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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2025-2415; Airspace Docket No. 25-AGL-3]

RIN 2120-AA66

#### Amendment of Very High Frequency Omnidirectional Range Federal Airways V-14, V-192, V-210, and V-221 in the Vicinity of Muncie, Indiana

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects a final rule published by the FAA in the *Federal Register* on February 24, 2026, amending Very High Frequency Omnidirectional Range (VOR) Federal Airways V-14, V-192, V-210, and V-221 in the Vicinity of Muncie, Indiana. Specifically, this action administratively corrects an error in the rule section of this rule by replacing all references to the Shelbyville, IN, Nondirectional Radio Beacon (NDB) with the Shelbyville, IN, VOR/Distance Measuring Equipment.

**DATES:** This correction is effective 0901 UTC, May 14, 2026. The effective date of the amendments to Very High Frequency Omnidirectional Range (VOR) Federal Airways V-14, V-192, V-210, and V-221 in the Vicinity of Muncie, Indiana (Docket No. FAA-2025-2415), remains 0901 UTC, May 14, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** A copy of the notice of proposed rulemaking (NPRM), all comments received, the final rule, and all background material may be viewed online at [www.regulations.gov](http://www.regulations.gov) using the FAA Docket number. Electronic

retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from [www.federalregister.gov](http://www.federalregister.gov).

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

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

#### SUPPLEMENTARY INFORMATION:

##### History

The FAA published a final rule in the *Federal Register* (91 FR 8727; February 24, 2026) amending Very High Frequency Omnidirectional Range (VOR) Federal Airways V-14, V-192, V-210, and V-221 in the Vicinity of Muncie, Indiana. After the publication of that final rule, the FAA discovered that one of the route points listed in “The Rule” section in the preamble of the document for VOR Federal Airway V-221 was incorrect. The specific route point is the Shelbyville, IN, NDB. This route point should have been listed as the Shelbyville, IN, VOR/DME. This rule corrects this error.

##### Correction to the Final Rule

Accordingly, pursuant to the authority delegated to me, the final rule for Docket No. FAA-2025-2415 as published in the *Federal Register* on February 24, 2026 (91 FR 8727), FR Doc. 2026-03651, is corrected as follows. On page 8728, in the third column, in the section titled “The Rule”, the paragraph with the subheading “V-221” is corrected to read as follows: *V-221:* Prior to this rule, V-221 extended between the Bible Grove, IL, VORTAC and the intersection of the Fort Wayne, IN, VORTAC 016° and the Goshen, IN, TACAN 092° radials. The portion of V-221 between the Shelbyville, IN, VOR/DME and the Fort Wayne VORTAC will become unusable with the decommissioning of the Muncie, IN,

VOR. As amended, V-221 extends between the Bible Grove VORTAC and the Shelbyville VOR/DME.

Issued in Washington, DC, on March 9, 2026.

**Alex W. Nelson,**

*Manager, Rules and Regulations Group.*

[FR Doc. 2026-04780 Filed 3-10-26; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### 19 CFR Part 12

[CBP Dec. 26-05]

RIN 1685-AA41

#### Extension of Import Restrictions Imposed on Certain Archaeological and Ecclesiastical Ethnological Material of Colombia

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** This document amends U.S. Customs and Border Protection (CBP) regulations to reflect an extension of import restrictions on certain categories of archaeological and ecclesiastical ethnological material of the Republic of Colombia, which were originally imposed in CBP Decision 06-09 and last extended by CBP Decision 21-05. The CBP regulations are being amended to reflect this extension through March 10, 2031.

**DATES:** Effective on March 10, 2026.

**FOR FURTHER INFORMATION CONTACT:** For legal aspects, W. Richmond Beevers, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325-0084, [ottrrculturalproperty@cbp.dhs.gov](mailto:ottrrculturalproperty@cbp.dhs.gov). For operational aspects, Christopher Mabelitini, Director, Intellectual Property Rights Policy & Programs, Trade Programs Directorate, Office of Trade, (571) 296-1269, [1USGBranch@cbp.dhs.gov](mailto:1USGBranch@cbp.dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19

U.S.C. 2601 *et seq.*) (CPIA), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)) (the Convention), allows for the conclusion of an agreement between the United States and another party to the Convention to impose import restrictions on eligible archaeological and ethnological material. Under the CPIA and the applicable U.S. Customs and Border Protection (CBP) regulations, found in § 12.104 of title 19 of the Code of Federal Regulations (19 CFR 12.104), the restrictions are effective for no more than five years beginning on the date on which an agreement enters into force with respect to the United States (19 U.S.C. 2602(b)). This period may be extended for additional periods, each extension not to exceed five years, if it is determined that the factors justifying the initial agreement still pertain and no cause for suspension of the agreement exists (19 U.S.C. 2602(e); 19 CFR 12.104g(a)).

On March 15, 2006, the United States and the Republic of Colombia (Colombia) entered into a Memorandum of Understanding entitled, “Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Colombia Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures and Certain Ecclesiastical Ethnological Material from the Colonial Period of Colombia” (the 2006 MOU). The 2006 MOU entered into force upon signature on March 15, 2006, and reflects an agreement to impose import restrictions on certain categories of archaeological material representing Colombia’s pre-Columbian cultures and ranging in date from approximately 1500 B.C. to A.D. 1530, and Colombian ecclesiastical ethnological material of the Colonial period ranging in date from approximately A.D. 1530 to 1830. On March 17, 2006, CBP published CBP Decision (Dec.) 06–09 in the **Federal Register** (71 FR 13757), which amended 19 CFR 12.104g(a) to reflect the imposition of these restrictions, and included a list designating the types of archaeological and ecclesiastical ethnological material covered by the restrictions.

The import restrictions have been extended three times. First, on March 15, 2011, CBP published CBP Dec. 11–06 in the **Federal Register** (76 FR 13879), which amended 19 CFR

12.104g(a) to reflect the extension of the import restrictions for an additional period of five years. Second, on March 15, 2016, CBP published CBP Dec. 16–05 in the **Federal Register** (81 FR 13721), to extend the import restrictions for an additional five-year period.

On March 4, 2021, the United States and Colombia entered into a superseding agreement, “Agreement between the Government of the United States of America and the Government of the Republic of Colombia Concerning the Imposition of Import Restrictions on Categories of Archaeological and Ethnological Materials of the Republic of Colombia” (the 2021 Agreement). The 2021 Agreement entered into force on March 10, 2021. On March 12, 2021, CBP published CBP Dec. 21–05 in the **Federal Register** (86 FR 13993), to further extend the import restrictions, pursuant to the signing of the 2021 Agreement. CBP Dec. 21–05 reflects the extension of the import restrictions for an additional five-year period ending on March 10, 2026. *See* 19 CFR 12.104g(a); 86 FR 13993.

On August 7, 2025, the United States Department of State proposed in the **Federal Register** (90 FR 38195) to extend the 2021 Agreement. On December 2, 2025, after considering the views and recommendations of the Cultural Property Advisory Committee, the Under Secretary for Public Diplomacy, United States Department of State, made the necessary determinations to extend the 2021 Agreement for an additional five years. Pursuant to an exchange of diplomatic notes, the United States and Colombia have agreed to extend the 2021 Agreement for an additional five-year period, through March 10, 2031.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The restrictions on the importation of categories of archaeological and ecclesiastical ethnological material of Colombia will continue in effect through March 10, 2031. Importation of such material from Colombia continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

The Designated List of archaeological and ecclesiastical ethnological material from Colombia covered by these import restrictions is set forth in CBP Dec. 06–09. The Designated List and additional information may also be found at the following website address: <https://www.state.gov/current-agreements-and-import-restrictions> by selecting the material for “Colombia.”

### **Inapplicability of Notice and Delayed Effective Date**

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

### **Executive Order 12866**

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the 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). CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

### **Regulatory Flexibility Act**

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions) when the agency is required to publish a general notice of proposed rulemaking for a rule. Since a general notice of proposed rulemaking is not necessary for this rule, CBP is not required to prepare a regulatory flexibility analysis for this rule.

### **Signing Authority**

In accordance with Treasury Order 100–20, the Secretary of the Treasury has delegated to the Secretary of Homeland Security the authority related to the customs revenue functions vested in the Secretary of the Treasury as set forth in 6 U.S.C. 212 and 215, subject to certain exceptions. This regulation is being issued in accordance with Department of Homeland Security Delegation 07010.3, Revision 03.2, which delegates to CBP the authority to prescribe and approve regulations related to cultural property import restrictions.

### **List of Subjects in 19 CFR Part 12**

Cultural property, Customs duties and inspection, Imports, Prohibited

merchandise, and Reporting and recordkeeping requirements.

**Amendment to the CBP Regulations**

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12), is amended as set forth below:

**PART 12—SPECIAL CLASSES OF MERCHANDISE**

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

\* \* \* \* \*

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

\* \* \* \* \*

■ 2. In § 12.104g, amend the table in paragraph (a) by revising the entry for Colombia to read as follows:

**§ 12.104g Specific items or categories designated by agreements or emergency actions.**

(a) \* \* \*

State party	Cultural property	Decision No.
* * * * *	* * * * *	* * * * *
Colombia .....	Pre-Columbian archaeological material ranging approximately from 1500 B.C. to A.D. 1530 and ecclesiastical ethnological material of the Colonial period ranging approximately from A.D. 1530 to 1830.	CBP Dec. 06–09, extended by CBP Dec. 26–05.
* * * * *	* * * * *	* * * * *

\* \* \* \* \*

**Joseph N. Mazzara,**  
*Deputy Commissioner, U.S. Customs and Border Protection.*

[FR Doc. 2026–04786 Filed 3–10–26; 8:45 am]

**BILLING CODE 9111–14–P**

**DEPARTMENT OF STATE**

**22 CFR Part 42**

[Public Notice: 12948]

RIN 1400–AF76

**Visas: Enhancing Vetting and Combatting Fraud in the Diversity Immigrant Visa Program**

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** The Department of State (“Department”) is amending regulations governing the Diversity Immigrant Visa Program (“DV Program”) to improve the integrity of, and combat fraud in, the program. These amendments require a petitioner to the DV Program to provide valid, unexpired passport information and to upload a scan of the biographic and signature page in the electronic entry form or to otherwise indicate that he or she is exempt from this requirement. Additionally, the Department is standardizing and amending its regulations to add the word “shall” to simplify guidance for consular officers; ensure the use of the term “sex” in lieu of “gender”; and replace the term “age” in the DV Program regulations with the phrase “date of birth” to accurately reflect the information collected and maintained

by the Department during the immigrant visa process.

**DATES:** This rule is effective on April 10, 2026.

**FOR FURTHER INFORMATION CONTACT:**

Daniel L. Palmquist, Visa Services, Bureau of Consular Affairs, Department of State; telephone: (202) 485–7611; email: *VisaRegs@state.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. Executive Summary**

*A. Purpose of the Regulatory Action*

This rule amends how an alien petitions for entry into the DV Program, requiring that a petitioner provide information from his or her valid, unexpired passport and upload a scan of the passport biographic and signature page to the electronic entry form, subject to limited exemptions. This rule improves the integrity of, and combats fraud in, the DV program. The rule also contains additional clarifications and updated language.

*B. Summary of Legal Authority*

Section 204(a)(1)(I) of the Immigration and Nationality Act (INA), 8 U.S.C. 1154(a)(1)(I), governs the procedures for filing a petition to the DV Program and authorizes the Secretary of State to carry out these regulatory amendments. Section 104(a) of the INA, 8 U.S.C. 1104(a), further authorizes the Secretary to establish such regulations as he or she deems necessary for carrying out the Secretary’s authority under the INA.

*C. Summary of Proposed Rule*

The Department published a notice of proposed rulemaking (NPRM), *Visas: Enhancing Vetting and Combatting Fraud in the Diversity Immigrant Visa*

*Program* (90 FR 37437), on August 5, 2025. The NPRM proposed requiring a DV Program petitioner to provide valid, unexpired passport information and upload a scan of the passport’s biographic and signature page to the electronic entry form or otherwise indicate that he or she is exempt from this requirement. Additionally, the NPRM proposed to standardize and amend language in 22 CFR part 42, including by adding the word “shall” to simplify guidance for consular officers; ensuring the use of the term “sex” in lieu of “gender” as mandated by Executive Order 14168; and replacing the term “age” in 22 CFR 42.33(h)(1)(i) with the phrase “date of birth” to accurately reflect the information collected and maintained by the Department during the immigrant visa process.

*D. Why did the Department propose this rule?*

The Department explained in the NPRM that the proposed changes are necessary to address fraud and improve the integrity of the DV Program. The Department has historically encountered millions of fraudulent DV Program entries, including entries submitted by third parties, some of them criminal enterprises, on behalf of individuals without their knowledge or consent. In DV–2025, the Department discovered 2.5 million fraudulent entries. Unauthorized third parties often contact these individuals, inform them of the opportunity to apply for a diversity immigrant visa (“DV”), and withhold the entry information unless the individual pays a large fee or agrees to participate in fraudulent activities. Upon submitting an entry, an entrant

receives a unique confirmation number, without which it is impossible to confirm whether the entrant was selected to continue the DV process. The Department's annual instructions advise entrants to retain the confirmation number and note that the Department will not replace or provide it in the future.

The passport requirements also allow the Department to more effectively confirm petitioners' identities earlier in the DV process, which facilitates screening and vetting and enhances the Department's ability to protect U.S. national security.

### E. Summary of Public Participation

The Department received 399 comments on the NPRM, the majority of which expressed support, or qualified support, for the articulated policy approach. Some public comments opposed the policy approach, and others did not take a position. The comment section below includes summaries of the significant issues raised by members of the public and includes the Department's response to those comments.

## II. Background

### A. Petitioning for the DV Program

The DV Program is administered by the Department of State. Section 203(c) of the Immigration and Nationality Act ("INA"), 8 U.S.C. 1101 *et seq.*, makes diversity visas available to aliens who are "natives" of "low-admission" states, subject to certain numerical limitations. The INA defines "low-admission states" as those with equal to or fewer than 50,000 natives admitted to the United States during the most recent five-year period. INA section 203(c)(1)(B)(ii). Millions of petitioners register annually for the DV Program through an electronic entry form.<sup>1</sup>

Under section 204(a)(1)(I)(iii) of the INA, petitions (also referred to as "entries") for the DV Program must be in the form prescribed in regulations by the Secretary of State ("Secretary") and contain all information and be supported by documentary evidence that the Secretary requires. As provided in Department regulations at 22 CFR 42.33, the entry form collects information on the petitioner and his or her spouse and/or children. It also requests the location of the consular post nearest to his or her residence,

<sup>1</sup> Aliens who enter the DV Program are referred to as "petitioners." Petitioners in the DV Program who are selected are referred to as "selectees" for a Diversity Immigrant Visa. The Department's Electronic Diversity Visa website. <https://dvprogram.state.gov/>.

where the application for a DV should generally be adjudicated if the petitioner is selected and scheduled for an interview through the DV Program.

After the close of the DV Program entry period,<sup>2</sup> certain petitioners are selected through a randomized computer drawing ("selectees"), and selectees may apply for a DV or, if physically present in the United States and otherwise eligible, may apply to adjust status as a diversity immigrant, *see* INA section 245(a). Under section 201(e) of the INA, the number of available DVs each year is 55,000.<sup>3</sup> A diversity immigrant must establish his or her qualifications and eligibility for a visa in accordance with the INA and Department regulations.

### B. Previous Requirements for DV Petition

An alien seeking to submit a petition under the DV Program completes the DS-5501, Electronic Diversity Visa Entry Form, during the specified registration period. In previous program years, the DS-5501 required the following personal identification information: name, gender, date of birth, city and country of birth, mailing and physical address, email address, phone number, educational attainment, marital status, number of children, and entrant photograph. If the alien had eligible derivatives (spouse and/or child[ren]), the DS-5501 also collected the name, gender, date of birth, city and country of birth, and photograph of each derivative.

### C. Fraudulent Activities Prevalent in the DV Program

DV Program fraud is so prevalent that the Federal Trade Commission addressed it in a 2012 YouTube video about DV fraud.<sup>4</sup> One of the more egregious examples of large-scale third-party fraud occurred in 2012 when U.S. Embassy Dhaka (Bangladesh) reported through official channels that one IP address was responsible for more than 634,000 entries. Bangladeshi authorities investigated the facilitators and found computers with thousands of

<sup>2</sup> A full description of the Diversity Visa Program, including information about each step in the process, can be found at: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-submit-entry1.html>.

<sup>3</sup> While section 201(e) of the INA authorizes the allocation of 55,000 diversity visas annually, up to 5,000 of these visas may be set aside for use under the Nicaraguan Adjustment and Central American Relief Act, as amended by the National Defense Authorization Act for Fiscal Year 2024. *See* Public Law 105-100, 203(d) (1997) (8 U.S.C. 1151 note); Public Law 118-31, 5104 (2023).

<sup>4</sup> Diversity Visa Lottery Scams | Federal Trade Commission—YouTube, available at <https://www.youtube.com/watch?v=mOnSN8Pbak0>.

applications, along with fake education documents and staged marriage photos.

Similarly, a Department Office of the Inspector General (OIG) report<sup>5</sup> highlighted U.S. Embassy Kyiv's (Ukraine) account of organized fraud rings masquerading as travel agencies taking control of the DV Program in Ukraine. By buying, stealing, or otherwise obtaining from public sources, personal information about Ukrainian citizens, the fraud ring entered these Ukrainian citizens' names in the online DV Program website, often without their permission or awareness. The fraud ring then contacted hundreds of Ukrainian selectees and required them to pay up to \$15,000 to obtain the confirmation number. If the selectee could not pay, the fraud ring often insisted that he or she enter a sham marriage with a person who had expressed interest in immigrating to the United States. In such a case, the "sham spouse" would pay a substantial amount of money to be paired with a DV selectee.

Requiring that entrants include information from a valid, unexpired passport and a scan of the biographic information page makes it significantly more difficult for unauthorized third parties to submit a DV petition on behalf of an unwitting individual, because such parties are less likely to have access to this information. These measures also decrease the number of fraudulent marriages encountered in the DV program. Identifying fraudulent petitioners at the petition stage saves time and effort on the part of adjudicating officers who otherwise dedicate significant resources to clarify discrepancies between a petitioner's DV entry form and the visa application.

### D. Current Rulemaking

On August 5, 2025, the Department published a proposed rule, *Visas: Enhancing Vetting and Combatting Fraud in the Diversity Immigrant Visa Program*. The public comment period closed on September 19, 2025. Following careful consideration of public comments received in response to the NPRM, the Department is adopting the regulatory text proposed in the NPRM. Comments on the NPRM are available at <https://www.regulations.gov> under docket number DOS-2025-0001-0001.

### E. Implementation

The Department is implementing this rule with the 2027 Diversity Visa ("DV-

<sup>5</sup> ISP-I-13-45A Department of State, OIG, Inspection of Embassy Kyiv, Ukraine, September 2013.

2027”) Program. As required by the Paperwork Reduction Act, the Department is securing approval from OMB’s Office of Information and Regulatory Affairs to finalize the necessary updates to the DV Entry Form (DS–5501) upon this rule’s effective date.

