an initial list of required sea turtle bycatch mitigation gear that NMFS has approved as meeting the minimum design standards specified under paragraph (c)(4)(i) of this section. Other devices proposed for use, such as line clippers or cutters or dehookers, as specified under paragraphs (c)(4)(i)(A) through (C), (G), and (H) through (K) of this section, must be approved as meeting the minimum design standards before being used. NMFS will examine new devices, as they become available, to determine if they meet the minimum design standards, and will file with the Office of the Federal Register for publication notification of any new devices that are approved as meeting the standards.

(5) The owner or operator of a vessel permitted or required to be permitted under this part and that has pelagic longline gear on board must undertake the following shark bycatch mitigation measures:

(i) *Handling and release requirements.* As safely as practicable, any hooked or entangled sharks that are not being retained must be released using dehookers or line clippers or cutters. If using a line clipper or cutter, the gangion must be cut so that less than three feet (91.4 cm) of line remains attached to the hook.

(ii) *Fleet communication and relocation protocol.* The owner or operator of any vessel that catches a dusky shark must, as quickly as practicable, broadcast the location of the dusky shark interaction over the radio to other fishing vessels in the surrounding area. Subsequent fishing sets by that vessel on that trip must be at least 1 nmi from the reported location of the dusky shark catch. Vessel owners and operators are encouraged to move the vessel further away than 1 nmi if conditions (*e.g.,* water temperature, depth, tide, *etc.*) indicate that moving a greater distance is warranted to avoid additional dusky shark interactions.

(d) *Bottom longlines.* (1) The owner and operator of a vessel required to be permitted under this part and that has bottom longline gear on board must undertake the following bycatch mitigation measures:

(i) *Possession and use of required mitigation gear.* The equipment listed in paragraph (c)(4)(i) of this section must be carried on board and must be used to handle, release, and disentangle hooked or entangled sea turtles, prohibited sharks, or smalltooth sawfish in accordance with requirements specified in paragraph (d)(1)(ii) of this section.

(ii) *Handling and release requirements.* Sea turtle bycatch mitigation gear, as required by paragraph (d)(1)(i) of this section, must be used to disengage any hooked or entangled sea turtle as stated in paragraph (c)(4)(ii) of this section. This mitigation gear should also be employed to disengage any hooked or entangled species of prohibited sharks as listed under heading D, Prohibited Sharks, of table 1 of appendix A to this part, any hooked or entangled species of sharks that exceed the retention limits as specified in § 635.24(a), and any hooked or entangled smalltooth sawfish. In addition, if a smalltooth sawfish is caught, the fish should be kept in the water while maintaining water flow over the gills and the fish should be examined for research tags. All smalltooth sawfish must be released in a manner that will ensure maximum probability of survival, but without removing the fish from the water or any research tags from the fish.

(iii) *Fleet communication and relocation protocol.* The owner or operator of any vessel that catches a dusky shark must, as quickly as practicable, broadcast the location of the dusky shark interaction over the radio to other fishing vessels in the surrounding area. Subsequent fishing sets by that vessel on that trip must be at least 1 nmi from the reported location of the dusky shark catch. Vessel owners and operators are encouraged to move the vessel further away than 1 nmi if conditions (*e.g.,* water temperature, depth, tide, *etc.*) indicate that moving a greater distance is warranted to avoid additional dusky shark interactions.

(2) If a vessel issued or required to be issued a permit under this part is in one of the areas designated under § 635.35(b) or (e)(2) and has pelagic longline gear on board, the vessel may not, at any time, possess or land any demersal species listed in table 3 of appendix A to this part in excess of 5 percent, by weight, of the total weight of pelagic and demersal species possessed or landed, that are listed in tables 2 and 3 of appendix A to this part.

(3) Vessels that have bottom longline gear on board and that have been issued, or are required to have been issued, a directed shark limited access permit under § 635.4(e) must have only circle hooks as defined at § 635.2 on board.

(4) If a vessel issued or required to be issued a permit under this part has bottom longline gear on board persons aboard that vessel are required to promptly release in a manner that causes the least harm, any shortfin mako shark that is alive at the time of haulback.

* * * * *

■ 5. In § 635.24, (a) Revise the introductory text (b) Revise (a)(4)(i), and (iii).

The revisions read as follows:

§ 635.24 Commercial retention limits for sharks, swordfish, and BAYS tunas.

The retention limits in this section are subject to the quotas and closure provisions in §§ 635.27 and 635.28, the gear operation and deployment restrictions in § 635.21, and the spatial management area restrictions in § 635.35.

* * * * *

(a) * * *

(4) * * *

(i) Except as provided in § 635.22(c)(7), a person who owns or operates a vessel that has been issued a directed shark LAP may retain, possess, land, or sell pelagic sharks if the pelagic shark fishery is open per §§ 635.27 and 635.28. Shortfin mako sharks may be retained by persons aboard vessels using pelagic longline, bottom longline, or gillnet gear only if NMFS has adjusted the commercial retention limit above zero pursuant to paragraph (a)(4)(v) of this section and only if the shark is dead at the time of haulback and consistent with the provisions of §§ 635.21(c)(1), (d)(4), and (f)(6) and 635.22(c)(7).

* * * * *

(iii) Consistent with paragraph (a)(4)(ii) of this section, a person who owns or operates a vessel that has been issued an incidental shark LAP may retain, possess, land, or sell no more than 16 SCS and pelagic sharks, combined, per vessel per trip, if the respective fishery is open per §§ 635.27 and 635.28. Of those 16 SCS and pelagic sharks per vessel per trip, no more than 8 shall be blacknose sharks. Shortfin mako sharks may be retained only under the commercial retention limits by persons using pelagic longline, bottom longline, or gillnet gear only if NMFS has adjusted the commercial retention limit above zero pursuant to paragraph (a)(4)(v) of this section and only if the shark is dead at the time of haulback and consistent with the provisions at § 635.21(c)(1), (d)(4), and (f)(6). If the vessel has also been issued a permit with a shark endorsement and retains a shortfin mako shark, recreational retention limits apply to all sharks retained and none may be sold, per § 635.22(c)(7).

* * * * *

■ 6. In § 635.32, revise paragraphs (a)(2) and (c)(1), and add paragraphs (g)(3) and (h)(6) to read as follows:

§ 635.32 Specifically authorized activities.

* * * * *

(a) * * *

(2) Activities subject to the provisions of this section include, but are not limited to: scientific research resulting in, or likely to result in, the take, harvest, or incidental mortality of Atlantic HMS; exempted fishing and educational activities; programs under which regulated species retained in contravention to otherwise applicable regulations may be donated through approved food bank networks; or chartering arrangements. Such activities must be authorized in writing and are subject to all conditions specified in any letter of acknowledgment, EFP, scientific research permit (SRP), display permit, chartering permit, or shark research permit issued in response to requests for authorization under this section.

* * * * *

(c) * * *

(1) For activities consistent with the purposes of this section and § 600.745(b)(1) of this chapter, other than scientific research conducted from a scientific research vessel, NMFS may issue EFPs.

* * * * *

(g) * * *

(3) NMFS may issue EFPs and SRPs to conduct research and collect information specifically regarding the spatial management areas described in § 635.35(c) and (d)(3). In addition to all of the information required under § 600.745(b)(2) of this chapter, an application for an EFP or SRP to conduct research and collect information regarding the spatial management areas should include the objective of the research; a description of the how the researchers intend to verify that the catch and all of the terms and conditions of the EFP or SRP are being met (*e.g.,* via a working EM system, authorized researchers, NMFS-approved observers); and a description of how the research is being conducted. As with other EFPs or SRPs, any EFP or SRP provides authorization only for the time and area, retention limits, and gear specified in the permit, and based upon the terms and conditions set forth in the permit and as acknowledged and agreed to by the permit holder under § 600.745(b)(4) of this chapter. The terms and conditions for a spatial management area EFP or SRP may require reporting more frequently than is described in paragraph (h)(1) of this section.