#### F. Costs and Benefits

##### i. Overview

The rule results in new costs for petitioners and benefits for national security, and the Department has determined that the benefits outweigh the costs. These requirements allow the Department to more effectively identify and disqualify duplicate entries, as required under INA section 204(a)(1)(I)(i). The Department’s fraud prevention experts confirmed that over 2.5 million duplicate entries were disqualified in the FY25 DV Program. Comparatively, during the FY22 DV Program, during which a previous passport requirement was in effect, only 760,079 duplicate entries were disqualified. This is indicative that a passport requirement effectively reduces fraudulent entries.

##### ii. Benefits

This rule protects U.S. national security by enabling the Department to confirm a petitioner’s identity at the entry stage and deterring fraudulent entries. Requiring a passport scan reduces the risk of fabricated passport numbers and allows adjudicators to compare the applicant’s name in his or her native alphabet with its English transliteration. This supports security vetting and ensures accurate identification of transliterations associated with the applicant’s name.

Additionally, passport information helps consular officers verify the applicant’s eligibility based on his or her place of birth and chargeability to a “low-admission” foreign state, as required under INA section 203(c). Previously, an entrant to the Diversity Visa program self-selected his or her foreign state of chargeability on the DS–5501 form, and this information could not be verified unless the individual applied for a visa. This rule allows the Department to better assess eligibility earlier in the process.

Finally, collection of the dates of issue and expiration provides critical information about the status of the person in his or her own country that would not otherwise be available to the Department in the review of the applicant’s case. For example, passports issued for a limited duration period may indicate potential lines of inquiry that a

consular officer finds relevant to a DV adjudication. All this information may lead to information relevant to security, economic, or other grounds of ineligibility under the INA. The requirement to collect the signature page likewise serves several security functions and ensures both authenticity and that the passport was issued to the correct individual.

##### iii. Costs

This regulation requires petitioners who do not already possess a valid, unexpired passport to obtain a passport prior to entry into the DV Program, rather than after being selected for an interview, with limited exceptions. According to research conducted by the Visa Office of the Department’s Bureau of Consular Affairs, the average price of a passport in countries that are eligible to participate in the DV Program is \$74.43.<sup>6</sup> The Department sought public comment to better inform this cost-benefit analysis, specifically requesting public input on the accuracy of this estimate, rates of passport ownership in DV-eligible countries, and the unquantified burdens of obtaining a passport in those countries. The Department addresses comments from the public below. Prior to public participation, the Department estimated that, on average, responding to the new information requirements would take an additional twenty minutes. This time burden estimate included gathering the passport, supplying the required information in the application, photographing or scanning the passport, and uploading the image file. As discussed in the comment response section below, the Department is revising the estimated time burden to an additional 60 minutes, resulting in a total estimated time burden of 90 minutes per response.

The Department estimates that it will see approximately 10 million entrants for DV–2027. This number is based on historical data from when a similar passport rule was in effect during the Diversity Visa registration periods that took place for the program fiscal years of 2021–2023. During that time frame, the Department received 6.7 million entries (in FY 2021), 7.3 million entries

<sup>6</sup> Statistics were compiled by reviewing publicly available information provided by foreign governments of DV-eligible countries. Currency conversions were completed using a leading commercial currency conversion source. For many countries, the fee for obtaining a passport was not clearly available on public sources. The Department also notes that there may be additional costs to obtaining a passport beyond the stated fee; the Department is unable to quantify such additional, unstated, or opportunity costs.

(in FY 2022), and 9.6 million entries (in FY 2023).

Taking into consideration this historical data, recent DV entry trends, and the addition of the new \$1 entry fee, the Department determined the most accurate estimate for total annual responses to the DS–5501 is 10 million. To place a cost value on the revised time burden for the form, the Department relies on a prior analysis of wage data from the International Labor Organization<sup>7</sup> for countries that were eligible to participate in the DV–2025 Program<sup>8</sup> which calculated an average hourly wage of \$4.56. Since the Department is adding one additional hour to the time burden, each response has an additional hour cost burden of \$4.56. Multiplied by the projected number of potential respondents (10,000,000), the Department estimates the additional time cost to be \$45,600,000, for a total annual estimated cost of \$68,400,000 globally.

#### G. Requirement Not Expected To Negatively Impact Program Outcomes

This requirement does not substantially deter participation by legitimate petitioners, as petitioners who are selected must generally obtain a passport to be eligible to move forward in the DV process. While the Department recognizes that the increased burden and cost of obtaining a passport before entering the DV program could, for an applicant with insufficient resources, deter participation and result in fewer annual entrants overall, the Department expects that all the available DVs will continue to be used. The passport number requirement was initially put in place in 2019<sup>9</sup> and was in effect for the 2021, 2022, and 2023 DV Program years.<sup>10</sup> Table 1 shows DV program participation levels<sup>11</sup> before, during, and after aliens were required to include passport information with their DV entry. Please

<sup>7</sup> See ILO.Org Wage Data Set: [https://rplumber ilo.org/data/indicator/?id=EAR\\_4HRL\\_SEX\\_OCU\\_CUR\\_NB\\_A&sex=SEX\\_T&classif1=OCU\\_SKILL\\_TOTAL&classif2=CUR\\_TYPE\\_LCU+CUR\\_TYPE\\_USD&type=label&format=.csv](https://rplumber ilo.org/data/indicator/?id=EAR_4HRL_SEX_OCU_CUR_NB_A&sex=SEX_T&classif1=OCU_SKILL_TOTAL&classif2=CUR_TYPE_LCU+CUR_TYPE_USD&type=label&format=.csv).

<sup>8</sup> See Department’s DV–2025 Program Instructions: [https://travel.state.gov/content/dam/visas/Diversity-Visa/DV-Instructions-Translations/dv-2025-instructions-translations/DV-2025\\_Instructions-faqs.pdf](https://travel.state.gov/content/dam/visas/Diversity-Visa/DV-Instructions-Translations/dv-2025-instructions-translations/DV-2025_Instructions-faqs.pdf).

<sup>9</sup> See Visas: Diversity Immigrants, 84 FR 25989 (June 5, 2019).

<sup>10</sup> See *E.B. v. U.S. Dep’t of State*, 583 F. Supp. 3d 58 (D.D.C. 2022). The court held that the 2019 interim final rule violated the Administrative Procedure Act because the Department should have pursued notice and comment rulemaking as it is undertaking here.

<sup>11</sup> See *Diversity Visa Program Statistics*: <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-program-statistics.html>.

note that certain entries below have been updated or, in some cases, corrected, from the data previously published in the NPRM:

TABLE 1—DIVERSITY VISA PROGRAM PARTICIPATION LEVELS 2016–2025 PROGRAM YEARS

	Diversity Visa Program			
	Program year	Entrants	Selectees	Visas issued***
Pre-Requirement .....	2016	11,391,146	91,563	46,718
	2017	12,437,190	83,910	49,976
	2018	14,692,258	89,540	49,713
	2019	14,352,013	87,610	45,889
	2020	14,722,798	83,884	* 19,125
Passport Number Requirement in Place .....	2021	* 6,741,128	87,642	* 18,912
	2022	7,336,302	112,103	55,882
	2023	9,570,291	93,843	55,993
No Passport Required .....	2024	23,823,436	78,767	54,554
	2025	19,927,656	81,179	** 47,045

\* Impacted by COVID–19 pandemic.  
 \*\* FY 2025 data are preliminary and subject to change.  
 \*\*\* Includes adjustments of status through USCIS.

Although the Department received fewer entries in the program years during which this requirement was in effect, in all years the Department received entries from more individuals from each of the six geographic regions created by INA section 203(c) than there were diversity visas available for each region, confirming that the interim final rule was not unduly burdensome on nationals of any region and did not affect the Department’s ability to fully implement the program as Congress intended.<sup>12</sup> In terms of the other language changes noted to comply with Executive Orders and provide clarity, the Department does not anticipate these to result in any additional costs.

**Response to Public Comments on the Proposed Rule**

**III. Summary of Public Comments**

The Department received a total of 399 public comment documents in response to the proposed rule. Most comment submissions are from individual commenters. Other commenters include non-governmental organizations (such as the Cantor Institute and the Conservative Political Action Coalition [CPAC]’s and Foundation Center for Regulatory Freedom [CRF]). The majority of commenters express support for the rule, with some commenters opposing it and others not taking a position. The

<sup>12</sup> The Department’s most recent data for program year 2023 on the number of selected entrants by country and region can be found at <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/dv-2023-selected-entrants.html>. Historical data for program years 2011–2023 can be found at <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-program-statistics.html>.

vast majority of individuals who identify their location live outside of the United States.

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**V. Comment Categories and Response**

*A. Comments Expressing General Support for Passport Requirements*

Many commenters support the rule, agreeing that it prevents widespread fraud and improves program integrity. They explicitly cite fraud prevention as the key reason for supporting the requirement that DV entrants include a scan of a valid, unexpired passport with their registration. These commenters often describe personally experiencing or witnessing visa fraud and emphasize the ability of the passport requirements to reduce duplicate entries,

unauthorized entries, identity theft, and exploitation by third-party agents.

*Department Response:* The Department appreciates the support expressed by commenters regarding the passport requirement and their recognition of its importance in preventing fraud and improving the integrity of the DV program. Fraud has been a persistent challenge in the program, with documented cases of duplicate entries, identity theft, and exploitation by third-party agents undermining the fairness and effectiveness of the program, as discussed in the NPRM. The passport requirement is a critical safeguard intended to address these vulnerabilities, deter fraudulent practices, and ensure that individuals submitting entries are serious about their participation. The Department acknowledges the personal experiences shared by commenters who have witnessed or been affected by visa fraud, which underscore the importance of implementing measures to protect the integrity of the program and ensure that it operates as intended.

*B. Comments Expressing General Opposition to Passport Requirements*

Some commenters generally oppose the rule on the basis that it would not prevent fraud or improve program integrity. These commenters note that the Department failed to establish that the passport upload feature had the technical elements needed to detect fraudulent documents. Commenters argue actors seeking to exploit unsuspecting registrants can still use false or otherwise available documentation to submit unauthorized entries. A few commenters claim the Department failed to establish the

existence of widespread visa fraud to justify the rule. Others acknowledge personally experiencing or witnessing fraud but criticize about what they viewed as insufficient concrete statistics and a lackluster cost-benefit analysis.

*Department Response:* The Department examined alternative possible avenues for deterring fraudulent entries and determined that a valid passport scan is the most cost-effective approach. While no single measure can eliminate all instances of fraud, the Department believes that the passport requirement is a critical step in addressing the most pervasive vulnerabilities in the DV program and will deter identity theft and exploitation by third-party agents, who have historically submitted unauthorized entries on behalf of unsuspecting individuals. This approach allows the Department to conduct further checks verifying the passport information before selection, similar to the process the Department currently conducts to detect duplicate entries and photos that do not meet the required standards. Commenters argue that mala fide actors will be able to submit false documents or obtain the passports of applicants allowing them to submit fake entries, and the Department acknowledges this possibility. However, this additional requirement makes it more difficult for bad actors to submit multiple or unauthorized entries, as each entry must now be tied to a unique, valid, and unexpired passport. Entrants will also be advised to retain a scanned copy of photocopy of the passport they use to apply for the DV program and may be denied if they are unable to produce sufficient proof that the passport number on their application was their valid passport at the time of registration.

The Department has well documented cases of extensive fraud in the DV Program, to include cases of over 600,000 fraudulent entries in Bangladesh in 2012, Ukrainian fraud rings charging DV applicants \$15,000 after submitting a fake entry in their name in 2013, and a Cambodian fraud ring using a similar practice and charging selected applicants \$5,000–\$30,000 in 2023, as detailed in the NPRM and supplementary information accompanying this rule. Furthermore, as stated in the comments, multiple commenters describe personally experiencing or witnessing visa fraud.

### *C. Comments Proposing Alternative Measures To Address Fraud*

Some commenters suggest that fraud can be addressed through alternative or additional measures, such as enhanced identity verification at later stages or

stricter vetting during interviews. Commenters also suggest enhancing fraud prevention through biometric verification, facial recognition, or digital identity tools.

*Department Response:* The Department agrees that robust identity verification processes are essential to maintaining the integrity of the program and has already implemented many of the measures suggested. For example, the Department employs enhanced identity verification procedures during visa interviews, where consular officers assess the totality of information provided by the applicants, including biographical details, relationships, and supporting documentation. Additionally, facial recognition technology is used to detect identity fraud, alongside biometric technology and other similar tools available to the Department. While these tools offer significant benefits, they are most effective when combined with safeguards at earlier stages of the process, such as the passport requirement contemplated in this rule. Most fraud in the Diversity Visa program originates at the time of entry, in the form of duplicate or near duplicate entries, or entries by third parties on behalf of unwitting applicants. The Department anticipates that requiring a passport scan at the time of registering to participate in the Program will deter such entries and reduce the likelihood of fraud before applicants reach the interview stage. Following selection, the Department verifies the identities of all visa applicants before issuance of a visa as described above, but these efforts do not deter, for example, third parties from submitting fraudulent or unauthorized entries.

### *D. Comments Related to Accessibility and Equity*

Some commenters raise concerns about the financial and logistical challenges of obtaining passports in low-income and politically unstable countries as well as in rural/remote areas with limited access to services. These commenters note that stateless individuals or those from countries that do not issue passports may be unfairly excluded. Others emphasize that the rule may skew participation toward wealthier, urban populations, reducing geographic and socioeconomic diversity in the applicant pool. Proponents of the rule acknowledge these challenges but argue that serious applicants should already have passports and that the rule ensures only committed and qualified individuals participate.

*Department Response:* Before the issuance of any immigrant visa, an applicant must generally present a valid, unexpired passport or other suitable travel document pursuant to INA 222(b), or qualify for an exception to this requirement, as authorized under 22 CFR 42.2(d), (e), or (g)(2). In adopting this Rule, the Department is merely requiring that applicants present their passports at the time of entry into the Diversity Visa program, as authorized under INA 204(a)(1)(I)(iii). While the Department understands that obtaining a passport may pose challenges for some individuals, this requirement is necessary to protect the program from exploitation and to ensure that it operates as intended. The Department has also taken steps to mitigate the impact of this requirement by allowing for certain exceptions, including for individuals who are stateless, consistent with the authorities above.

The Department notes the Diversity Visa program was designed to promote diversity in immigration, not to guarantee access for specific regions or demographics. The passport requirement applies equally to all applicants worldwide, and its implementation is intended to strengthen the program's integrity for the benefit of all participants. While the Department acknowledges the requirement could result in fewer entries submitted by persons who do not possess a passport, the Department anticipates continuing to receive sufficient entries to facilitate issuance of all available visa numbers, including on a regional basis, based on data available from prior program years, as explained above.

### *E. Comments Related to Additional Requirements and/or Suggestions*

Many commenters recommend additional requirements for entrants to the DV program, to include the following:

#### *i. Entry Fee*

Some commenters suggest introducing an entry fee of \$1–\$250 to deter frivolous applications and fund program administration. Several of these individuals also recommend waivers for applicants from low-income countries. Other commenters express that there should be no entry fees, citing concerns regarding the risk that financial barriers and fees may undermine the program's accessibility for low-income individuals.

*Department Response:* All entrants seeking to participate in the DV program must pay a \$1 fee at the time of submitting their entry, and no waivers

will be available for the nominal fee. The Department published a final rule announcing a \$1 Diversity Visa Registration Fee on September 16, 2025.<sup>13</sup> This fee allows the Department to more fairly distribute the rising costs of managing the DV program, including annual maintenance of the DV entry system, data storage, automated randomized selection processing, and associated security reviews. The cost burden will now be shared among all petitioners, rather than by only the small percentage of successful DV registrants who are selected to continue the DV process. Additionally, the Department anticipates this change will also help reduce specious registrations by actors seeking to exploit unsuspecting potential entrants.

#### ii. Education Proof

Many commenters advocate for requiring proof of a high school diploma or equivalent at the entry stage to prevent ineligible applicants from taking lottery slots.

*Department Response:* The Department informs all potential DV entrants of the requirement to have a high school diploma or equivalent when it publishes the yearly instructions, and entrants must specify the level of education obtained in their DV entry. Due to the variety of documents globally that fulfill these requirements, the Department generally relies on consular officers in the field, who have knowledge of and experience with country-specific documents, to determine whether the applicant meets these requirements at the time of interview. Requiring diplomas or other educational documentation at the time of registration would substantially increase the complexity and cost of the Department's pre-selection process. Additionally, while it is possible that some frivolous entries may be deterred by such a requirement, the Department considers that the information from an entrant's valid, unexpired passport is likely to be more secure, and therefore more difficult to falsify or otherwise be used to submit unauthorized third-party entries.

#### iii. English Proficiency

Some commenters suggest introducing basic English language requirements to ensure selectees are better prepared to integrate into U.S.

society. Others suggest the Department provide multilingual resources to ensure global understanding of the DV program and of how to avoid falling victim to DV program fraud.

*Department Response:* The DV program was established under INA 203(c) to provide immigration opportunities to individuals from countries with historically low rates of immigration to the United States. The statutory framework does not include English language proficiency as a criterion for eligibility, and adding such a requirement would not deter or otherwise address the underlying problem of fraud in the DV program. Fraudulent entries are primarily tied to issues such as identity theft, submission of multiple entries, and exploitation by third-party facilitators, none of which would be mitigated by requiring English proficiency.

#### iv. Marriage Certificate

Some commenters recommend the Department require entrants claiming to have a spouse to submit a marriage certificate as proof to prevent fraudulent marriage claims.

*Department Response:* Department regulations at 22 CFR 42.33(b) require that all entries include the name, photograph, date, and place of birth of the entrant's spouse and all natural children, as well as all legally adopted children and stepchildren who are unmarried and under the age of 21 as of the date of the initial entry. Spousal derivatives must be included even if the spouse does not currently reside with the entrant and/or will not immigrate with such entrant, unless they are legally separated from the entrant or have obtained a divorce. Due to the variety of documents globally that indicate marital status, and the prevalence in certain countries and cultures of customary or religious marriages that lack official certification, the Department relies on consular officers in the field, who have knowledge of and experience with country-specific requirements to determine the validity of a marriage for immigration purposes at the time of interview.

The Department also has robust mechanisms in place to address fraudulent marriage claims during the visa application process. Applicants who are selected for further processing must provide evidence of the claimed marital relationship, including a marriage certificate where available and, in some cases, additional documentation to establish the bona fides of the relationship. Consular officers may request further evidence or

conduct additional review if fraud is suspected. The Department believes these existing measures are sufficient to address concerns about fraudulent marriage claims without imposing additional requirements at the registration stage. This aligns with the Department's administration of the DV program, which is designed to be accessible and straightforward, allowing individuals from underrepresented countries to participate without undue administrative burdens. Requiring a marriage certificate at the time of registration would significantly increase the complexity of the process and could deter certain eligible aliens from entering.