* * * * *

(h) * * *

(6) EFPs, SRPs, display permits, chartering permits, and shark research permits may be revoked, suspended, or modified at any time, do not confer any right to engage in activities beyond those authorized by the permit, and do not confer any right of compensation to the holder.

* * * * *

■ 7. In § 635.34, revise paragraphs (a), (b), and (d) to read as follows:

§ 635.34 Adjustment of management measures.

(a) NMFS may adjust the EM video review rates in the monitoring areas, as specified in § 635.9; the IBQ shares or resultant allocations for bluefin tuna, as specified in § 635.15; catch limits for bluefin tuna, as specified in § 635.23; the overall, regional, and/or sub-regional quotas for bluefin tuna, sharks, swordfish, and northern albacore tuna as specified in § 635.27; the retention limits for sharks, as specified at § 635.24; the regional retention limits for Swordfish General Commercial permit holders, as specified at § 635.24; the marlin landing limit, as specified in § 635.27(d); the minimum sizes for Atlantic blue marlin, white marlin, and roundscale spearfish as specified in § 635.20; and the annual effort cap thresholds and the apportionment of those thresholds as specified in § 635.35(d).

(b) In accordance with the framework procedures in the 2006 Consolidated HMS FMP, NMFS may establish or modify for species or species groups of Atlantic HMS the following management measures: Maximum sustainable yield or optimum yield

based on the latest stock assessment or updates in the SAFE report; domestic quotas; recreational and commercial retention limits, including target catch requirements; size limits; fishing years or fishing seasons; shark fishing regions, or regional and/or sub-regional quotas; species in the management unit and the specification of the species groups to which they belong; species in the prohibited shark species group; classification system within shark species groups; permitting and reporting requirements; workshop requirements; the IBQ shares or resultant allocations for bluefin tuna; administration of the IBQ program (including but not limited to requirements pertaining to leasing of IBQ allocations, regional or minimum IBQ share requirements, IBQ share caps (individual or by category), permanent sale of shares, NED IBQ rules, *etc.*); *de minimis* bluefin tuna quota set-aside for new entrants and associated requirements, process and conditions; spatial management area restrictions; allocations among user groups; gear prohibitions, modifications, or use restrictions; effort restrictions; observer coverage requirements; EM requirements and administration of the EM program including requirements both inside and outside of the monitoring areas; essential fish habitat; and actions to implement ICCAT recommendations, as appropriate.

* * * * *

(d) Consistent with the Magnuson-Stevens Act, the FMP, and other applicable law, when considering a framework adjustment to add, change, or modify measures related to spatial management areas, NMFS will consider, but is not limited to, the following: any Endangered Species Act related issues, concerns, or requirements, including applicable Biological Opinions; bycatch rates of protected species, prohibited HMS, or non-target species both within the specified or potential spatial management areas and throughout the fishery; bycatch rates and post-release mortality rates of bycatch species associated with different gear types; new or updated landings, bycatch, and fishing effort data; evidence or research indicating that changes to fishing gear and/or fishing practices can significantly reduce bycatch; effectiveness of EM video review rates; social and economic impacts; and the practicability of implementing new or modified spatial management areas compared to other bycatch reduction options. If the species is an ICCAT managed species, NMFS will also consider the overall effect of the U.S. catch on that species. Additionally, NMFS may also consider relevant factors listed at § 635.35(f).

■ 8. Add § 635.35 to Subpart C to read as follows:

§ 635.35 Spatial management area restrictions.

(a) *General Restrictions.* Spatial management areas are the gear restricted and monitoring areas in paragraphs (b) through (d) of this section and other areas in paragraph (e) of this section. Coordinates for gear restricted areas and monitoring areas are set forth in the definitions under § 635.2. If a vessel issued or required to be issued a LAP under this part has pelagic or bottom longline gear on board and is in a gear restricted area (see paragraphs (b) and (c) of this section), a monitoring area (see paragraphs (d) of this section), or other restricted area (see paragraph (e) of this section), it is a rebuttable presumption that any fish on board such a vessel were taken with pelagic or bottom longline gear in the area except where such fish is aboard a vessel transiting such an area with all fishing gear stowed appropriately. Longline gear is stowed appropriately if all gangions and hooks are disconnected from the mainline and are stowed on or below deck, hooks are not baited, and all buoys and weights are disconnected from the mainline and drum (buoys may remain on deck).

(b) *Bottom Longline Gear Restricted Area.* If bottom longline gear is on board a vessel issued or required to be issued a permit under this part, persons aboard that vessel may not fish or deploy any type of fishing gear in the Mid-Atlantic Bottom Longline Gear Restricted Area from November 1 of one calendar year through May 31 of the following calendar year, unless persons on board the vessel are authorized to conduct research under a shark research permit, an EFP, or a SRP as specified at § 635.32.

(c) *Pelagic Longline Gear Restricted Areas.* If pelagic longline gear is on board a vessel issued or required to be issued a permit under this part:

(1) In the Charleston Bump Gear Restricted Area, persons aboard that vessel may not fish or deploy any type of fishing gear from February 1 through April 30, unless persons aboard the vessel are authorized to conduct research under an EFP or a scientific research permit as specified at § 635.32.

(2) In the East Florida Coast Gear Restricted Area, persons aboard that vessel may not fish or deploy any type of fishing gear at any time, unless persons aboard the vessel are authorized to conduct research under an EFP or SRP as specified at § 635.32.

(3) In the DeSoto Canyon Gear Restricted Area, persons aboard that vessel may not fish or deploy any type of fishing gear at any time, unless persons aboard the vessel are authorized to conduct research under an EFP or SRP as specified at § 635.32.

(4) In the NED, persons aboard that vessel may not fish or deploy any type of fishing gear at any time unless they comply with the requirements under § 635.21(c)(2) and (4) or are authorized to conduct research under an EFP or SRP as specified at § 635.32.

(d) *Pelagic Longline Monitoring Areas*—(1) *General restrictions.* Persons aboard a vessel with pelagic longline gear on board that is issued or required to be issued a permit under this part may, consistent with other applicable sections of this part, fish in a monitoring area (see paragraph (d)(4) of this section) when the monitoring area is effective if:

(i) The vessel has a functioning EM system consistent with § 635.9(h);

(ii) The vessel has a functioning VMS unit and can submit the set reports as required under § 635.69(e)(5);

(iii) The vessel owner and/or operator has notified NMFS via the vessel's VMS unit of their intent to fish in a monitoring area as required under § 635.69(e)(2); and

(iv) The monitoring area has not been closed as specified under paragraph (d)(4) of this section).

(2) *Effort caps.* Each monitoring area is designated an annual number of pelagic longline sets called an effort cap (see paragraph (d)(3) of this section). NMFS may apportion the effort cap (see § 635.34(a)) in a monitoring area across monthly, quarterly, or other time frames, if there are indications that fishing effort is temporally clustered, distribution of effort caps across the effective period of the monitoring area would further support data collection and conservation protection goals, or other considerations, which may include some of the factors described in paragraph (f) of this section. NMFS would review, among other things, current and historical trends of effort and catch in the monitoring area, as well as the time left until the monitoring area is no longer effective. If NMFS determines that an adjustment or apportionment of the annual effort caps are necessary to meet management objectives, NMFS will file an action for publication in the **Federal Register**.

(3) *The monitoring areas.* For the purposes of this section, the effective dates and annual effort caps in the monitoring areas are:

(i) The Charleston Bump Monitoring Area is effective from February 1 through April 30 of each calendar year

unless closed under paragraph (d)(4) of this section. The annual effort cap is 380 pelagic longline sets.

(ii) The East Florida Coast Monitoring Area is effective year-round unless closed under paragraph (d)(4) of this section. The annual effort cap is 250 pelagic longline sets.