#### F. Comments Related to Potential Implementation Challenges

##### i. Timing

Many commenters express concerns about the short notice for implementing the passport rule for the DV–2027 program year. Commenters note that processing times for passports in some countries could take several months, and claim there may not be enough time for prospective entrants without passports to obtain them for this program year. Some commenters recommend postponing the rule to DV–2028 or later to allow entrants sufficient time to prepare.

*Department Response:* This rule is a long-overdue fraud prevention effort. The Department recognizes that passport issuance processes vary widely across the globe and that some individuals may face delays due to logistical or administrative barriers. However, the passport requirement is a critical measure to enhance the integrity of the DV program by reducing fraudulent entries and other vulnerabilities in the program's integrity. The Department anticipates the deferral of the opening of the entry period for the 2027 Diversity Visa program year will mitigate the impact of this Rule on persons who would not yet have obtained a passport otherwise. The Department is not postponing this requirement until the DV–2028 program year because that would unnecessarily allow another year of mala fide actors to take advantage of potential entrants and would delay the implementation of critical screening intended to advance the U.S. national security. Finally, the Department notes that individuals who are unable to participate in the DV program in a given year remain able to participate in future program years for which their country is eligible.

<sup>13</sup> "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates-Visa Services Fee Changes" (90 FR 44524): <https://www.federalregister.gov/documents/2025/09/16/2025-17851/schedule-of-fees-for-consular-services-department-of-state-and-overseas-embassies-and>.

## ii. Technical Issues

Some commenters express concern that requiring a scan of the passport biographic page at the entry stage could bottleneck the system technologically. Others request that the Department ensure the infrastructure can handle processing these uploads without system failures or delays, which they claim already plague the system. A few commenters suggest that the Department conduct pilot testing in high-fraud countries before attempting to implement the rule globally.

*Department Response:* The Department reviews the DV entry and selection system after each selection period, and then updates the system based on new requirements and conducts testing to ensure that the system operates properly. The Department has likewise tested the system's passport scan upload capability (as well as the acceptance of the \$1.00 nominal fee) to ensure the system will function as intended for the program year of implementation. Based on the systems capabilities demonstrated in the results of this testing, the Department believes no further delay is necessary to accommodate these changes.

## iii. Platform Modernization

Some commenters suggest that, given these additional requirements, the Department make efforts to improve the DV program website's functionality, ensuring mobile optimization, Web Content Accessibility Guidelines (WCAG) standards, and providing clear guidance for uploading passport scans to promote the best user experience.

*Department Response:* The Department reviews the Diversity Visa Entry website on an annual basis before the start of any Diversity Visa year entry period and will provide clear guidance on uploading the passport scan and other requirements introduced for the new program year. Additionally, the Department will continue to comply with the United States' electronic and information technology accessibility laws, such as those codified in Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d).

## G. Comments on Privacy and Security

Many commenters express concerns about how passport scans will be stored, encrypted, and protected from data breaches or misuse. They argue the Department must ensure privacy and security measures are in place to protect passport documents.

*Department Response:* The Department collects Personally

Identifiable Information (PII) in accordance with U.S. law on a daily basis across all of its consular platforms. Specifically, for DVs entrants, passport information submitted through the DV program is stored in secure systems that comply with stringent federal information security standards, including those established by the Federal Information Security Modernization Act (FISMA). These systems are designed to protect sensitive data from unauthorized access, misuse, or breaches. The Department employs advanced encryption protocols to ensure that passport data is securely transmitted and stored, and access to this information is strictly limited to authorized personnel.

Additionally, the Department continuously monitors its systems for vulnerabilities and conducts regular security assessments to identify and address potential risks. In the event of a data breach, the Department has established protocols to respond swiftly and mitigate any impact on affected individuals.

## H. Comments Suggesting Passport Rule Exemptions

Many commenters suggest passport rule exemptions for individuals who are unable to obtain passports. Some feel that existing exemptions for stateless individuals and conflict zone residents are too narrow. Commenters propose authorizing temporary passport waivers for individuals in conflict zones or politically unstable regions and exemptions for stateless individuals or those facing extreme financial hardship. Some commenters suggest the Department allow exempted entrants to submit alternative forms of identification, such as national IDs or birth certificates.

*Department Response:* The rule includes passport exemptions for: petitioners who are stateless; petitioners who are nationals of a Communist-controlled country and unable to obtain a passport from the government of the Communist-controlled country; and petitioners who are, or expect to be, the beneficiary of an individual waiver approved by the Secretary of Homeland Security and the Secretary of State, as determined on a case-by-case basis at the time of interview. These requirements are consistent with the categories of immigrant visa applicants who are not required to present passports pursuant to 22 CFR 42.2(d), (e), and (g)(2). Applicants seeking an exemption must provide evidence to support their claim, and such requests are carefully reviewed to ensure they meet the established criteria.

The Department believes expanding these exemptions or allowing for alternate forms of documentation would risk undermining the effectiveness of the passport requirement as a fraud prevention measure. Accepting other forms of identification, such as national IDs, defeats the purpose of the passport rule because these documents are more difficult to reliably verify and are easier to alter in some countries. Additionally, financial hardship alone does not constitute reasonable justification for a passport rule exemption, as the immigration process to the United States is expensive and an entrant unable to afford a passport is unlikely to have the financial means to complete the immigration process if he or she is selected. Further, a passport obtained for DV-2027 could be used for future DV years for which it remains valid and unexpired.

## I. Comments Related to Legal Vulnerabilities

Some commenters question the legality of re-introducing a DV passport rule.

### i. E.B v. Department of State

Several commenters note that the courts struck down a similar passport rule in the past, many specifically referring to *E.B v. Department of State* and argue this rule may be challenged on similar grounds.

*Department Response:* In *E.B. v. Department of State*, 583 F. Supp. 3d 58, 61 (D.D.C. 2022), the District Court for the District of Columbia found that the Department's 2019 interim final rule requiring DV entrants to provide information from a valid, unexpired passport was unlawfully promulgated because it did not undergo public notice and comment under the Administrative Procedures Act (APA). While the Secretary of State has determined that all policy related to visa operations and issuance, among other matters, constitutes a foreign affairs function of the United States under the Administrative Procedures Act,<sup>14</sup> the Department has nonetheless sought public comment on this rulemaking, to which the Department is responding via the present final rule, mitigating the risk that the rule may be challenged on similar procedural grounds.

### ii. Arbitrary and Capricious Review

The APA instructs courts to "hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of

<sup>14</sup> See Determination: Foreign Affairs Function of the United States, 90 FR 12200 (Mar. 14, 2025).

discretion, or otherwise not in accordance with law.” Some comments express that the rule may be challenged as “arbitrary and capricious” under the APA because it disproportionately excludes vulnerable populations while failing to achieve its stated goals. They highlight the disproportionate burden on participants from low-income countries, rural areas, and conflict zones, without clear evidence that the rule will effectively deter fraud and criticize the rule as an overbroad measure that fails to meet the standard of proportionality.

*Department Response:* The Department has carefully considered these issues and remains confident the rule is consistent with the APA’s requirements and that the costs of the entry requirements on the public are proportionally appropriate to its stated goals.

The APA requires agencies to ensure that rules are not arbitrary, capricious, or otherwise unlawful. In developing this rule, the Department conducted a thorough analysis of the DV program’s vulnerabilities, including documented cases of widespread fraud, identity theft, duplicate entries, and exploitation by third-party agents. The passport requirement directly addresses these vulnerabilities by tying each entry to a unique, valid, and unexpired passport, thereby reducing opportunity for such fraudulent activity.

Certain commenters raised concerns that obtaining a passport may pose challenges for some individuals, particularly those in low-income countries, rural areas, and conflict zones. To mitigate these concerns, the rule includes limited exemptions, as discussed above, which are designed to ensure the rule does not disproportionately exclude vulnerable populations such as stateless individuals, while maintaining the integrity of the program. At the same time, the Department considers that broader exemptions would both restrict the rule’s ability to address fraud as intended, and would not ultimately shield such individuals, if selected, from the need to present a passport with their visa application, as generally required under INA 222(b). For these reasons, the Department believes the rule reflects its careful consideration of the APA’s requirements, and the need to balance program integrity with accessibility for vulnerable populations.

### iii. Congressional Intent

Commenters argue that because the passport rule disproportionately excludes applicants from poorer nations or regions established pursuant to INA

203(c)(1)(F), rural areas, and conflict zones, it directly undermines the spirit of the Diversity Visa program. Some argue that the rule’s inconsistency with the statutory purpose of the Diversity Visa program may lead to legal challenges based on congressional intent.

*Department Response:* The rule does not undermine congressional intent, as the program is still available globally to the natives of any countries with historically low rates of immigration to the United States. INA 203(c)(1)(B)(ii) defines “low-admission states” as those with equal to or fewer than 50,000 natives admitted to the United States during the most recent five-year period. In 2019, the Department promulgated an interim final rule that required entrants to include certain information from a valid, unexpired passport in the electronic entry form. This requirement was in effect for the entry periods associated with the 2021, 2022, and 2023 DV Program years. During this time, the Department was able to compare participation levels both prior to and during the period in which aliens were required to include this passport information with their DV entry. In all years, the Department received entries from more individuals from each of the six geographic regions created by INA section 203(c) than there were diversity visas available for each region. The interim final rule was therefore not unduly burdensome on natives of any region and did not affect the Department’s ability to fully implement the program as Congress intended.

### J. Comments Related to Paperwork Reduction Act Compliance

#### i. Time Burden

Several comments raise concerns about the accuracy of estimated time burdens associated with scanning and uploading passport information. They emphasize challenges faced by applicants in low-income regions, where access to scanning equipment and technical support is limited, often requiring travel to obtain access to the necessary resources. Commenters argue that the Department underestimated the time burden, suggesting it could range from one to three hours per applicant.

*Department Response:* The Department recommended adding 20 minutes to the original (30-minute) time burden to account for the time it would take to gather and add passport information to the DS-5501. The original time estimate neglected to include the amount of time it would take an individual to gather, scan, and upload the passport document to the

DS-5501 and did not consider that some entrants would need to travel to access scanning equipment. The Department thanks the public for raising these concerns and is adjusting the time burden to address them.

The Department is modifying the previously approved 30-minute time burden on the DS-5501 to a new time burden of 90 minutes. This new estimate accounts for the time it takes to access and operate equipment to scan and upload passport documentation; it also accounts for the amount of time it takes to gather and input payment information in light of the recently announced passport fee rule. All estimates related to the per-applicant time burden are adjusted accordingly.

#### ii. Cost Burden

Some commenters raise concerns about the cost burden associated with obtaining a passport. Some commenters suggest the Department’s estimate of \$74.43 for passport costs is unrealistic, as costs in some countries exceed \$200. Others supported the estimate the Department provided. When commenters provide specific dollar amounts for passport costs, figures range from \$50 to \$250, depending on the country.

*Department Response:* In 2023, the Department conducted a comprehensive analysis of DV Program-eligible country passport fees. Using this data, the Department determined that the average cost of a passport in DV-eligible countries was \$74.43. While the Department understands that passport fees may exceed \$200 in some countries, it is also true that other countries have minimal passport costs that bring down the global average.

The Department further notes that passport validity ranges, typically between 5 and 10 years per issuance. If the cost of a passport is distributed annually for the duration of its validity, the annual cost burden is less than the estimate provided. For example, a passport costing \$250 with a validity of five years would have an annual cost estimate of only \$50 annually.

#### iii. Changes to the DS-5501

##### a. Document Upload

Commenters raise concerns about potential issues with passport scans during the submission process, including technical errors with cropped images, blurred pages, and an insufficient 5 MB file size limitation. Commenters suggest allowing flexibility in file size and formats, such as permitting PDF uploads or multiple images. Some note the Department

failed to outline resolution requirements and generally did not provide adequate instructions for how to upload documents. One commenter requests the Department provide an in-form image combiner and file compression guidance as well as a test-image tool.

*Department Response:* The Department publishes yearly instructions for the upcoming Diversity Visa entry period. These instructions are published as a **Federal Register** Notice, and on *Travel.state.gov*. Within the published instructions, the Department provides detailed information, and this includes information about the requirements for the passport scan. The Department has no plans at this time to provide an in-form image combiner, file compression guidance, or test image tool, and these are items not generally provided during diversity or other U.S. visa applications.

#### b. Gender vs Sex

Two commenters raise concerns about replacing the word “gender” with “sex” on the Diversity Visa application form, citing concerns around inclusivity and potential mismatches between regulatory text, operational systems, and prior adjudication records. One commenter noted that in some countries, “gender” and “sex” have different legal definitions. They request the Department clarify whether “sex” refers to biological sex or legal sex as listed on official documents.

*Department Response:* The Department is replacing “gender” with “sex” in accordance with E.O. 14168, *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, which provides that the term “sex” shall refer to an individual’s sex at birth. Only male and female sex options are available for entrants completing the Diversity Visa entry form. The marker reflected in the “sex” field on any visa application, including the entry form, should match the applicant’s biological sex at birth, even if that differs from the sex listed on the applicant’s foreign passport or other identifying documentation. This change aligns the entry form with other Department forms that now use the term “sex” in place of “gender.”

#### c. Fee Payment

Commenters raise concerns about the fee payment pages on the Diversity Visa application form, emphasizing the need for a reliable, secure, and user-friendly payment system. Commenters also question whether the payment system accommodates applicants from countries with restricted access to

international banking services. They suggest codifying acceptable payment methods and refund policies in the CFR.

*Department Response:* The Department collects fee payments through the Treasury’s *Pay.gov*, which is reliable, secure, and user-friendly. It accepts payments for U.S. based bank accounts and internationally accepts credit/debit cards, PayPal, and Venmo. The Department acknowledges that some applicants may face additional obstacles to submitting payment via *Pay.gov* depending on location, but the Department believes this is the safest and most secure approach to receive payments globally. *Pay.gov* regularly processes payments for other visa services from applicants in countries with restricted access to international banking services.

*Pay.gov* resides within the Treasury Web Applications Infrastructure (TWAII)—a highly secure environment provided by the Federal Reserve Information Technology (FRIT) to support several enterprise-wide Treasury applications. The TWAII is compliant with the Federal Information Processing Standard (FIPS) 140–2. All communications between *Pay.gov* and agencies are conducted via dedicated lines, virtual private networks, or 128-bit, hardware-based, Transport Layer Security (TLS) 1.2 encryption.

#### K. Comments Nonresponsive to the NPRM

Several issues raised in the comments fall beyond the scope of the “Visas: Enhancing Vetting and Combatting Fraud in the Diversity Immigrant Visa Program” NPRM. These issues are considered “nonresponsive” and as such, the Department is not responding to these points at this time. Nonresponsive issues raised by commenters include: proposed statutory reforms to the way “high admission” countries are identified; statutory incongruity between the Nicaraguan Adjustment and Central American Relief Act (NACARA) and the INA in the context of DV eligibility; problems related to the Department of Labor’s O\*NET Online system’s classification of occupations; demands to eliminate the DV Program altogether; criticism of broader immigration policies; and general suggestions for public messaging campaigns.

#### Regulatory Findings

##### *Administrative Procedure Act*

On February 21, 2025, Secretary of State Marco Rubio issued an official determination clarifying that all policy related to visa operations and issuance

(“entry, and exit of people”), among other matters, constitutes a foreign affairs function of the United States under the Administrative Procedure Act, 5 U.S.C. 553 (90 FR 12200). This determination exempts this rulemaking from notice-and-comment requirements, however, the Department recognizes the value of public participation in the formulation of this rule and the associated information collection, and the Department solicited public comments for a 45-day period (90 FR 37437). Comments received during this period are addressed in this Notice.

##### *Regulatory Flexibility Act/Executive Order 13272: Small Business*

This rulemaking is not a “rule” as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*); therefore, that Act does not apply to it. However, the Department of State has reviewed this regulation and, by approving it, certifies that it does not regulate “small entities” as that term is defined in 5 U.S.C. 601(6) and as such does not have a significant economic impact on a substantial number of small entities.

##### *Unfunded Mandates Act of 1995*

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of \$100 million or more by state, local, or tribal governments, or by the private sector. This final rule does not result in such an expenditure, and it does not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Act of 1995.

##### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by the Small Business Regulatory Enforcement Act of 1996 (5 U.S.C. 801 *et seq.*). This rule does not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and import markets.

##### *Executive Orders 12866 and 13563*

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is

necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Department of State does not consider this final rule to be an economically significant regulatory action under Executive Order 12866, Section 3(f)(1).

The Department reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Orders. The Department finds that the costs of this rule, which are outlined in the preamble above, are outweighed by the benefits in protecting national security and the integrity of the DV Program.

#### *Executive Order 12372 and 13132: Federalism*

This rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

#### *Executive Order 12988: Civil Justice Reform*

The Department reviewed this rule considering sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

#### *Executive Order 14192—Unleashing Prosperity Through Deregulation*

This rule is exempt from Executive Order 14192 as it is a regulation issued with respect to a foreign affairs, national security, homeland security, and immigration-related function of the United States.

#### *Executive Order 13175—Consultation and Coordination With Indian Tribal Governments*

The Department determined that this rulemaking does not have tribal implications, does not impose substantial direct compliance costs on Indian tribal governments, and does not pre-empt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

#### *Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that agencies consider the burden imposed on members of the public by agency information collection actions. Agencies must limit information collection to only that which is necessary to fulfill their statutory missions, guarding against the collection of unnecessary or duplicative information that imposes unjustified costs.

As announced in the NPRM (90 FR 37437), this rule requires a change to the information collected in, and the public burden imposed by, the DS-5501, Electronic Diversity Visa Entry Form, and members of the public were invited to comment on the burden imposed by these changes during the 45-day notice-and-comment period.

Contained in this final rulemaking are the following changes to the information collection:

1. The DS-5501 is amended to require entrants to provide proof of a valid, unexpired passport.
2. The word “Gender” is replaced with “Sex.”
3. The form is also revised to include a fee payment page, consistent with the announcement of the \$1 Diversity Visa Registration Fee in the “Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates-Visa Services Fee Changes” (90 FR 44524) Public Notice.
4. The burden estimate is updated to 90 minutes per response.

#### **Supplementary Information**

- *Title of Information Collection:* Electronic Diversity Visa Entry Form.
- *OMB Control Number:* 1405-0153.
- *Type of Request:* Reinstatement with change.
- *Originating Office:* CA/VO.
- *Form Number:* DS-5501.
- *Respondents:* Diversity Visa Petitioners.
- *Estimated Number of Respondents:* 10,000,000.
- *Estimated Number of Responses:* 10,000,000.
- *Average Time per Response:* 90 minutes.
- *Total Estimated Burden Time:* 15,000,000 hours.
- *Frequency:* Annually.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

#### **Abstract of Proposed Collection**

The Department of State uses the Electronic Diversity Visa Entry (DS-5501) to elicit information necessary to establish the eligibility of the petitioner for the DV Program.

#### **Methodology**

The DS-5501 is available online at <https://dvprogram.state.gov> and can only be submitted electronically during the annual entry period.

#### **List of Subjects in 22 CFR Part 42**

Immigration; Passports and visas.