(4) *Closures of the monitoring areas.* When an effort cap under paragraph (d)(3) of this section is reached, or is projected to be reached within the monitoring area's effective time period for a given calendar year, NMFS will file for publication in the **Federal Register** a closure for the monitoring area, which will be effective no fewer than five days from date of filing. NMFS may also file for publication in the **Federal Register** a closure of the monitoring area before the effort cap is reached, if warranted by conservation and management concerns raised by unexpectedly high bycatch, high fishing effort, fishing effort that is overly clustered temporally or spatially, or other relevant considerations. From the effective date and time of the closure until the date specified in the closure action, vessels issued or required to be issued a LAP under this part and that have pelagic longline gear on board are prohibited from fishing with any kind of gear within the boundaries of the relevant monitoring area. NMFS may reopen a monitoring area at a later date during its effective period in that calendar year by filing an action for publication in the **Federal Register**, if NMFS determines that an effort cap has not in fact been reached, or the closure is no longer needed to address the conservation and management concerns that prompted the closure.

(e) *Other area restrictions applicable to HMS permitted vessels.* (1) In addition to the area restrictions listed above, vessels that have been issued or are required to be issued a permit under this part, may not fish for, catch, possess, or retain any Atlantic HMS in the following spatial management times and areas:

(i) As specified at § 622.34(a)(1)(iii) and (3) of this chapter, within the Edges from January through April of each year. Additionally, no person may anchor a fishing vessel that has been issued a permit or is required to be permitted under this part, in the areas and seasons designated at § 622.34(a)(3) of this chapter.

(ii) As specified at § 622.34(a)(1)(i) and (ii) of this chapter, within the Madison and Swanson and the Steamboat Lumps sites:

(A) From November through April of each year, no vessel issued or required to be issued a permit under this part may fish or deploy any type of fishing gear.

(B) From May through October of each year, no vessel issued or required to be issued a permit under this part may fish or deploy any type of fishing gear except for surface trolling. For the purposes of this section, surface trolling is defined as fishing with lines trailing behind a vessel that is in constant motion at speeds in excess of 4 knots with a visible wake. Such trolling may not involve the use of down riggers, wire lines, planers, or similar devices.

(iii) Within the areas of the Gulf coral Habitat Areas of Particular Concern (HAPCs), as specified in § 622.74 of this chapter, no person may bottom anchor a fishing vessel or deploy fishing gear that may not be deployed pursuant to § 622.74 of this chapter. For purposes of this provision, fishing gear is deployed if any part of the gear is in contact with the water.

(2) If bottom longline gear is on board a vessel issued or required to be issued a permit under this part, persons aboard that vessel may not fish or deploy any type of fishing gear in the following areas:

(i) In the Caribbean, the areas designated at §§ 622.439(a)(1) through (2), 622.479(a)(1) through (2), and 622.514(a)(1) of this chapter, year-round; and

(ii) In the South Atlantic, the areas designated at § 622.183(a)(1)(i)(A) through (H) of this chapter, year-round.

(f) *Review of spatial management measures.* NMFS will regularly review the gear restricted and monitoring areas described in paragraphs (b), (c), and (d) of this section to determine if adjustments are needed to add, change, or modify an area or any applicable requirements for an area. NMFS may review other existing area restrictions (see paragraph (e) of this section) or new or revised area restrictions for potential applicability to HMS permitted vessels. After reviewing an area, NMFS may consider changes or modifications to the area or its management measures, as appropriate, through framework adjustments as specified at § 635.34. When reviewing a spatial management area, NMFS may consider, but is not limited to consideration of, the following relevant factors:

(1) Fishery statistics such as landings, discards, catch rates, and effort.

(2) Fishery social and economic data regarding fishing vessels and shoreside business, including revenue, costs, and profitability.

(3) Effects of total catches from the spatial management areas and other regions on the stock status of target and non-target species or on fishing opportunities in other regions or fisheries.

(4) Fishing practices, including tactics, strategy, and gear.

(5) Biological, ecological, and life history data and research on primary bycatch and target species.

(6) Variations in seasonal distribution, abundance, or migration patterns of the relevant species.

(7) Resilience to oceanographic and fishery changes including changes in species distribution, fishing effort location, and access to fishery resources.

(8) Oceanographic data and research including, but not limited to, sea surface temperature, chlorophyll a concentrations and bathymetry.

(9) Variations in oceanographic features such as currents, fronts, and sea surface temperature.