For the reasons stated in the preamble, the Department amends 22 CFR part 42 to read as follows:

#### **PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED**

- 1. The authority citation for part 42 reads as follows:

**Authority:** 8 U.S.C. 1104 and 1182; Pub. L. 105-277, 112 Stat. 2681; Pub. L. 108-449, 118 Stat. 3469; The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at the Hague, May 29, 1993), S. Treaty Doc. 105-51 (1998), 1870 U.N.T.S. 167 (Reg. No. 31922 (1993)); 42 U.S.C. 14901-14954 (Pub. L. 106-279, 114 Stat. 825); 8 U.S.C. 1101 (Pub. L. 117-31, 135 Stat. 309); 8 U.S.C. 1154 (Pub. L. 109-162, 119 Stat. 2960); 8 U.S.C. 1201 (Pub. L. 114-70, 129 Stat. 561).

- 2. Revise § 42.33 to read as follows:

#### **§ 42.33 Diversity immigrants.**

(a) *General*—(1) *Eligibility to compete for consideration under section 203(c).* An alien will be eligible to compete for consideration for visa issuance under INA 203(c) during a fiscal year only if he or she is a native of a low-admission foreign state, as determined by the Secretary of Homeland Security pursuant to INA 203(c)(1)(E), with respect to the fiscal year in question; and if he or she has at least a high school education or its equivalent or, within the five years preceding the date of application for a visa, has two years of work experience in an occupation requiring at least two years training or experience. The eligibility for a visa under INA 203(c) ceases at the end of the fiscal year in question. Under no circumstances may a consular officer issue a visa or other documentation to an alien after the end of the fiscal year during which an alien possesses diversity visa eligibility.

(2) *Definition of high school education or its equivalent.* For the purposes of this section, the phrase high school education or its equivalent means the successful completion of a twelve-year course of elementary and secondary education in the United States or successful completion in another country of a formal course of elementary and secondary education comparable to completion of twelve

years' elementary and secondary education in the United States.

(3) *Determinations of work experience.* Consular officers shall use the Department of Labor's O\*Net Online to determine qualifying work experience.

(4) *Limitation on number of petitions per year.* No more than one petition may be submitted by, or on behalf of, any alien for consideration during any single fiscal year. If two or more petitions for any single fiscal year are submitted by, or on behalf of, any alien, all such petitions will be void pursuant to INA 204(a)(1)(I)(i) and the alien by or for whom the petition has been submitted will not be eligible for consideration for diversity visa issuance during the fiscal year in question.

(5) *Northern Ireland.* For purposes of determining eligibility to file a petition for consideration under INA 203(c) for a fiscal year, the districts comprising that portion of the United Kingdom of Great Britain and Northern Ireland, known as "Northern Ireland," will be treated as a separate foreign state. The districts comprising "Northern Ireland" are Antrim, Ards, Armagh, Ballymena, Ballymoney, Banbridge, Belfast, Carrickfergus, Castlereagh, Coleraine, Cookstown, Craigavon, Down, Dungannon, Fermanagh, Larne, Limavady, Lisburn, Londonderry, Magherafelt, Moyle, Newry and Mourne, Newtownabbey, North Down, Omagh, and Strabane.

(b) *Petition requirement.* An alien claiming to be entitled to compete for consideration under INA 203(c) must file a petition with the Department of State for such consideration. At the alien petitioner's request, another person may file a petition on behalf of the alien. The petition will consist of an electronic entry form that the alien petitioner or a person acting on behalf of the alien petitioner must complete on-line and submit to the Department of State via a website established by the Department of State for the purpose of receiving such petitions. The Department will specify the address of the website prior to the commencement of the 30-day or greater period described in paragraph (b)(3) of this section using the notice procedure prescribed in that paragraph.

(1) *Information to be provided in the petition.* The electronic entry form mentioned in paragraph (b) of this section will require the person completing the form to provide the following information, typed in the Roman alphabet, regarding the petitioner:

(i) The petitioner's full name;

(ii) The petitioner's date and place of birth (including city and country);

(iii) The petitioner's sex;

(iv) The country of which the petitioner claims to be a native, if other than the country of birth;

(v) The name(s), date(s) and place(s) of birth and sex of the petitioner's spouse and child(ren), if any, (including legally adopted and step-children), regardless of whether or not they are living with the petitioner or intend to accompany or follow to join the petitioner should the petitioner immigrate to the United States pursuant to INA 203(c), but excluding a spouse or a child(ren) who is already a U.S. citizen or U.S. lawful permanent resident;

(vi) A current mailing address for the petitioner;

(vii) The location of the consular office nearest to the petitioner's current residence or, if in the United States, nearest to the petitioner's last foreign residence prior to entry into the United States, and

(viii) The unique serial or issuance number associated with the petitioner's valid, unexpired passport, petitioner name, country or authority of passport issuance, and expiration date, unless the petitioner would be exempt from the passport requirement pursuant to § 42.2(d), (e), or (g)(2).

(2) *Requirements for photographs.* The petition will also require inclusion of a photograph of the petitioner and of his or her spouse and all unmarried children under the age of 21 years. The photographs must meet the following specifications:

(i) A digital image of the applicant from either a digital camera source or a scanned photograph via scanner. If scanned, the original photographic print must have been 2" by 2" (50mm x 50mm). Scanner hardware and digital image resolution requirements will be further specified in the public notice described in paragraph (b)(3) of this section.

(ii) The image must be in the Joint Photographic Experts Group (JPEG) File Interchange Format (JFIF) format.

(iii) The image must be in color.

(iv) The image must have been taken no more than six months prior to the date of the petition submission.

(v) The person being photographed must be directly facing the camera with the head neither tilted up, down, or to the side. The head must cover about 50% of the area of the photograph.

(vi) The photograph must be taken with the person in front of a neutral, light-colored background. Photos taken with very dark or patterned, busy backgrounds will not be accepted.

(vii) The person's face must be in focus.

(viii) The person in the photograph must not wear eyeglasses, sunglasses, or other paraphernalia that obstruct the view of the face.

(ix) A photograph with the person wearing a head covering or a hat is only acceptable if the covering or hat is worn specifically due to that person's religious beliefs, and even then, the hat or covering may not obscure any portion of the face. A photograph of a person wearing tribal, military, airline or other headgear not specifically religious in nature will not be accepted.

(3) *Requirements for passport scans.* The petition will also require a scan of the petitioner's biographic and signature page from his or her valid, unexpired passport. The scan must meet the following requirements:

(i) The image must be in the Joint Photographic Experts Group (JPEG) File Interchange Format (JFIF) format. No Portable Document Format (PDF) will be accepted.

(ii) The file size must not exceed 5 megabytes (MB).

(4) *Submission of petition.* A petition for consideration for visa issuance under INA 203(c) must be submitted to the Department of State by electronic entry to an internet website designated by the Department for that purpose. The Department will establish a period of not less than thirty days during each fiscal year within which aliens may submit petitions for approval of eligibility to apply for visa issuance during the following fiscal year. Each fiscal year the Department will give timely notice of both the website address and the exact dates of the petition submission period, as well as other pertinent information, through publication in the **Federal Register** and such other methods as will ensure the widest possible dissemination of the information, both abroad and within the United States.

(c) *Processing of petitions.* Entries received during the petition submission period established for the fiscal year in question and meeting all of the requirements of paragraph (b) of this section will be assigned a number in a separate numerical sequence established for each regional area specified in INA 203(c)(1)(F). Upon completion of the numbering of all petitions, all numbers assigned for each region will be separately rank-ordered at random by a computer using standard computer software for that purpose. The Department will then select in the rank orders determined by the computer program a quantity of petitions for each region estimated to be sufficient to

ensure, to the extent possible, usage of all immigrant visas authorized under INA 203(c) for the fiscal year in question. The Department will consider petitions selected in this manner to have been approved for the purposes of this section.

(d) *Validity of approved petitions.* A petition approved pursuant to paragraph (c) of this section will be valid for a period not to exceed midnight of the last day of the fiscal year for which the petition was approved. At that time, the Department of State will consider approval of the petition to cease to be valid pursuant to INA 204(a)(1)(I)(ii)(II), which prohibits issuance of visas based upon petitions submitted and approved for a fiscal year after the last day of that fiscal year.

(e) *Order of consideration.* Consideration for visa issuance to aliens whose petitions have been approved pursuant to paragraph (c) of this section will be in the regional rank orders established pursuant to that paragraph.

(f) *Allocation of visa numbers.* To the extent possible, diversity immigrant visa numbers will be allocated in accordance with INA 203(c)(1)(E) and will be allotted only during the fiscal year for which a petition to accord diversity immigrant status was submitted and approved. Under no circumstances will immigrant visa numbers be allotted after midnight of the last day of the fiscal year for which the petition was submitted and approved.

(g) *Further processing.* The Department will inform applicants whose petitions have been approved pursuant to paragraph (c) of this section of the steps necessary to meet the requirements of INA 222(b) in order to apply formally for an immigrant visa.

(h) *Maintenance of certain information.* (1) The Department will compile and maintain the following information concerning petitioners to whom immigrant visas are issued under INA 203(c):

- (i) Date of birth;
- (ii) Country of birth;
- (iii) Marital status;
- (iv) Sex;
- (v) Level of education; and
- (vi) Occupation and level of occupational qualification.

(2) The Department will not maintain the names of visa recipients in connection with this information and the information will be compiled and maintained in such form that the identity of visa recipients cannot be determined therefrom.

(i) *Diversity Visa Lottery fee.* (1) An electronic registration fee will be collected at the time of registration.

(2) Consular officers shall collect, or ensure the collection of, the Diversity Visa Lottery fee from those persons who apply for a diversity immigrant visa, described in INA 203(c), after being selected by the diversity visa lottery program. The Diversity Visa Lottery fee, as prescribed by the Secretary of State, is set forth in the Schedule of Fees, 22 CFR 22.1.

**John L. Armstrong,**  
*Principal Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.*

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**BILLING CODE 4710-05-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No.: 260305-0067; RTID 0648-XF288]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; 2026 and 2027 Harvest Specifications for Groundfish

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

**ACTION:** Final rule; harvest specifications and closures.

**SUMMARY:** NMFS announces final 2026 and 2027 harvest specifications, apportionments, and Pacific halibut prohibited species catch (PSC) limits for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits for groundfish during the remainder of 2026 and the start of the 2027 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Harvest specifications and closures are effective from 1200 hours, Alaska local time (A.l.t.), March 17, 2026, through 1200 hours, A.l.t., March 17, 2027.

**ADDRESSES:** Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Final EIS), Record of Decision (ROD), and the annual Supplementary Information Reports (SIRs) to the Final EIS prepared for this

action are available at: <https://www.regulations.gov>. The 2024 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the GOA, the 2025 harvest projection for the deep-water flatfish stock complex, the 2025 Pacific cod stock assessment, and the SAFE reports for previous years are available from the North Pacific Fishery Management Council (Council) at 1007 West Third Avenue, Suite 400, Anchorage, AK 99501, phone 907-271-2809, or from the NMFS website at: <https://www.fisheries.noaa.gov/alaska/population-assessments/north-pacific-groundfish-stock-assessments-and-fishery-evaluation>.

#### FOR FURTHER INFORMATION CONTACT:

Abby Jahn, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the GOA groundfish fisheries in the exclusive economic zone (EEZ) of the GOA under the FMP. The Council prepared the FMP, which NMFS approved and implemented, under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*). Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600, 679, and 680.

The FMP and its implementing regulations require that NMFS, after consultation with the Council, specify the total allowable catch (TAC) for each target species, the sum of which must be within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt) (§ 679.20(a)(1)(i)(B) and (a)(2)). Section 679.20(c)(1) further requires that NMFS publish and solicit public comment on proposed annual TACs and apportionments thereof for each target species, Pacific halibut PSC limits, and seasonal allowances of pollock and Pacific cod. Upon consideration of those public comments, NMFS will publish a notification of final harvest specifications in the **Federal Register**; the final harvest specifications specify annual TACs and apportionments, Pacific halibut PSC limits, and seasonal allowances of pollock and Pacific cod (§ 679.20(c)(3)(i)-(ii)). The final harvest specifications set forth in tables 1 through 27 of this rule reflect the outcome of this process, as required by § 679.20(c).

The proposed 2026 and 2027 harvest specifications for groundfish of the GOA and Pacific halibut PSC limits were published in the **Federal Register** on December 16, 2025 (90 FR 58185). Comments were invited and accepted through January 5, 2026. Three comment letters were received during the comment period and no changes were made in response to the

comments. NMFS's responses are included in the Comments and Responses section of this rule.

Under § 679.20(c)(3), NMFS is publishing the final 2026 and 2027 harvest specifications after: (1) considering comments received within the comment period (see **DATES**); (2) consulting with the Council at its December 2025 and February 2026 meetings; (3) considering information presented in the 2026 SIR to the Final EIS that assesses the need to prepare a Supplemental EIS (see **ADDRESSES**); and (4) considering information presented in the final 2024 SAFE report (including the 2024 Ecosystem Status Report (ESR) for the GOA), the abbreviated updated 2025 GOA ESR, the 2025 harvest projection of the deep-water flatfish stock complex, and the 2025 operational update assessment for Pacific cod, among other relevant information. The final 2026 and 2027 harvest specifications are effective from 1200 hours, A.l.t., March 17, 2026, through 1200 hours, A.l.t., March 17, 2027. For the 2026 calendar year, the sum of the TACs is 470,482 mt. For the 2027 calendar year, the sum of the TACs is 465,697 mt.

#### **Other Actions Affecting the 2026 and 2027 Harvest Specifications**

In October 2025, the Alaska Board of Fisheries, which manages fisheries in State of Alaska (State) waters, adopted a proposal to increase the South Alaska Peninsula guideline harvest level (GHL) from 30 to 35 percent. This action affects the available Pacific cod TAC in the Western Regulatory Area of the GOA (Western GOA) and subsequent sectors whose allocations are derived from the Western GOA TAC because the TAC is adjusted to account for the GHL amount. This change is reflected in the Pacific cod TAC and allocations for the Western GOA in this rule.

#### **Harvest Specifications Process**

The specifications are based on the most recent biological, ecosystem, socioeconomic, and harvest information about the condition of the GOA groundfish stocks and the review and recommendations of the GOA Groundfish Plan Team (Plan Team), Scientific and Statistical Committee (SSC), Advisory Panel (AP), and the Council. These specifications were developed in compliance with the harvest strategy from the FMP and the Final EIS and ROD.

The most recent reviewed information available to inform these specifications includes the 2024 SAFE report for the GOA groundfish stocks, the 2025 Pacific

cod stock assessment, and the 2025 harvest projection for the deep-water flatfish stock complex (see **ADDRESSES**). The stock assessments that comprise the SAFE report contain a review of the latest scientific analyses available and estimates of each stock or stock complex's biomass and other biological parameters including stock projections for 2026 and possible future condition of the stocks, and the SAFE report also contains summaries of the available information on the GOA ecosystem and the economic condition of the GOA groundfish fisheries off Alaska. The SAFE report provides information to the Council and NMFS for recommending and setting annual harvest levels for each stock and stock complex and documenting significant trends or changes in the resource, marine ecosystems, and fisheries over time. The individual stock assessments that comprise the 2024 SAFE report, as well as the 2025 harvest projection for deep-water flatfish and 2025 Pacific cod stock assessment, are available at: <https://www.fisheries.noaa.gov/alaska/population-assessments/north-pacific-groundfish-stock-assessment-and-fishery-evaluation>.

The ESRs are a component of the SAFE report. The ESRs compile and summarize information about the status of the Alaska marine ecosystems for the Plan Team, SSC, AP, Council, NMFS, and the public, and are updated annually. The ESRs include ecosystem report cards, ecosystem assessments, and ecosystem-based management indicators (e.g., climate indices, sea surface temperature), which together provide context for ecosystem-based fisheries management in Alaska. The ESRs inform stock assessments and are integrated into the annual harvest recommendations through inclusion in stock assessments, including stock-specific risk tables that identify considerations informing any additional scientific uncertainty relevant to the specification of ABC. The ESR information provides context for the SSC's recommendations for OFLs and ABCs, as well as for the Council's TAC recommendations. The SAFE reports and the ESRs are typically presented at the October and December Council meetings before the SSC, AP, and the Council for making groundfish harvest specification recommendations and aid NMFS in implementing these annual groundfish harvest specifications.

In September 2025, the Plan Team met and recommended proposed harvest specifications for 2026 and 2027 based on the 2024 SAFE report. In

October 2025, the SSC reviewed these recommendations and other relevant information available, including an ESR preview, and made recommendations on proposed OFLs and ABCs to the Council. After reviewing the recommendations and information provided, the Council recommended proposed 2026 and 2027 OFLs, ABCs, and TACs in October 2025, and NMFS published the proposed 2026 and 2027 harvest specifications for groundfish of the GOA for public comment on December 16, 2025 (90 FR 58185). The proposed 2026 and 2027 harvest specifications were based on the 2024 SAFE report and on the final 2026 specifications that were reviewed by the Plan Team, SSC, and the Council in 2024 and published in the **Federal Register** on March 18, 2025 (90 FR 12468).

NMFS was unable to prepare new stock assessments that were scheduled for updates this year for the 2025 SAFE report, and the November Groundfish Plan Team meetings were canceled since there were no updated stock assessments to review at that time. The 2025 SAFE report and 2025 GOA ESR were not presented at the December Council meeting.

At the December Council meeting, the SSC used the best scientific information available to make recommendations on final 2026 and 2027 OFLs and ABCs. This information included: the 2024 stock assessments (which already included projected OFLs and ABCs for 2026) and the stock-specific risk tables included with those assessments; the 2025 harvest projection for the deep-water flatfish stock complex; Plan Team recommendations from its 2024 and September 2025 meetings; catch reports for each stock and stock complex comparing recent catch data to TACs, ABCs, and OFLs; tables summarizing relevant information on groundfish stocks and stock complexes that included biomass and survey trends; information available from the 2025 Alaska Fisheries Science Center (AFSC) surveys; and available ESR information that included the 2024 ESRs and the ESR previews presented to Plan Team and SSC in September and October 2025, respectively. Also included were updated OFL and ABC recommendations for deep-water flatfish, which was subject to a harvest projection that underwent review by the Plan Team in September 2025 and the SSC in October 2025, consistent with the schedule for reviewing harvest projections. More information on the

SSC's review is provided in the December 2025 report at: <https://meetings.npfmc.org/CommentReview/DownloadFile?p=74322a78-4de1-451c-a10f-13b11286f8b9.pdf&fileName=Draft%20SSC%20Report%20Dec%202025.pdf>.

The Council then reviewed this information and the SSC's recommendations for OFLs and ABCs, as well as the AP's recommendations for TACs, and recommended final 2026 and 2027 TACs. At the December 2025 Council meeting, the Council also requested that the AFSC update the Pacific cod stock assessment and provide the assessment to the Plan Team for review during a public meeting scheduled for early 2026. In January 2026, the Plan Team reviewed the 2025 Pacific cod stock assessment, including an updated risk table, and also heard a presentation on an updated Ecosystem and Socioeconomic Profile (ESP) for Pacific cod and an updated abbreviated 2025 GOA-wide ESR, which focused on relevant ecosystem indicators informative for Pacific cod. The Plan Team then made OFL and ABC recommendations for Pacific cod based on the updated information available, including the 2025 Pacific cod stock assessment.

At the February 2026 Council meeting, the SSC reviewed the 2025 Pacific cod stock assessment, ESP, and abbreviated 2025 GOA ESR and the Plan Team's recommendations, and then recommended OFL and ABC for Pacific cod. The Council then recommended a 2026 and 2027 Pacific cod TAC based on the SSC's OFL and ABC recommendations.

The 2026 and 2027 OFLs and ABCs are based on the best available biological and scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The FMP specifies the tiers to be used to calculate OFLs and ABCs. The tier applicable to a particular stock or stock complex is determined by the level of reliable information available to the fisheries scientists. This information is categorized into a successive series of six tiers to define OFLs and ABCs, with tier 1 representing the highest level of information quality available and tier 6 representing the lowest level of information quality available. In 2024, the Plan Team used the FMP tier structure to calculate OFLs and ABCs for each groundfish species for 2025 and 2026. In December 2025, the SSC adopted the 2026 and 2027 OFLs and ABCs that were recommended as proposed specifications by the Plan

Team for all groundfish species in September 2025 and the SSC in October 2025, with the exception of deep-water flatfish and Pacific cod. Because the 2024 SAFE report does not set OFLs and ABCs for 2027, the SSC set the 2027 OFLs and ABCs equal to 2026. These 2027 OFLs and ABCs will be superseded by the final 2027 and 2028 harvest specifications.

The 2026 and 2027 TACs are based on the best available biological and socioeconomic information consistent with § 679.20(a)(3). In making its recommendations, the Council adopted the SSC's OFL and ABC recommendations and the AP's TAC recommendations for all stocks and stock complexes. The AP and Council recommended that the 2026 and 2027 TACs be set equal to the proposed ABCs for all stocks and stock complexes, with the exception of the stocks and stock complexes discussed below.

NMFS reviewed the recommendations of the SSC and Council for OFLs, ABCs, and TACs for stocks and stock complexes in the GOA as well as any other relevant information. Based on that review, NMFS is implementing the OFLs, ABCs, and TACs set forth in the tables of this rule, which are consistent with the Magnuson-Stevens Act, the FMP, and other applicable law. NMFS finds that the recommended OFLs and ABCs are consistent with the biological condition of the groundfish stocks as described in the 2024 SAFE report, 2025 harvest projection of deep-water flatfish, and 2025 Pacific cod stock assessment and in consideration of ecosystem information presented in the ESRs.

NMFS also finds that the Council's recommendations for TACs are consistent with the biological condition of groundfish stocks as adjusted for other biological and socioeconomic considerations, including maintaining the sum of all TACs within the OY range (§ 679.20(a)(2) and 679.20(a)(3)). The TACs are set equal to sub-area apportionments of ABCs for all stocks and stock complexes except for pollock in the combined Western and Central Regulatory Areas and the West Yakutat District of the Eastern Regulatory Area (W/C/WYK), Pacific cod, Western GOA shallow-water flatfish, Western GOA arrowtooth flounder, Western GOA flathead sole, Southeast Outside (SEO) District other rockfish, Atka mackerel, and octopus. The combined W/C/WYK pollock TAC, the Pacific cod TACs, and the octopus TAC are set to account for the State's GHLS so that the ABCs for pollock, Pacific cod, and octopus are not exceeded. The Western GOA shallow-water flatfish, Western GOA arrowtooth flounder, and Western GOA flathead

sole TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other, more fully utilized fisheries. The other rockfish TAC in the SEO District is set to reduce the amount of discards of the species in that complex. The Atka mackerel TAC is set to accommodate incidental catch amounts (ICA) in other fisheries. NMFS reviewed the Council's recommended TACs and apportionments, and NMFS approves these harvest specifications under § 679.20(c)(3)(ii). The apportionment of TAC amounts among gear types and sectors, processing sectors, and seasons is discussed below.

Tables 1 and 2 list the final 2026 and 2027 OFLs, ABCs, TACs, and area apportionments of groundfish in the GOA. The 2026 harvest specifications set in this final action supersede the 2026 harvest specifications previously set in the final 2025 and 2026 harvest specifications (90 FR 12468, March 18, 2025). Pursuant to this final action, the 2026 harvest specifications are effective from 1200 hours, A.l.t., March 17, 2026, through 2400 hours, A.l.t., December 31, 2026, and the 2027 harvest specifications are effective from 0001 hours, A.l.t., January 1, 2027, through 1200 hours, A.l.t., March 17, 2027.

#### **Specification and Apportionment of TAC Amounts**

The W/C/WYK pollock TAC and the Pacific cod TACs are set to account for the GHLS for the State waters pollock and Pacific cod fisheries so that the ABCs are not exceeded. The GOA-wide octopus TAC accounts for the GHL of 16 mt (35,000 lbs rounded). These reductions for pollock and Pacific cod are described below. NMFS's apportionments of groundfish stocks are based on the distribution of biomass among the regulatory areas over which NMFS manages the stocks. Additional regulations govern the apportionment of pollock, Pacific cod, and sablefish. Additional detail on apportionments of pollock, Pacific cod, and sablefish are described below.

The 2026 and 2027 TAC for the pollock stock in the combined W/C/WYK Regulatory Area is set to account for the GHL established by the State for the State waters Prince William Sound (PWS) pollock fishery. The Plan Team, SSC, AP, and Council have recommended that the sum of all pollock removals from State and Federal waters in the GOA not exceed ABC recommendations. State fisheries managers set the PWS GHL at 2.5 percent of the annual W/C/WYK pollock ABC. For 2026 and 2027, this yields a projected PWS pollock GHL of 3,326 mt,

a percent decrease of 26.51 from the 2025 PWS GHL of 4,526 mt. After reductions for the PWS GHL, the remaining 2026 and 2027 W/C/WYK pollock TAC is then apportioned among four statistical areas (areas 610, 620, 630, and 640), as described below and detailed in tables 1 and 2. The total TACs for the four statistical areas, plus the State GHL, do not exceed the W/C/WYK pollock ABC. For 2026 and 2027, the W/C/WYK pollock ABC is 133,075 mt, and the TAC is 129,749 mt.

Apportionments of pollock to the W/C/WYK management areas are considered to be apportionments of the TAC. This more accurately reflects that such apportionments address management concerns, rather than biological or conservation concerns. In addition, apportionments in this manner allow NMFS to balance any transfer of TAC among areas 610, 620, and 630 pursuant to § 679.20(a)(5)(iv)(B) to ensure that the ABC, annual catch limit (ACL), and total TAC for the stock (W/C/WYK pollock) are not exceeded.

NMFS establishes pollock TACs in the Western GOA (area 610), Central Regulatory Area of the GOA (Central GOA) (areas 620 and 630), the West Yakutat (WYK) District (area 640), and the SEO District (area 650) of the GOA (see table 1). NMFS also establishes seasonal apportionment of the annual pollock TAC in the Western GOA and Central GOA among statistical areas 610, 620, and 630. These apportionments are divided equally among the following two seasons: the A season (January 20 through May 31); and the B season (September 1 through November 1) (§§ 679.23(d)(2) and 679.20(a)(5)(iv)). Additional detail is provided below in tables 3 and 4.

The 2026 and 2027 Pacific cod TACs are set to account for the State's GHLS for Pacific cod in State waters in the Western GOA and Central GOA, as well as in PWS (in the Eastern Regulatory Area of the GOA (Eastern GOA)) (see tables 1 and 2). The Plan Team, SSC, AP, and Council recommended that the sum of all Pacific cod removals from State and Federal waters in the GOA do not exceed ABC recommendations. Accordingly, the Council recommended the 2026 and 2027 Pacific cod TACs in the Western GOA, Central GOA, and Eastern GOA account for State GHLS. The 2026 Pacific cod TACs are adjusted by the following amounts: (1) Western GOA, 3,604 mt; (2) Central GOA, 7,183 mt; and (3) Eastern GOA, 680 mt. The 2026 TACs reflect the State's 2026 GHLS in these areas, which are 35 percent for the Western GOA, 25 percent for the Central GOA, and 27 percent for the Eastern GOA. Typically, the Eastern

GOA GHL is set at 25 percent. This year, since the fishery was already in operation for the A season, the State requested a GHL increase to approximately 27 percent, and the Council recommended the TAC for the Eastern GOA account for the State GHL amount (680 mt) based on the Council's previous TAC recommendations to maintain consistency for a fishery that is already occurring. This modification is not necessary for 2027. The 2027 Pacific cod TACs are adjusted by the following amounts: (1) Western GOA, 2,795 mt; (2) Central GOA, 5,572 mt; and (3) Eastern GOA, 483 mt. The 2027 TACs reflect the State's 2027 GHLS in these areas, which are 35 percent for the Western GOA and 25 percent for the Central GOA and Eastern GOA.

The Western GOA and Central GOA Pacific cod TACs are allocated among various gear and operational sectors. NMFS also establishes seasonal apportionments of the annual Pacific cod TACs in the Western GOA and Central GOA. The Pacific cod sector allocations and seasonal apportionments are discussed in detail in a subsequent section and in tables 5 and 6 of this rule.

The Council's recommendation for sablefish area apportionments takes into account the prohibition on the use of trawl gear in the SEO District of the Eastern GOA (§ 679.7(b)(1)) and makes available 5 percent of the Eastern GOA (WYK and SEO Districts combined) TAC to vessels using trawl gear for use as incidental catch in other trawl groundfish fisheries in the WYK District (§ 679.20(a)(4)(i)). Additional details are provided below. Tables 7 and 8 list the 2026 and 2027 allocations of the sablefish TAC in the GOA.

For 2026 and 2027, the Council recommends, and NMFS implements, the OFLs, ABCs, and TACs listed in tables 1 and 2. These amounts are consistent with the biological condition of groundfish stocks as described in the 2024 SAFE report, 2025 harvest projection for deep-water flatfish, and the 2025 Pacific cod stock assessment. The ABCs reflect harvest amounts that are less than the specified OFLs. The TACs are adjusted for other biological and socioeconomic considerations consistent with § 679.20(a)(3) and do not exceed the ABCs. The sum of the TACs for all GOA groundfish is 470,482 mt for 2026 and 465,697 mt for 2027. The sum of TACs for both 2026 and 2027 are within the OY range specified by the FMP and implementing regulations.

### Changes in TACs From the Proposed 2026 and 2027 Harvest Specifications in the GOA

In November of each year, the Plan Team typically updates the SAFE report to include new information collected, such as NMFS surveys, revised stock assessments (drafted by stock assessment authors), and catch data. This past November, there was a disruption in the completion of the stock assessments that were scheduled for update in 2025. The stock assessments were not completed in time for the Plan Team's meeting in November, and the Plan Team was unable to meet to review, update, and finalize the 2025 SAFE report. However, the harvest projection and 2026 and 2027 OFLs and ABCs for deep-water flatfish were reviewed by the Plan Team in September 2025 and the SSC in October 2025, consistent with the schedule for review of stocks with a harvest projection. In addition, the 2025 operational update stock assessment and 2026 and 2027 OFLs and ABCs for Pacific cod were reviewed by the Plan Team during a January 2026 meeting and by the SSC in February 2026.

At the September 2025 Plan Team meeting, NMFS scientists presented updated and new survey results and a preview of ecosystem status information for the ESRs. Scientists also discussed potential changes to assessment models and accompanying preliminary stock estimates. Consistent with the schedule for review of one type of assessment (a harvest projection), the Plan Team reviewed the harvest projection for deep-water flatfish. At the October 2025 Council meeting, the SSC reviewed this information as well. Typically, the Plan Team would then review at the November Plan Team meeting survey results, model changes, and updated stock assessments for groundfish stocks (consistent with the schedule for review of those stock assessments), which the SSC would then review, along with the Plan Team recommendations, at the December SSC meeting. Model changes based on SSC recommendations often result in changes to final OFLs, ABCs, and TACs. This year, however, there are limited changes between the proposed and final specifications because no updated stock assessments were prepared and so no model changes or additional review were completed by the Plan Team in November 2025.

The final 2026 TACs are higher than the proposed 2026 TACs for Pacific cod and deep-water flatfish in 2026 due to the 2025 Pacific cod stock assessment and deep-water flatfish harvest projection, respectively. The final 2027

TAC for Pacific cod is higher than the proposed 2027 TAC due to the 2025 Pacific cod stock assessment. The final 2027 TAC for deep-water flatfish is lower than the proposed 2027 TAC for

deep-water flatfish due to the harvest projection. The final 2026 and 2027 TAC for octopus is lower than the proposed 2026 and 2027 TAC to account for GHs set in State waters.

These changes are compared in table A. For the remaining target species, the Council recommended final 2026 and 2027 TACs that are the same as the proposed 2026 and 2027 TACs.

TABLE A—STOCKS OR STOCK COMPLEXES WITH DIFFERENCES BETWEEN PROPOSED AND FINAL 2026 AND 2027 GOA TAC LIMITS

[Values are rounded to the nearest mt and percent difference]

Stock or stock complex	2026 and 2027 Proposed TAC	2026 Final TAC	Difference between 2026 proposed and final TACs	Percent difference	2027 Final TAC	Difference between 2027 proposed and final TACs	Percent difference
Pacific cod .....	22,235	30,053	7,818	35.16	23,359	1,124	4.93
Deep-water flatfish .....	6,832	6,836	4	0.06	6,697	135	2
Octopus .....	964	932	32	3.31	932	32	3.31

The final OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as described in the 2024 SAFE report, the 2025 harvest projection for deep-water flatfish, and the 2025 Pacific cod stock assessment. The final TACs are adjusted for other biological and socioeconomic

considerations consistent with § 679.20(a)(3). These TACs are specified in compliance with the harvest strategy from the FMP and the Final EIS and ROD and as described in the proposed and final rules for the 2026 and 2027 harvest specifications.

The final 2026 and 2027 TAC amounts for the GOA are within the OY

range established for the GOA and do not exceed the ABC for any stock or stock complex. The ABC does not exceed the OFL for any stock or stock complex. Tables 1 and 2 list the final OFL, ABC, and TAC amounts for GOA groundfish for 2026 and 2027, respectively.

TABLE 1—FINAL 2026 OFLs, ABCs, AND TACs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SEO DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULF-WIDE DISTRICTS OF THE GOA

[Values are rounded to the nearest mt]

Stock or stock complex	Area <sup>1</sup>	OFL	ABC	TAC	
Pollock <sup>2</sup> .....	Shumagin (610) .....	.....	27,453	27,453	
	Chirikof (620) .....	.....	60,477	60,477	
	Kodiak (630) .....	.....	37,936	37,936	
	WYK (640) .....	.....	3,883	3,883	
	W/C/WYK (subtotal) .....	.....	153,971	133,075	129,749
	SEO (650) .....	.....	12,998	9,749	9,749
Pacific Cod <sup>3</sup> .....	W .....	.....	10,297	6,693	
	C .....	.....	28,732	21,549	
	E .....	.....	2,491	1,811	
	Total .....	.....	49,782	41,520	30,053
Sablefish <sup>4</sup> .....	W .....	.....	4,687	4,687	
	C .....	.....	9,622	9,622	
	WYK .....	.....	2,652	2,652	
	SEO .....	.....	5,589	5,589	
	Subtotal TAC .....	.....	.....	.....	22,550
Shallow-water flatfish <sup>5</sup> .....	Total .....	.....	57,797	.....	
	W .....	.....	23,902	13,250	
	C .....	.....	28,455	28,455	
	WYK .....	.....	2,846	2,846	
	SEO .....	.....	1,707	1,707	
Deep-water Flatfish <sup>6</sup> .....	Total .....	.....	69,610	46,258	
	W .....	.....	231	231	
	C .....	.....	2,570	2,570	
	WYK .....	.....	1,796	1,796	
	SEO .....	.....	2,239	2,239	
Rex sole .....	Total .....	.....	8,118	6,836	
	W .....	.....	3,353	3,353	
	C .....	.....	13,582	13,582	
	WYK .....	.....	1,413	1,413	
	SEO .....	.....	2,825	2,825	

TABLE 1—FINAL 2026 OFLS, ABCs, AND TACs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SEO DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULF-WIDE DISTRICTS OF THE GOA—Continued

[Values are rounded to the nearest mt]

Stock or stock complex	Area <sup>1</sup>	OFL	ABC	TAC
Arrowtooth flounder .....	Total .....	25,743	21,173	21,173
	W .....	.....	33,716	14,500
	C .....	.....	68,511	68,511
	WYK .....	.....	6,719	6,719
	SEO .....	.....	11,039	11,039
Flathead sole .....	Total .....	143,347	119,985	100,769
	W .....	.....	13,757	8,650
	C .....	.....	22,083	22,083
	WYK .....	.....	4,018	4,018
	SEO .....	.....	2,122	2,122
Pacific ocean perch <sup>7</sup> .....	Total .....	51,176	41,980	36,873
	W .....	.....	1,688	1,688
	C .....	.....	27,156	27,156
	WYK .....	.....	1,993	1,993
	SEO .....	.....	6,672	6,672
Northern rockfish <sup>8</sup> .....	Total .....	44,826	37,509	37,509
	W .....	.....	1,346	1,346
	C .....	.....	3,549	3,549
	E .....	.....	.....	0
Shortraker rockfish <sup>9</sup> .....	Total .....	5,848	4,895	4,895
	W .....	.....	34	34
	C .....	.....	189	189
	E .....	.....	424	424
Dusky rockfish <sup>10</sup> .....	Total .....	863	647	647
	W .....	.....	199	199
	C .....	.....	5,527	5,527
	WYK .....	.....	204	204
	SEO .....	.....	91	91
Rougheye/Blackspotted rockfish <sup>11</sup> .....	Total .....	7,319	6,021	6,021
	W .....	.....	229	229
	C .....	.....	366	366
	E .....	.....	608	608
Demersal shelf rockfish <sup>12</sup> .....	Total .....	1,631	1,203	1,203
	W/C/WYK .....	361	271	271
	SEO .....	524	394	394
	W .....	.....	206	206
Thornyhead rockfish <sup>13</sup> .....	C .....	.....	590	590
	E .....	.....	542	542
	Total .....	1,784	1,338	1,338
	W/C/WYK .....	.....	1,084	1,084
Other rockfish <sup>14</sup> .....	SEO .....	.....	2,421	300
	Total .....	4,618	3,505	1,384
	GW .....	6,200	4,700	3,000
	W .....	.....	745	745
Big skate <sup>15</sup> .....	C .....	.....	1,749	1,749
	E .....	.....	341	341
	Total .....	3,780	2,835	2,835
	W .....	.....	104	104
Longnose skate <sup>16</sup> .....	C .....	.....	1,894	1,894
	E .....	.....	538	538
	Total .....	3,380	2,536	2,536
	GW .....	887	665	665
Sharks .....	GW .....	6,521	4,891	4,891
	GW .....	1,307	980	932
Octopuses .....	GW .....	.....	.....	.....
Total .....	Total .....	662,391	550,626	470,482

<sup>1</sup>Regulatory areas and districts are defined at § 679.2. (W = Western GOA; C = Central GOA; E = Eastern GOA; GW = Gulf-wide). The 2026 harvest specifications are effective from 1200 hours, A.l.t., March 17, 2026, through 2400 hours, A.l.t., December 31, 2026.