(10) Other technical considerations such as ecosystem modeling parameters (*e.g.,* ocean currents, bottom topography), safety, enforceability (*e.g.,* regular shapes), gear conflicts, timing of evaluation, access to the area for data collection, access to the fishery itself, conservation and management objectives, state or other jurisdictional boundaries, efficiency in the size of area (given the highly variable and mobile nature of the HMS fisheries), and non-fishery activity (*e.g.,* transportation, energy production).

(11) Other considerations as may be applicable to the specific management goals of any particular spatial management area.

■ 9. Amend § 635.69 by:

■ a. Revising paragraphs (a)(2) and (e)(2);

■ b. Redesignating paragraph (e)(5) as paragraph (e)(6); and

■ c. Adding new paragraph (e)(5).

The revision and addition read as follows:

§ 635.69 Vessel monitoring systems.

(a) * * *

(2) Whenever a vessel issued a directed shark LAP has bottom longline gear on board, is located between 33°00′ N lat. and 36°30′ N lat., and the Mid-Atlantic Bottom Longline Restricted Area is closed as specified in § 635.35(b); or

* * * * *

(e) * * *

(2) *Hailing out.* Prior to departure for each trip, a vessel owner and/or operator must submit a pre-trip hail out to NMFS declaring any HMS the vessel will target on that trip and the specific type(s) of fishing gear that will be on board the vessel, using NMFS-defined gear codes. If the vessel owner and/or operator participates in multiple HMS

fisheries, or possesses multiple fishing gears on board the vessel, the vessel owner and/or operator must submit multiple electronic reports to NMFS. If, during the trip, the vessel switches to a gear type or species group not reported on the initial declaration, another in-trip hail out declaration must be submitted before new fishing begins. This information must be reported to NMFS using an attached VMS terminal or using another method as instructed by NMFS. Additionally, if a vessel owner or operator intends to fish with pelagic longline gear within a monitoring area (see §§ 635.2 and 635.35(d)(3)), such intent must be declared in the pre-trip or in-trip hail-out. Vessel owners and operators shall not deploy pelagic longline sets in any monitoring area until such declaration is submitted in the pre-trip or in-trip hail-out.

* * * * *

(5) Any vessel owner and/or operator of a vessel fishing with pelagic longline gear within the boundaries of the monitoring areas (see §§ 635.2 and 635.35(d)(3)) must report within 12 hours of the completion of each pelagic longline haul-back the following information to NMFS using the attached VMS terminal, or using an alternative method specified by NMFS:

(i) All the reporting requirements specified under paragraph (e)(4) of this section; and

(ii) The number of individuals of the following species that are caught and discarded alive or dead: blue marlin, white marlin, roundscale spearfish, sailfish, leatherback sea turtles, loggerhead sea turtles, and shortfin mako sharks.

* * * * *

■ 10. Amend § 635.71 by:
■ a. Revising paragraph (a)(30);
■ b. Removing and reserving paragraphs (a)(31);
■ c. Revising paragraphs (a)(32), (33), (34), and (36);
■ d. Removing and reserving paragraph (a)(39);
■ e. Revising paragraphs (a)(40), (54), (57), and (58);
■ f. Adding paragraphs (a)(63) through (67);
■ g. Revising paragraphs (b)(36), (37), (38), (39), and (40);
■ h. Removing paragraph (b)(46);
■ i. Redesignating paragraphs (b)(47) through (59) as (b)(46) through (58);
■ j. Revising paragraphs (d)(24), (25), (28); and
■ k. Revising paragraph (e)(2).

The revisions and additions read as follows:

§ 635.71 Prohibitions.

* * * * *

(a) * * *

(30) Deploy or fish with any fishing gear from a vessel, or anchor a fishing vessel, permitted or required to be permitted under this part, in any spatial management area contrary to the requirements specified and defined at § 635.35.

* * * * *

(32) In the Gulf of America, deploy or fish a pelagic longline with live bait affixed to the hooks or to possess live bait, or set up a well or tank to maintain live bait, aboard a vessel with pelagic longline gear on board as specified at § 635.21(c)(3).

(33) Deploy or fish with any fishing gear from a vessel with pelagic or bottom longline gear on board without carrying the required sea turtle bycatch mitigation gear, as specified at § 635.21(c)(4)(i) for pelagic longline gear and § 635.21(d)(1) for bottom longline gear. This equipment must be utilized in accordance with § 635.21(c)(4)(ii) and (d)(1) for pelagic and bottom longline gear, respectively.

(34) Fail to disengage any hooked or entangled sea turtle with the least harm possible to the sea turtle as specified at § 635.21(c)(4) or (d)(1).

* * * * *

(36) Fish with bottom or pelagic longline and shark gillnet gear for HMS without adhering to the gear operation and deployment restrictions required in §§ 635.21(b) and 635.35(b), (c), and (d).

* * * * *

(40) Deploy or fish with any fishing gear, from a vessel with bottom longline gear on board, without carrying a dipnet, line clipper, and dehooking device as specified at § 635.21(d)(1).

* * * * *

(54) Possess, use, or deploy, in the Gulf of America, with pelagic longline gear on board, any circle hook that is constructed of round wire stock that is larger than 3.65 mm in diameter during the months of January through June of any calendar year as specified in § 635.21(c)(4)(iii).

* * * * *

(57) Fail to appropriately stow longline gear when transiting a spatial management area that is closed or restricted, as specified in § 635.35.

(58) Deploy or fish with any fishing gear from a vessel that also has pelagic longline gear on board, in a monitoring area that has been closed as specified in § 635.35(d).

* * * * *

(63) Fail to comply with the EM vendor responsibilities as specified in § 635.9.

(64) Fail to comply with the vessel owner and/or operator operational requirements as specified in § 635.9.

(65) Fail to comply with the EM requirements specified at § 635.9(h) when fishing with pelagic longline gear within the monitoring areas specified at § 635.35(d).

(66) Fail to report the catch of species through VMS as required when fishing with pelagic longline gear within spatial management areas as specified at § 635.69(e)(5).

(67) Fish with pelagic longline gear in the monitoring areas as specified at § 635.35(d)(4) without submitting a hail out declaration through VMS as specified at § 635.69(e)(2).

* * * * *

(b) * * *

(36) Possess J-hooks onboard a vessel that has pelagic longline gear on board, and that has been issued or required to be issued a LAP under this part, except when green-stick gear is on board, as specified at § 635.21(c)(2) and (c)(4)(iii)(C).

(37) Use or deploy J-hooks with pelagic longline gear from a vessel that has been issued, or required to be issued a LAP under this part, as specified in § 635.21(c)(4)(iii)(C).

(38) As specified in § 635.21(c)(4)(iii)(C), possess more than 20 J-hooks on board a vessel that has been issued or required to be issued a LAP under this part, when possessing onboard both pelagic longline gear and green-stick gear as defined in § 635.2.

(39) Use or deploy more than 10 hooks at one time on any individual green-stick gear, as specified in § 635.21(c)(2), (c)(4)(iii)(C), or (i).

(40) Possess, use, or deploy J-hooks smaller than 1.5 inch (38.1 mm), when measured in a straight line over the longest distance from the eye to any part of the hook, when fishing with or possessing green-stick gear on board a vessel that has been issued or required to be issued a LAP under this part, as specified at § 635.21(c)(2) or (c)(4)(iii)(C).

* * * * *

(d) * * *

(24) Release sharks with more than 3 feet (91.4 cm) of trailing gear, as specified in § 635.21(c)(5).

(25) Fail to follow the fleet communication and relocation protocol for dusky sharks as specified at § 635.21(c)(5), (d)(1), and (f)(5).

* * * * *

(28) Retain, land, or possess a shortfin mako shark that was caught with pelagic longline, bottom longline, or gillnet gear and was alive at haulback as specified at § 635.21(c)(1), (d)(4), and (f)(6).

* * * * *

(e) * * *

(2) Fail to comply with the restrictions on use of a pelagic longline specified in §§ 635.21(b) and (c) and 635.35(a), (c), and (d).

* * * * *

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