<sup>2</sup>The total for the W/C/WYK Regulatory Areas pollock ABC is 133,075. After deducting 2.5 percent (3,326 mt) of that ABC for the State's pollock GHL fishery, the remaining amount of 129,749 mt (for the W/C/WYK Regulatory Areas) is apportioned among four statistical areas (areas 610, 620, 630, and 640). The TACs in areas 610, 620, and 630 are further divided by season, as detailed in table 3. In the WYK (area 640) and SEO (area 650) districts of the Eastern GOA, pollock is not divided into seasonal allowances.

<sup>3</sup>The annual Pacific cod TAC is apportioned, after seasonal apportionment to the jig sector, as follows: (1) 63.84 percent to the A season and 36.16 percent to the B season; and (2) 64.16 percent to the A season and 35.84 percent to the B season in the Western GOA and Central GOA, respectively. The Pacific cod TAC in the Eastern GOA is allocated 90 percent to vessels harvesting Pacific cod for processing by the inshore component and 10 percent to vessels harvesting Pacific cod for processing by the offshore component. Table 5 lists the final 2026 Pacific cod seasonal apportionments and sector allocations.

<sup>4</sup>The sablefish OFL and ABC are set Alaska-wide (57,797 mt and 47,008 mt, respectively), and the GOA sablefish TAC is 22,550 mt. Table 7 lists the final 2026 allocations of sablefish TACs.

<sup>5</sup>"Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

<sup>6</sup>"Deep-water flatfish" means Dover sole, Greenland turbot, Kamchatka flounder, and deep-sea sole.

<sup>7</sup>"Pacific ocean perch" means *Sebastes alutus*.

<sup>8</sup>"Northern rockfish" means *Sebastes polyspinis*. For management purposes, the 1 mt apportionment of ABC to the WYK District of the Eastern GOA has been included in the other rockfish species group.

<sup>9</sup>"Shortraker rockfish" means *Sebastes borealis*.

<sup>10</sup>"Dusky rockfish" means *Sebastes variabilis*.

<sup>11</sup>"Rougheye and blackspotted rockfish" means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

<sup>12</sup>"Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

<sup>13</sup>"Thornyhead rockfish" means *Sebastes species*.

<sup>14</sup>"Other rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergray), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, "Other rockfish" also includes *S. polyspinis* (northern rockfish).

<sup>15</sup>"Big skates" means *Beringraja binoculata*.

<sup>16</sup>"Longnose skates" means *Raja rhina*.

<sup>17</sup>"Other skates" means *Bathyraja*.

TABLE 2—FINAL 2027 OFLS, ABCS, AND TACS OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SEO DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULF-WIDE DISTRICTS OF THE GOA

[Values are rounded to the nearest mt]

Species	Area <sup>1</sup>	OFL	ABC	TAC
Pollock <sup>2</sup>	Shumagin (610)		27,453	27,453
	Chirikof (620)		60,477	60,477
	Kodiak (630)		37,936	37,936
	WYK (640)		3,883	3,883
	W/C/WYK (subtotal)	153,971	133,075	129,749
	SEO (650)	12,998	9,749	9,749
Pacific Cod <sup>3</sup>	W		7,987	5,192
	C		22,289	16,717
	E		1,933	1,450
	Total	38,812	32,209	23,359
Sablefish <sup>4</sup>	W		4,687	4,687
	C		9,622	9,622
	WYK		2,652	2,652
	SEO		5,589	5,589
	Subtotal TAC			22,550
Shallow-water flatfish <sup>5</sup>	Total	57,797	47,008	
	W		23,902	13,250
	C		28,455	28,455
	WYK		2,846	2,846
	SEO		1,707	1,707
Deep-water Flatfish <sup>6</sup>	Total	69,610	56,910	46,258
	W		227	227
	C		2,518	2,518
	WYK		1,759	1,759
	SEO		2,193	2,193
Rex sole	Total	7,954	6,697	6,697
	W		3,353	3,353
	C		13,582	13,582
	WYK		1,413	1,413
	SEO		2,825	2,825
Arrowtooth flounder	Total	25,743	21,173	21,173
	W		33,716	14,500
	C		68,511	68,511
	WYK		6,719	6,719

TABLE 2—FINAL 2027 OFLS, ABCs, AND TACs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SEO DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULF-WIDE DISTRICTS OF THE GOA—Continued

[Values are rounded to the nearest mt]

Species	Area <sup>1</sup>	OFL	ABC	TAC
	SEO .....		11,039	11,039
	Total .....	143,347	119,985	100,769
Flathead sole .....	W .....		13,757	8,650
	C .....		22,083	22,083
	WYK .....		4,018	4,018
	SEO .....		2,122	2,122
	Total .....	51,176	41,980	36,873
Pacific ocean perch <sup>7</sup> .....	W .....		1,688	1,688
	C .....		27,156	27,156
	WYK .....		1,993	1,993
	SEO .....		6,672	6,672
	Total .....	44,826	37,509	37,509
Northern rockfish <sup>8</sup> .....	W .....		1,346	1,346
	C .....		3,549	3,549
	E .....			0
	Total .....	5,848	4,895	4,895
Shortraker rockfish <sup>9</sup> .....	W .....		34	34
	C .....		189	189
	E .....		424	424
	Total .....	863	647	647
Dusky rockfish <sup>10</sup> .....	W .....		199	199
	C .....		5,527	5,527
	WYK .....		204	204
	SEO .....		91	91
	Total .....	7,319	6,021	6,021
Rougheye/Blackspotted rockfish <sup>11</sup> .....	W .....		229	229
	C .....		366	366
	E .....		608	608
	Total .....	1,631	1,203	1,203
Demersal shelf rockfish <sup>12</sup> .....	W/C/WYK .....	361	271	271
	SEO .....	524	394	394
Thornyhead rockfish <sup>13</sup> .....	W .....		206	206
	C .....		590	590
	E .....		542	542
	Total .....	1,784	1,338	1,338
Other rockfish <sup>14</sup> .....	W/C/WYK .....		1,084	1,084
	SEO .....		2,421	300
	Total .....	4,618	3,505	1,384
Atka mackerel .....	GW .....	6,200	4,700	3,000
Big skate <sup>15</sup> .....	W .....		745	745
	C .....		1,749	1,749
	E .....		341	341
	Total .....	3,780	2,835	2,835
Longnose skate <sup>16</sup> .....	W .....		104	104
	C .....		1,894	1,894
	E .....		538	538
	Total .....	3,380	2,536	2,536
Other skates <sup>17</sup> .....	GW .....	887	665	665
Sharks .....	GW .....	6,521	4,891	4,891
Octopuses .....	GW .....	1,307	980	932
Total .....	Total .....	651,257	541,176	465,697

<sup>1</sup> Regulatory areas and districts are defined at § 679.2. (W = Western GOA; C = Central GOA; E = Eastern GOA; GW = Gulf-wide). The 2027 harvest specifications are effective from 0001 hours, A.I.t., January 1, 2027, through 1200 hours, A.I.t., March 17, 2027.

<sup>2</sup> The total for the W/C/WYK Regulatory Areas pollock ABC is 133,075. After deducting 2.5 percent (3,326 mt) of that ABC for the State's pollock GHL fishery, the remaining amount of 129,749 mt (for the W/C/WYK Regulatory Areas) is apportioned among four statistical areas (areas 610, 620, 630, and 640). The TACs in areas 610, 620, and 630 are further divided by season, as detailed in table 4. In the WYK (area 640) and SEO (area 650) Districts of the Eastern GOA, pollock is not divided into seasonal allowances.

<sup>3</sup>The annual Pacific cod TAC is apportioned, after seasonal apportionment to the jig sector, as follows: (1) 63.84 percent to the A season and 36.16 percent to the B season; and (2) 64.16 percent to the A season and 35.84 percent to the B season in the Western GOA and Central GOA, respectively. The Pacific cod TAC in the Eastern GOA is allocated 90 percent to vessels harvesting Pacific cod for processing by the inshore component and 10 percent to vessels harvesting Pacific cod for processing by the offshore component. Table 6 lists the final 2027 Pacific cod seasonal apportionments and sector allocations.

<sup>4</sup>The sablefish OFL and ABC are set Alaska-wide (57,797 mt and 47,008 mt, respectively), and the GOA sablefish TAC is 22,550 mt. Additionally, allocations of sablefish TACs for 2027 are specified for trawl gear only, and the sablefish TACs allocated to fixed gear for 2027 will be specified in the 2027 and 2028 harvest specifications. Table 8 lists the final 2027 allocation of sablefish TACs to trawl gear.

<sup>5</sup>“Shallow-water flatfish” means flatfish not including “deep-water flatfish,” flathead sole, rex sole, or arrowtooth flounder.

<sup>6</sup>“Deep-water flatfish” means Dover sole, Greenland turbot, Kamchatka flounder, and deep-sea sole.

<sup>7</sup>“Pacific ocean perch” means *Sebastes alutus*.

<sup>8</sup>“Northern rockfish” means *Sebastes polyspinis*. For management purposes, the 1 mt apportionment of ABC to the WYK District of the Eastern GOA has been included in the other rockfish species group.

<sup>9</sup>“Shortraker rockfish” means *Sebastes borealis*.

<sup>10</sup>“Dusky rockfish” means *Sebastes variabilis*.

<sup>11</sup>“Rougheye and blackspotted rockfish” means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

<sup>12</sup>“Demersal shelf rockfish” means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

<sup>13</sup>“Thornyhead rockfish” means *Sebastes species*.

<sup>14</sup>“Other rockfish” means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergray), *S. diploproa* (splintnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, “Other rockfish” also includes *S. polyspinus* (northern rockfish).

<sup>15</sup>“Big skates” means *Beringraja binoculata*.

<sup>16</sup>“Longnose skates” means *Raja rhina*.

<sup>17</sup>“Other skates” means *Bathyraja*.

### Apportionment of Reserves

Section 679.20(b)(2) requires NMFS to set aside 20 percent of each TAC for pollock, Pacific cod, flatfish, sharks, and octopuses in reserve for possible apportionment at a later date during the fishing year. For 2026 and 2027, NMFS proposed reapportionment of all the reserves in the proposed 2026 and 2027 harvest specifications published in the **Federal Register** on December 16, 2025 (90 FR 58185). NMFS did not receive any public comments on the proposed reapportionments. For the final 2026 and 2027 harvest specifications, NMFS reapportions, as proposed, all the 2026 and 2027 reserves for pollock, Pacific cod, flatfish, sharks, and octopuses back to the original TAC limit from which the reserve was derived (§ 679.20(b)(3)). This is because NMFS expects, based on recent harvest patterns, that such reserves are not necessary or that the entire TAC for each of these stocks and stock complexes will be caught. The TACs listed in tables 1 and 2 reflect reapportionments of the reserve amounts to the original TAC limit for these stocks and stock complexes (*i.e.*, each final TAC for the above-mentioned stocks and stock complexes contains the full TAC recommended by the Council).

### Apportionments of Pollock TAC Among Seasons and Regulatory Areas, and Allocations for Processing by Inshore and Offshore Components

In the GOA, pollock is apportioned by season and area and is further allocated for processing by inshore and offshore components.

Pollock TACs in the Western GOA and Central GOA are apportioned among statistical areas 610, 620, and 630 in proportion to the distribution of

pollock biomass determined by the most recent NMFS surveys, pursuant to § 679.20(a)(5)(iv)(A). Although there was a survey in 2025 for the GOA (surveys in the GOA are scheduled for every 2 years), the survey results were not incorporated into the pollock stock assessment due to a disruption in the completion of the stock assessments and is therefore unavailable for determining the proportional distribution of pollock biomass by statistical areas. In lieu of a 2025 stock assessment, the pollock chapter of the 2024 SAFE report (see **ADDRESSES**), which incorporates the 2023 survey, was used to determine the proportional distribution of pollock biomass because it contains a comprehensive description of apportionments that are based on the most recent information available at the time that stock assessment was prepared. Pollock is specified for the A and B seasons for the Western GOA and Central GOA. However, the GOA pollock stock assessment continues to use a four-season methodology to determine pollock distribution in the Western GOA and Central GOA to maintain continuity in the historical pollock apportionment timeseries. A and B seasons from the assessment are aggregated into the A season, and C and D seasons from the assessment are aggregated into the B season, for the purposes of apportioning TAC among statistical areas 610, 620, and 630 in these specifications. This method is described and calculated in the 2024 GOA pollock assessment.

Pursuant to § 679.20(a)(5)(iv)(B), the annual pollock TAC specified for the Western GOA and Central GOA is apportioned into two seasonal allowances of 50 percent. As established

by § 679.23(d)(2), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively. Within any fishing year, the amount by which a pollock seasonal allowance is under harvested or overharvested may be added to, or subtracted from, the subsequent seasonal allowance for the Western GOA and Central GOA in a manner to be determined by the Regional Administrator (§ 679.20(a)(5)(iv)(B)). The rollover amount is limited to 20 percent of the subsequent seasonal TAC apportionment for the statistical area. Any unharvested pollock above the 20-percent limit could be further distributed to the other statistical areas, in proportion to the estimated biomass in the subsequent season in those statistical areas and in an amount that is no more than 20 percent of the seasonal TAC apportionment in those statistical areas (§ 679.20(a)(5)(iv)(B)). The pollock TACs in the WYK and the SEO Districts for 2026 and 2027 are 3,883 mt and 9,749 mt, respectively. The pollock TACs in the WYK and SEO Districts are not allocated seasonally.

Tables 3 and 4 list the final 2026 and 2027 area apportionments and seasonal allowances of pollock in the Western GOA and Central GOA. The amounts of pollock for processing by inshore and offshore components are not shown. Section 679.20(a)(6)(i) requires the allocation of 100 percent of the pollock TAC in all GOA regulatory areas and all seasonal allowances to vessels catching pollock for processing by the inshore component after subtraction of pollock amounts projected by the Regional Administrator to be caught by, or delivered to, the offshore component

incidental to directed fishing for other groundfish species. Thus, the amount of pollock available for harvest by vessels harvesting pollock for processing by the offshore component is that amount that

will be taken as incidental catch during directed fishing for groundfish species other than pollock, up to the maximum retainable amounts allowed by § 679.20(e) and (f). At this time, these

incidental catch amounts (ICAs) of pollock are unknown and will be determined during the fishing year during the course of fishing activities by the offshore component.

TABLE 3—FINAL 2026 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GOA; AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC

[Values are rounded to the nearest mt]

Season <sup>1</sup>	Shumagin (610)	Chirikof (620)	Kodiak (630)	Total <sup>2</sup>
A season .....	4,109	46,510	12,314	62,933
B season .....	23,344	13,967	25,622	62,933
Annual total .....	27,453	60,477	37,936	125,866

**Note:** Area apportionments and seasonal allowances may not total precisely due to rounding. The 2026 harvest specifications for pollock are effective from 0001 hours, A.l.t., March 17, 2026, through 2400 hours, A.l.t., December 31, 2026.

<sup>1</sup> As established by § 679.23(d)(2), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

<sup>2</sup> The WYK and SEO District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

TABLE 4—FINAL 2027 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GOA; AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC

[Values are rounded to the nearest mt]

Season <sup>1</sup>	Shumagin (610)	Chirikof (620)	Kodiak (630)	Total <sup>2</sup>
A season .....	4,109	46,510	12,314	62,933
B season .....	23,344	13,967	25,622	62,933
Annual total .....	27,453	60,477	37,936	125,866

**Note:** Area apportionments and seasonal allowances may not total precisely due to rounding. The 2027 harvest specifications for pollock are effective from 0001 hours, A.l.t., January 1, 2027, through 1200 hours, A.l.t., March 17, 2027.

<sup>2</sup> As established by § 679.23(d)(2), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

<sup>3</sup> The WYK and SEO District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

**Annual and Seasonal Apportionments of Pacific Cod TAC**

Pursuant to § 679.20(a)(12)(i), NMFS seasonally allocates the 2026 and 2027 Pacific cod TACs in the Western GOA and Central GOA among gear and operational sectors. In the Western GOA and Central GOA, a portion of the annual TAC is apportioned to the A season for hook-and-line, pot, and jig gear from January 1 through June 10, and for trawl gear from January 20 through June 10, and a portion of the annual TAC is apportioned to the B season for jig gear from June 10 through December 31, for hook-and-line and pot gear from September 1 through December 31, and for trawl gear from September 1 through November 1 (§§ 679.20(a)(12) and 679.23(d)(3)). NMFS also allocates the Pacific cod TACs annually between the inshore (90 percent) and offshore (10 percent) components in the Eastern GOA (§ 679.20(a)(6)(ii)).

In the Central GOA, the Pacific cod TAC is first apportioned seasonally to vessels using jig gear, then to catcher vessels (CVs) less than 50 feet (15.2 meters (m)) in length overall using hook-and-line gear, CVs equal to or

greater than 50 feet (15.2 m) in length overall using hook-and-line gear, catcher/processors (CPs) using hook-and-line gear, CVs using trawl gear, CPs using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(B)). In the Western GOA, the Pacific cod TAC is first apportioned seasonally to vessels using jig gear, then to CVs using hook-and-line gear, CPs using hook-and-line gear, CVs using trawl gear, CPs using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(A)). After seasonal apportionments of TACs to the jig sector (which are 60 percent to the A season and 40 percent to the B season), § 679.20(a)(12)(i) requires that NMFS seasonally apportions the remainder of the annual Pacific cod TACs in the Western GOA as 63.84 percent to the A season and 36.16 percent to the B season, and in the Central GOA as 64.16 percent to the A season and 35.84 percent to the B season.

Under § 679.20(a)(12)(ii)(A), any overage or underage of Pacific cod apportioned to a sector in the A season may be subtracted from, or added to, the subsequent B season. In addition, any portion of a sector’s allocation that is determined by NMFS as likely to go

unharvested by that sector may be reallocated to other sectors for harvest during the remainder of the fishing year consistent with § 679.20(a)(12)(ii)(B).

Pursuant to § 679.20(a)(12)(i)(A) and (B), a portion of the annual Pacific cod TACs in the Western GOA and Central GOA will be allocated to vessels that use jig gear before the TACs are apportioned among other non-jig gear sectors. In accordance with the FMP, the annual jig sector allocations may increase to up to 6 percent of the annual Western GOA and Central GOA Pacific cod TACs, depending on the annual performance of the jig sector (see table 1 in the final rule implementing amendment 83 to the FMP for a examples of harvest scenarios affecting annual jig sector allocations (76 FR 74670, December 1, 2011)). Jig sector allocation increases are established for a minimum of 2 years. Jig sector allocation decreases are established for 1 year.

NMFS has evaluated the historical harvest performance of the jig sector in the Western GOA and Central GOA and is establishing the 2026 and 2027 Pacific cod apportionments to this sector based on its historical harvest performance

through 2025. For 2026 and 2027 in the Western GOA, NMFS allocates the jig sector 2.5 percent of the annual Pacific cod TAC for the Western GOA. The 2026 and 2027 allocations consist of a base allocation of 1.5 percent of the Western GOA Pacific cod TAC and a remaining harvest performance allocation of 1 percent. The jig sector did not reach 90 percent of the Western GOA Pacific cod allocation for the 2024

or 2025 fishing year and therefore the allocation decreased by 1 percent from 3.5 to 2.5 percent. For 2026 and 2027 in the Central GOA, NMFS allocates the jig sector 4 percent of the annual Pacific cod TAC for the Central GOA. The 2026 and 2027 allocations consist of a base allocation of 1 percent of the Central GOA Pacific cod TAC and a performance increase of 3 percent based on harvest performance through 2025.

The 2027 allocations of the annual Pacific cod TACs in the Western GOA and Central GOA to jig gear may change based on the harvest performance of the sector in 2026, which NMFS will evaluate in the 2027 and 2028 harvest specifications.

Tables 5 and 6 list the seasonal apportionments and allocations of the 2026 and 2027 Pacific cod TACs.

TABLE 5—FINAL 2026 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TAC AMOUNTS IN THE GOA; ALLOCATIONS IN THE WESTERN GOA AND CENTRAL GOA SECTORS, AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS

[Values are rounded to the nearest mt]

Regulatory area and sector	Annual allocation (mt)	A Season sector percentages of annual non-jig TAC (%)	A Season allowances (mt)	B Season sector percentages of annual non-jig TAC (%)	B Season allowances (mt)
<b>Western GOA:</b>					
Jig (2.5% of TAC) .....	167	n/a	100	n/a	67
Hook-and-line CV .....	91	0.7	46	0.7	46
Hook-and-line CP .....	1,292	10.9	711	8.9	581
Trawl CV .....	2,506	31.54	2,058	6.86	448
Trawl CP .....	157	0.9	59	1.5	98
Pot CV and Pot CP .....	2,480	19.8	1,292	18.2	1,188
<b>Total .....</b>	<b>6,693</b>	<b>63.84</b>	<b>4,266</b>	<b>36.16</b>	<b>2,427</b>
<b>Central GOA:</b>					
Jig (4% of TAC) .....	862	n/a	517	n/a	345
Hook-and-line <50CV .....	3,021	9.31552	1,927	5.28678	1,094
Hook-and-line >=50CV .....	1,387	5.60935	1,160	1.09726	227
Hook-and-line CP .....	1,056	4.10684	850	0.99751	206
Trawl CV non Rockfish Program <sup>1</sup> .....	7,782	25.29364	5,233	16.29047	2,549
Trawl CV Rockfish Program <sup>1</sup> .....	821	n/a	n/a	n/a	821
Trawl CP .....	868	2.00334	414	2.19451	454
Pot CV and Pot CP .....	5,752	17.82972	3,688	9.97506	2,064
<b>Total .....</b>	<b>21,549</b>	<b>64.1584</b>	<b>13,790</b>	<b>35.84</b>	<b>7,759</b>
<b>Eastern GOA: .....</b>		<b>Inshore (90% of Annual TAC)</b>		<b>Offshore (10% of Annual TAC)</b>	
<b>Total .....</b>	<b>1,811</b>			<b>181</b>	

**Note:** The 2026 harvest specifications for Pacific cod are effective from 1200 hours, A.I.t., March 17, 2026, through 2400 hours, A.I.t., December 31, 2026.

<sup>1</sup> Trawl CVs participating in Rockfish Program cooperatives receive 3.81 percent, or 821 mt, of the annual Central GOA Pacific cod TAC (see table 28c to 50 CFR part 679). This apportionment is deducted from the Trawl CV B season allowance (see table 12 of this rule) and is available from April 1 to December 31.

TABLE 6—FINAL 2027 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TAC AMOUNTS IN THE GOA; ALLOCATIONS IN THE WESTERN GOA AND CENTRAL GOA SECTORS, AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS

[Values are rounded to the nearest mt]

Regulatory area and sector	Annual allocation (mt)	A Season sector percentages of annual non-jig TAC (%)	A Season allowances (mt)	B Season sector percentages of annual non-jig TAC (%)	B Season allowances (mt)
<b>Western GOA:</b>					
Jig (2.5% of TAC) .....	130	n/a	78	n/a	52
Hook-and-line CV .....	71	0.7	35	0.7	35
Hook-and-line CP .....	1,002	10.9	552	8.9	451
Trawl CV .....	1,944	31.54	1,597	6.86	347
Trawl CP .....	121	0.9	46	1.50	76

TABLE 6—FINAL 2027 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TAC AMOUNTS IN THE GOA; ALLOCATIONS IN THE WESTERN GOA AND CENTRAL GOA SECTORS, AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS—Continued

[Values are rounded to the nearest mt]

Regulatory area and sector	Annual allocation (mt)	A Season sector percentages of annual non-jig TAC (%)	A Season allowances (mt)	B Season sector percentages of annual non-jig TAC (%)	B Season allowances (mt)
Pot CV and Pot CP .....	1,924	19.8	1,002	18.2	921
Total .....	5,192	63.84	3,310	36.16	1,882
Central GOA:					
Jig (4% of TAC) .....	669	n/a	401	n/a	267
Hook-and-line <50CV .....	2,343	9.31552	1,495	5.28678	848
Hook-and-line >=50CV .....	1,076	5.60935	900	1.09726	176
Hook-and-line CP .....	819	4.10684	659	0.99751	160
Trawl CV non Rockfish Program <sup>1</sup> .....	5,853	25.29364	4,059	16.29047	1,793
Trawl CV Rockfish Program <sup>1</sup> .....	637	n/a	n/a	n/a	637
Trawl CP .....	674	2.00334	322	2.19451	352
Pot CV and Pot CP .....	4,462	17.82972	2,861	9.97506	1,601
Total .....	16,717	64.1584	10,698	35.84	6,019
Eastern GOA .....		Inshore (90% of Annual TAC)		Offshore (10% of Annual TAC)	
Total .....	1,450		1,304		145

**Note:** The 2027 harvest specifications for Pacific cod are effective from 0001 hours, A.l.t., January 1, 2027, through 1200 hours, A.l.t., March 17, 2027.

<sup>1</sup> Trawl CVs participating in Rockfish Program cooperatives receive 3.81 percent, or 637 mt, of the annual Central GOA Pacific cod TAC (see table 28c to 50 CFR part 679). This apportionment is deducted from the Trawl CV B season allowance (see table 13 of this rule) and is available from April 1 to December 31.

**Allocations of the Sablefish TAC Amounts to Vessels Using Fixed and Trawl Gear**

Section 679.20(a)(4)(i) and (ii) require allocations of sablefish TACs for each of the regulatory areas to fixed and trawl gear. In the Western GOA and Central GOA, 80 percent of each TAC is allocated to fixed gear, and 20 percent of each TAC is allocated to trawl gear. In the Eastern GOA, 95 percent of the TAC is allocated to fixed gear, and 5 percent is allocated to trawl gear. The trawl gear allocation in the Eastern GOA may be used only to support incidental catch of sablefish using trawl gear while engaged in directed fishing for other target species (§ 679.20(a)(4)(i)).

In recognition of the prohibition against trawl gear in the SEO District of the Eastern GOA, the Council recommended, and NMFS approves, specifying for incidental catch the allocation of 5 percent of the combined Eastern GOA sablefish TAC to trawl gear

in the WYK District of the Eastern GOA. The remainder of the WYK District sablefish TAC is allocated to vessels using fixed gear. NMFS allocates 100 percent of the sablefish TAC in the SEO District to vessels using fixed gear. This results in 2026 allocations of 412 mt to trawl gear and 2,240 mt to fixed gear in the WYK District and a 2026 allocation of 5,589 mt to fixed gear in the SEO District. This also results in a 2027 allocation of 412 mt to trawl gear in the WYK District. Table 7 lists the allocations of the 2026 sablefish TACs to fixed and trawl gear. Table 8 lists the allocations of the 2027 sablefish TACs to trawl gear.

The Council recommended and NMFS agrees that only trawl sablefish TAC be established biennially and that fixed gear sablefish TAC be established for 1 year. The trawl sablefish TAC is established for 2026 and 2027 so that retention of incidental catch of sablefish by trawl gear can commence in January

in the second year of the groundfish harvest specifications. Both the 2026 and 2027 trawl allocations are specified in these final harvest specifications in tables 7 and 8, respectively.

The fixed gear sablefish TAC is established annually to ensure that this Individual Fishing Quota (IFQ) fishery is conducted concurrently with the halibut IFQ fishery. Since the final harvest specifications are expected to be published before the IFQ season begins in March, NMFS specifies the fixed gear sablefish TAC annually to ensure that the sablefish IFQ fishery is conducted concurrently with the halibut IFQ fishery. Concurrent sablefish and halibut IFQ fisheries reduce the potential for discards of halibut and sablefish in those fisheries. Accordingly, table 7 lists the 2026 fixed gear allocations, and the 2027 fixed gear allocations will be specified in the 2027 and 2028 harvest specifications.

TABLE 7—FINAL 2026 SABLEFISH TAC AMOUNTS IN THE GOA AND ALLOCATIONS TO FIXED AND TRAWL GEAR

[Values are rounded to the nearest mt]

Area/district	TAC	Fixed gear allocation	Trawl allocation
Western .....	4,687	3,750	937
Central <sup>1</sup> .....	9,622	7,698	1,924

TABLE 7—FINAL 2026 SABLEFISH TAC AMOUNTS IN THE GOA AND ALLOCATIONS TO FIXED AND TRAWL GEAR—Continued

[Values are rounded to the nearest mt]

Area/district	TAC	Fixed gear allocation	Trawl allocation
West Yakutat <sup>2</sup> .....	2,652	2,240	412
Southeast Outside .....	5,589	5,589	0
Total .....	22,550	19,277	3,273

**Note:** The 2026 sablefish allocations to fixed and trawl gear are effective from 1200 hours, A.I.t., March 17, 2026, through 2400 hours, A.I.t., December 31, 2026.

<sup>1</sup> The trawl allocation of sablefish in the Central GOA is further apportioned to the Rockfish Program cooperatives (990 mt). See table 28c to 50 CFR part 679 and table 12 of this rule. This results in 934 mt being available for the non-Rockfish Program trawl fisheries.

<sup>2</sup> The trawl allocation is based on allocating 5 percent of the combined Eastern GOA (WYK and SEO Districts) sablefish TAC as incidental catch to trawl gear in the WYK District.

TABLE 8—FINAL 2027 SABLEFISH TAC AMOUNTS IN THE GOA AND ALLOCATIONS TO TRAWL GEAR

[Values are rounded to the nearest mt]

Area/district	TAC	Fixed gear allocation <sup>1</sup>	Trawl allocation
Western .....	4,687	n/a	937
Central <sup>2</sup> .....	9,622	n/a	1,924
West Yakutat <sup>3</sup> .....	2,652	n/a	412
Southeast Outside .....	5,589	n/a	0
Total .....	22,550	n/a	3,273

**Note:** The 2027 sablefish allocations to fixed and trawl gear are effective from 0001 hours, A.I.t., January 1, 2027, through 1200 hours, A.I.t., March 17, 2027.

<sup>1</sup> The Council recommended and NMFS agrees that the 2027 harvest specifications for the fixed gear sablefish IFQ fisheries not be specified in the 2026 and 2027 harvest specifications. The 2027 fixed gear allocations will be specified in the final 2027 and 2028 harvest specifications.

<sup>2</sup> The trawl allocation of sablefish in the Central GOA is further apportioned to the Rockfish Program cooperatives (990 mt). See table 28c to 50 CFR part 679 and table 13 of this rule. This results in 934 mt being available for the non-Rockfish Program trawl fisheries.

<sup>3</sup> The trawl allocation is based on allocating 5 percent of the combined Eastern GOA (WYK and SEO Districts) sablefish TAC as incidental catch to trawl gear in the WYK District.

**Allocations, Apportionments, and Sideboard Limits for the Rockfish Program**

These final 2026 and 2027 harvest specifications for the GOA include the fishery cooperative allocations and sideboard limitations established by the Rockfish Program. Rockfish Program participants are primarily trawl CVs and trawl CPs, with limited participation by vessels using longline gear. The Rockfish Program assigns quota share and cooperative quota to participants for primary species (*i.e.*, Pacific ocean perch, northern rockfish, and dusky rockfish) and secondary species (*i.e.*, Pacific cod, roughey and blackspotted rockfish, sablefish, shortraker rockfish, and thornyhead rockfish), allows a participant holding a limited license privilege (LLP) license with rockfish quota share to form a rockfish cooperative with other persons, and allows holders of CP LLP licenses to opt out of the fishery. The Rockfish Program also has an entry-level fishery for rockfish primary species for vessels using longline gear. Longline gear includes hook-and-line, jig, troll, and handline gear.

Under the Rockfish Program, rockfish primary species in the Central GOA are allocated to participants after deducting for incidental catch needs in other directed groundfish fisheries (§ 679.81(a)(2)). Participants in the Rockfish Program also receive a portion of the Central GOA TAC of specific secondary species. In addition to groundfish species, the Rockfish Program assigns a portion of the halibut PSC limit (191 mt) from the third season deep-water species fishery allowance for the GOA trawl fisheries to Rockfish Program participants (§ 679.81(d) and table 28d to 50 CFR part 679). The Rockfish Program also establishes sideboard limits to restrict the ability of harvesters operating under the Rockfish Program to increase their participation in other, non-Rockfish Program fisheries. These restrictions and halibut PSC limits are discussed in the Rockfish Program Groundfish and Halibut PSC Sideboard Limitations section of this rule.

Section 679.81(a)(2)(ii) and table 28e to 50 CFR part 679 require allocations of 5 mt of Pacific ocean perch, 5 mt of northern rockfish, and 50 mt of dusky

rockfish to the rockfish entry-level longline fishery in 2026 and 2027. The allocations for the entry-level longline fishery may increase incrementally each year if the catch in the previous year exceeds 90 percent of the allocation of a species. The incremental increase in the allocation would continue each year until it reaches the maximum percentage of the TAC assigned to the Rockfish Program for that species. In 2025, the catch of Pacific ocean perch, northern rockfish, and dusky rockfish did not attain the 90 percent threshold, and the final allocations to the entry-level longline fishery therefore remain the same as the 2025 allocations. The remainder of the TACs for the rockfish primary species are allocated to the CV and CP cooperatives (§ 679.81(a)(2)(iii)). Table 9 lists the allocations of the 2026 and 2027 TACs for each rockfish primary species to the entry-level longline fishery, the potential incremental increases for future years, and the maximum percentage of the TACs assigned to the Rockfish Program that may be allocated to the rockfish entry-level longline fishery.

TABLE 9—FINAL 2026 AND 2027 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES TO THE ENTRY-LEVEL LONGLINE FISHERY IN THE CENTRAL GOA

Rockfish primary species	Final allocations (mt)	Incremental increase in 2027 if >90% of 2026 allocation is harvested (mt)	Up to maximum percent of TAC (%)
Pacific ocean perch .....	5	5	1
Northern rockfish .....	5	5	2
Dusky rockfish .....	50	20	5

**Note:** The 2026 entry-level longline fishery allocations of rockfish primary species are effective from 1200 hours, A.I.t., March 17, 2026, through 2400 hours, A.I.t., December 31, 2026. The 2027 entry-level longline fishery allocations of rockfish primary species are effective from 0001 hours, A.I.t., January 1, 2027, through 1200 hours, A.I.t., March 17, 2027.

Section 679.81 requires allocations of rockfish primary species among various sectors of the Rockfish Program. Tables 10 and 11 list the final 2026 and 2027 allocations of rockfish primary species in the Central GOA to the entry-level longline fishery, and rockfish CV and CP cooperatives in the Rockfish Program. NMFS also is setting aside ICAs for other directed fisheries in the Central GOA of 2,800 mt of Pacific ocean perch, 300 mt of northern

rockfish, and 250 mt of dusky rockfish. These amounts are based on recent average incidental catches of these species in the Central GOA by other groundfish fisheries.

Allocations among vessels belonging to CV or CP cooperatives are not included in these final harvest specifications. Rockfish Program applications for CV cooperatives and CP cooperatives are not due to NMFS until March 1 of each calendar year;

therefore, NMFS cannot calculate 2026 and 2027 cooperative allocations in conjunction with these final harvest specifications (§ 679.81(f)). After receiving the Rockfish Program applications, NMFS will calculate the 2026 allocations for CV and CP cooperatives, as set forth in § 679.81(b), (c), and (e). NMFS will announce the 2026 cooperative allocations after March 1 in the **Federal Register**.

TABLE 10—FINAL 2026 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES IN THE CENTRAL GOA TO THE ENTRY-LEVEL LONGLINE FISHERY AND ROCKFISH COOPERATIVES IN THE ROCKFISH PROGRAM

[Values are rounded to the nearest mt]

RP species	Central GOA annual TAC	Incidental catch allowance (ICA)	TAC minus ICA	Initial allocation to entry level longline fishery <sup>1</sup>	Allocation to Rockfish Program participants <sup>2</sup>
Pacific ocean perch .....	27,156	2,800	24,356	5	24,351
Northern rockfish .....	3,549	300	3,249	5	3,244
Dusky rockfish .....	5,527	250	5,277	50	5,227

**Note:** The 2026 allocations of rockfish primary species in the Central GOA are effective from 1200 hours, A.I.t., March 17, 2026, through 2400 hours, A.I.t., December 31, 2026.

<sup>1</sup> Longline gear includes hook-and-line, jig, troll, and handline gear (50 CFR 679.2).

<sup>2</sup> Rockfish cooperatives include vessels in CV and CP cooperatives (50 CFR 679.81).

TABLE 11—FINAL 2027 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES IN THE CENTRAL GOA TO THE ENTRY-LEVEL LONGLINE FISHERY AND ROCKFISH COOPERATIVES IN THE ROCKFISH PROGRAM

[Values are rounded to the nearest mt]

RP species	Central GOA annual TAC	ICA	TAC minus ICA	Initial allocation to entry level longline fishery <sup>1</sup>	Allocation to Rockfish Program participants <sup>2</sup>
Pacific ocean perch .....	27,156	2,800	24,356	5	24,351
Northern rockfish .....	3,549	300	3,249	5	3,244
Dusky rockfish .....	5,527	250	5,277	50	5,227

**Note:** The 2027 allocations of rockfish primary species in the Central GOA are effective from 0001 hours, A.I.t., January 1, 2027, through 1200 hours, A.I.t., March 17, 2027.

<sup>1</sup> Longline gear includes hook-and-line, jig, troll, and handline gear (50 CFR 679.2).

<sup>2</sup> Rockfish cooperatives include vessels in CV and CP cooperatives (50 CFR 679.81).

Section 679.81(c) and table 28c to 50 CFR part 679 require allocations of rockfish secondary species to CV and CP cooperatives in the Central GOA. CV cooperatives receive allocations of

Pacific cod, sablefish from the trawl gear allocation, and thornyhead rockfish. CP cooperatives receive allocations of sablefish from the trawl gear allocation, rougheye and blackspotted rockfish,

shortraker rockfish, and thornyhead rockfish. Tables 12 and 13 list the allocations of the 2026 and 2027 TACs of rockfish secondary species in the Central GOA to CV and CP cooperatives.

TABLE 12—FINAL 2026 ALLOCATIONS OF ROCKFISH SECONDARY SPECIES IN THE CENTRAL GOA TO CV AND C/P COOPERATIVES

[Values are rounded to the nearest mt]

Rockfish secondary species	Central GOA annual TAC	CV cooperatives percentage of TAC	CV cooperatives apportionment (mt)	CP cooperatives percentage of TAC	CP cooperatives apportionment (mt)
Pacific Cod .....	21,549	3.81	821	n/a	n/a
Sablefish .....	9,622	6.78	652	3.51	338
Shortraker rockfish .....	189	n/a	n/a	40	76
Rougeye/Blackspotted rockfish .....	366	n/a	n/a	58.87	215
Thornyhead rockfish .....	590	7.84	46	26.5	156

**Note:** The 2026 allocations of rockfish secondary species in the Central GOA are effective from 1200 hours, A.I.t., March 17, 2026, through 2400 hours, A.I.t., December 31, 2026.

TABLE 13—FINAL 2027 ALLOCATIONS OF ROCKFISH SECONDARY SPECIES IN THE CENTRAL GOA TO CV AND C/P COOPERATIVES

[Values are rounded to the nearest mt]

Rockfish secondary species	Central GOA annual TAC	CV cooperatives percentage of TAC	CV cooperatives apportionment (mt)	CP cooperatives percentage of TAC	CP cooperatives apportionment (mt)
Pacific Cod .....	16,717	3.81	637	n/a	n/a
Sablefish .....	9,622	6.78	652	3.51	338
Shortraker rockfish .....	189	n/a	n/a	40	76
Rougeye/Blackspotted rockfish .....	366	n/a	n/a	58.87	215
Thornyhead rockfish .....	590	7.84	46	26.5	156

**Note:** The 2027 allocations of rockfish secondary species in the Central GOA are effective from 0001 hours, A.I.t., January 1, 2027, through 1200 hours, A.I.t., March 17, 2027.

**Halibut PSC Limits**

Section 679.21(d) establishes annual halibut PSC limit apportionments of 1,705 mt for trawl gear, 256 mt for hook-and-line gear, and 9 mt for the demersal shelf rockfish (DSR) fishery in the SEO District. It also authorizes the establishment of a halibut PSC limit apportionment for pot gear.

The DSR fishery in the SEO District is defined at § 679.21(d)(2)(ii)(A). This fishery is apportioned 9 mt of the halibut PSC limit in recognition of its small-scale harvests of groundfish (§ 679.21(d)(2)(i)(A)). The separate halibut PSC limit for the DSR fishery is intended to prevent that fishery from being impacted from the halibut PSC incurred by other GOA fisheries. NMFS estimates low halibut bycatch in the DSR fishery because: (1) the duration of the DSR fisheries and the gear soak times are short; (2) the DSR fishery occurs in the winter when there is less overlap in the distribution of DSR and halibut; and (3) the directed commercial DSR fishery has a low DSR TAC. The State sets the commercial GHF for the DSR fishery after deducting: (1) estimates of DSR incidental catch in all fisheries (including halibut and subsistence); and (2) the allocation to the DSR sport fish fishery. The directed commercial DSR fishery has been closed

since 2020 due to concerns about declining DSR biomass.

NMFS, after consultation with the Council, exempts pot gear, jig gear, and the sablefish IFQ fixed gear fishery categories from the non-trawl halibut PSC limit for 2026 and 2027. NMFS, in alignment with recommendations from the Council, is establishing these exemptions because: (1) pot gear fisheries have low annual halibut bycatch mortality; (2) NMFS estimates negligible halibut mortality for the jig gear fisheries given the small amount of groundfish harvested by jig gear, the selective nature of jig gear, and the high survival rates of halibut caught and released with jig gear; (3) IFQ program regulations prohibit discard of legal sized halibut if any halibut IFQ permit holder on board a CV holds unused halibut IFQ for that vessel category and the IFQ regulatory area in which the vessel is operating (§ 679.7(f)(11)); and (4) some sablefish IFQ permit holders hold halibut IFQ permits and are therefore required to retain the legal sized halibut they catch while fishing sablefish IFQ.

The best information available on estimated halibut bycatch consists of data collected by fisheries observers during 2025. The estimated halibut bycatch mortality through December 31, 2025, is 265 mt for trawl gear and 80 mt

for hook-and-line gear for a total halibut mortality of 345 mt. The estimated halibut bycatch mortality was calculated using groundfish and halibut catch data from the NMFS Alaska Region’s catch accounting system. This accounting system contains historical and recent catch information compiled from each Alaska groundfish fishery.

Sections 679.21(d)(4)(i) and (ii) authorize NMFS to seasonally apportion the halibut PSC limits after consultation with the Council. The FMP and regulations require that NMFS and the Council consider the following information in seasonally apportioning halibut PSC limits: (1) seasonal distribution of halibut; (2) seasonal distribution of target groundfish species relative to halibut distribution; (3) expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catch of target groundfish species; (4) expected bycatch rates on a seasonal basis; (5) expected changes in directed groundfish fishing seasons; (6) expected actual start of fishing effort; and (7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry. The Council considered information from the 2024 SAFE report, NMFS catch data, State catch data, International Pacific Halibut Commission (IPHC) stock assessment

and mortality data, and public testimony when apportioning the halibut PSC limits in table 14. NMFS concurs with the Council's recommendations for the final 2026 and

2027 seasonal apportionments of halibut PSC limits pursuant to § 679.21(d)(1) and (4). Sections 679.21(d)(4)(iii) and (iv) specify that any unused amounts, or

overages, of a seasonal apportionment of a halibut PSC limit will be added to, or deducted from, the next respective seasonal apportionment within the fishing year.

TABLE 14—FINAL 2026 AND 2027 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS  
[Values are in mt]

Gear	Season	Percent	Amount
Trawl	January 20–April 1	30.50	520
	April 1–July 1	20	341
	July 1–August 1	27	460
	August 1–October 1	7.50	128
	October 1–December 31	15	256
	Total		
Hook-and-line (other than DSR) <sup>1</sup>	January 1–June 10	86	219
	June 10–September 1	2	5
	September 1–December 31	12	31
	Total		
Hook-and-line (DSR)	January 1–December 31	100	9

**Note:** The 2026 Pacific halibut PSC limits, allowances, and apportionments are effective from 1200 hours, A.I.t., March 17, 2026, through 2400 hours, A.I.t., December 31, 2026. The 2027 Pacific halibut PSC limits, allowances, and apportionments are effective from 0001 hours, A.I.t., January 1, 2027, through 1200 hours, A.I.t., March 17, 2027.

<sup>1</sup> The Pacific halibut PSC limit for hook-and-line gear is allocated to the DSR fishery in the SEO District and to hook-and-line fisheries other than the DSR fishery. NMFS, after consultation with the Council, exempts the sablefish IFQ fixed gear fishery, and the pot and jig gear groundfish fisheries, from halibut PSC limits.

Section 679.21(d)(3)(ii) authorizes further apportionment of the trawl halibut PSC limit to trawl fishery categories listed in § 679.21(d)(3)(iii). The annual apportionments are based on each category's proportional share of the anticipated halibut bycatch mortality during the fishing year and optimization of the total amount of groundfish harvest under the halibut PSC limit. The fishery categories for the trawl halibut PSC limits are: (1) a deep-water species fishery, composed of sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder; and (2) a shallow-water species fishery, composed of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and "other species" (*i.e.*, sharks and octopuses) (§ 679.21(d)(3)(iii)).

NMFS will combine available trawl halibut PSC limit apportionments during the second season deep-water

and shallow-water species fishery categories for use in either fishery category from May 15 through June 30 (§ 679.21(d)(4)(iii)(D)). This is intended to maintain groundfish harvest while minimizing halibut bycatch by these sectors to the extent practicable. This provides the deep-water and shallow-water trawl fisheries additional flexibility and the incentive to participate in fisheries at times of the year that may have lower halibut PSC rates relative to other times of the year. Table 15 lists the final apportionments of trawl halibut PSC limits between the trawl gear deep-water and shallow-water species fishery categories.

Table 28d to 50 CFR part 679 specifies the amount of the trawl halibut PSC limit that is assigned to the CV and CP sectors that are participating in the Central GOA Rockfish Program. This includes 117 mt of halibut PSC limit to the CV sector and 74 mt of halibut PSC

limit to the CP sector. These amounts are allocated from the trawl deep-water fishery category's halibut PSC third seasonal apportionment. After the combined CV and CP halibut PSC limit of 191 mt assigned to the Rockfish Program, 149 mt remains for the trawl deep-water fishery category's halibut PSC third seasonal apportionment.

Section 679.21(d)(4)(iii)(B) limits the amount of the halibut PSC limit assigned to Rockfish Program participants that could be re-apportioned to the last seasonal apportionment for the general GOA trawl fisheries during the current fishing year to no more than 55 percent of the unused annual halibut PSC limit assigned to Rockfish Program participants. The remainder of the unused Rockfish Program halibut PSC limit is unavailable for use by any person for the remainder of the fishing year (§ 679.21(d)(4)(iii)(C)).

TABLE 15—FINAL 2026 AND 2027 APPORTIONMENT OF PACIFIC HALIBUT PSC LIMITS BETWEEN THE TRAWL GEAR DEEP-WATER SPECIES FISHERY AND THE SHALLOW-WATER SPECIES FISHERY CATEGORIES

[Values are in mt]

Season	Shallow-water	Deep-water <sup>1</sup>	Total
January 20–April 1	385	135	520
April 1–July 1	85	256	341
July 1–August 1	120	340	460
August 1–October 1	53	75	128
October 1–December 31 <sup>2</sup>	n/a	n/a	256

TABLE 15—FINAL 2026 AND 2027 APPORTIONMENT OF PACIFIC HALIBUT PSC LIMITS BETWEEN THE TRAWL GEAR DEEP-WATER SPECIES FISHERY AND THE SHALLOW-WATER SPECIES FISHERY CATEGORIES—Continued

[Values are in mt]

Season	Shallow-water	Deep-water <sup>1</sup>	Total
Total .....	n/a	n/a	1,705

**Note:** The 2026 apportionments of Pacific halibut PSC limits are effective from 1200 hours, A.I.t., March 17, 2026, through 2400 hours, A.I.t., December 31, 2026. The 2027 apportionments of Pacific halibut PSC limits are effective from 0001 hours, A.I.t., January 1, 2027, through 1200 hours, A.I.t., March 17, 2027.

<sup>1</sup> Vessels participating in cooperatives in the Central GOA Rockfish Program will receive 191 mt of the third season (July 1 through August 1) deep-water species fishery category halibut PSC apportionment.

<sup>2</sup> There is no apportionment between trawl shallow-water and deep-water species fishery categories during the fifth season (October 1 through December 31).

Section 679.21(d)(2)(i)(B) requires that the halibut PSC limit apportionment to vessels using hook-and-line gear that are not part of the DSR fishery (*i.e.*, the other hook-and-line fishery) must be apportioned between CVs and CPs in accordance with § 679.21(d)(2)(iii) in conjunction with these harvest specifications. CVs and CPs are apportioned part of the GOA halibut PSC limit in proportion to the total Western and Central GOA Pacific cod allocations. A comprehensive description and example of the

calculations necessary to apportion the other hook-and-line fishery halibut PSC limit between the hook-and-line CV and CP sectors were included in the proposed rule to implement amendment 83 to the FMP (76 FR 44700, July 26, 2011) and are not repeated here.

In this final rule, NMFS apportions halibut PSC limits of 163 mt and 92 mt to the hook-and-line CV and hook-and-line CP sectors, respectively. Table 16 lists the final apportionments of halibut PSC limits between the hook-and-line CV and the hook-and-line CP sectors of the other hook-and-line fishery.

No later than November 1 of each year, NMFS will calculate the projected unused amount of the halibut PSC limit for the CV or CP hook-and-line sectors of the other hook-and-line fishery for the remainder of the year. The projected unused amount of halibut PSC limit is made available to the other sector for the remainder of that fishing year if NMFS determines that an additional amount of halibut PSC is necessary for that sector to continue its directed fishing operations (§ 679.21(d)(2)(iii)(C)).

TABLE 16—FINAL 2026 AND 2027 APPORTIONMENTS OF THE “OTHER HOOK-AND-LINE FISHERY” ANNUAL HALIBUT PSC LIMIT BETWEEN THE HOOK-AND-LINE GEAR CV AND C/P SECTORS

[Values are in mt]

Sector	Other than DSR allowance	Sector annual amount	Season	Seasonal percentage	Seasonal amount
CV .....	255	163	January 1–June 10 .....	86	140
			June 10–September 1 .....	2	3
			September 1–December 31 .....	12	20
C/P .....	92	92	January 1–June 10 .....	86	79
			June 10–September 1 .....	2	2
			September 1–December 31 .....	12	11

**Note:** The 2026 apportionments of Pacific halibut PSC limits are effective from 1200 hours, A.I.t., March 17, 2026, through 2400 hours, A.I.t., December 31, 2026. The 2027 apportionments of Pacific halibut PSC limits are effective from 0001 hours, A.I.t., January 1, 2027, through 1200 hours, A.I.t., March 17, 2027.

**Estimates of Halibut Biomass and Stock Condition**

The IPHC annually assesses the abundance and potential yield of the Pacific halibut stock using all available data from the commercial and sport fisheries, other removals, and scientific surveys. Additional information on the Pacific halibut stock assessment may be found in the IPHC’s 2025 Pacific halibut stock assessment (December 2025), available on the IPHC website at: <https://www.iphc.int>. The IPHC considered the 2025 Pacific halibut stock assessment at its January 2026 annual meeting when it set the 2026 commercial halibut fishery catch limits.

**Halibut Discard Mortality Rates**

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut incidental catch rates, halibut discard mortality rates (DMRs), and estimates of groundfish catch to project when a fishery’s halibut bycatch mortality allowance or seasonal apportionment is reached. Halibut bycatch rates are based on observed estimates of halibut bycatch in the groundfish fishery. DMRs are estimates of the proportion of halibut that do not survive after being returned to the sea. The cumulative halibut mortality that accrues to a particular halibut PSC limit is the product of a DMR multiplied by the estimated halibut PSC. DMRs are

estimated using the best scientific information available in conjunction with the annual GOA stock assessment process.

The DMRs are calculated annually based on the most recent methodology developed by a halibut working group made up of IPHC, Council, and NMFS staff. The DMR methodology and findings are included as an appendix to the GOA groundfish SAFE report. The DMRs calculated using the DMR methodology are reviewed by the Plan Team in September and the SSC in October. The Plan Team and SSC reviewed the 2026 and 2027 DMRs in September 2025 and October 2025, respectively, and that review is available at: <https://meetings.npfmc.org/>

CommentReview/  
DownloadFile?p=df11e1a-cb30-4bbb-8b43-90bf787c9800.pdf&fileName=Halibut%20DMR%20Working%20Group%20recommendations%20for%202026-2027.pdf.

The halibut working group continues to consider improvements to the methodology used to calculate halibut mortality, including potential changes to the reference period (the period of data used for calculating the DMRs). DMRs are calculated using either 2- or 4-year averages, depending on data available. A 2-year average is used

because it is an appropriate timeframe to capture enough samples and maintain stable estimates and PSC accounting. However, in 2023, the working group completed a 5-year review of rates and intra-annual variance of these rates and began specifying 4-year averages for the Rockfish Program non-pelagic trawl CV, hook-and-line CV, and pot operational groups. All other operational groups use a 2-year average to maintain rates that best capture current fishing practices. This methodology ensures that NMFS is using DMRs that more accurately reflect halibut mortality, which will inform the different sectors of their estimated

halibut mortality and allow specific sectors to respond with methods that could reduce mortality and, eventually, the DMR for that sector.

At the October 2025 meeting, the SSC, AP, and Council concurred with the continued use of the DMR estimation methodology to calculate DMRs for 2026 and 2027. NMFS adopts the 2026 and 2027 DMRs, which use either 2- or 4-year averages. The final 2026 and 2027 DMRs in this rule are unchanged from the DMRs in the proposed 2026 and 2027 harvest specifications (90 FR 58185, December 16, 2025). Table 17 lists these final 2026 and 2027 DMRs.

TABLE 17—FINAL 2026 AND 2027 HALIBUT DISCARD MORTALITY RATES FOR VESSELS FISHING IN THE GOA  
[Mortality rates are halibut assumed to be dead]

Gear	Sector	Groundfish fishery	Halibut discard mortality rate
Pelagic trawl .....	CV .....	All .....	1
Pelagic trawl .....	C/P .....	All .....	1
Non-pelagic trawl .....	CV .....	Rockfish Program .....	0.53
Non-pelagic trawl .....	CV .....	All others .....	0.62
Non-pelagic trawl .....	Mothership and C/P .....	All .....	0.79
Hook-and-line .....	C/P .....	All .....	0.12
Hook-and-line .....	CV .....	All .....	0.15
Pot .....	CV and C/P .....	All .....	0.29

**Note:** The halibut DMRs are effective at 1200 hours, A.I.t., March 17, 2026, through 1200 hours, A.I.t., March 17, 2027.

**Chinook Salmon PSC Limits**

Section 679.21(h)(2) establishes separate Chinook salmon PSC limits in the Western GOA and Central GOA in the trawl pollock directed fishery. These limits require that NMFS close directed fishing for pollock in the Western GOA and Central GOA if the applicable Chinook salmon PSC limit is reached (§ 679.21(h)(8)). The annual Chinook salmon PSC limits in the trawl pollock directed fishery of 6,684 Chinook salmon in the Western GOA and 18,316 Chinook salmon in the Central GOA are set in § 679.21(h)(2)(i) and (ii).

Section 679.21(h)(3) and (4) establishes an initial annual PSC limit of 7,500 Chinook salmon for the non-pollock groundfish trawl fisheries in the Western GOA and Central GOA. This limit is apportioned among the three sectors that conduct directed fishing for groundfish species other than pollock: (1) 3,600 Chinook salmon to trawl CPs; (2) 1,200 Chinook salmon to trawl CVs participating in the Rockfish Program; and (3) 2,700 Chinook salmon to trawl CVs not participating in the Rockfish Program (§ 679.21(h)(4)). NMFS will monitor the Chinook salmon PSC in the non-pollock GOA groundfish trawl fisheries and close an applicable sector if it reaches its Chinook salmon PSC limit (§ 679.21(h)(8)).

The Chinook salmon PSC limit for two sectors, trawl CPs and trawl CVs not participating in the Rockfish Program, may be increased in subsequent years based on the performance of these two sectors and their ability to minimize their use of their respective Chinook salmon PSC limits during a calendar year. If either or both of these two sectors limit its use of Chinook salmon PSC to a certain threshold amount through the end of the calendar year (i.e., 3,120 for trawl CPs and 2,340 for non-Rockfish Program trawl CVs), that sector will receive an increase to its Chinook salmon PSC limit for the following calendar year (4,080 for trawl CPs and 3,060 for non-Rockfish Program trawl CVs) (§ 679.21(h)(4)). In 2025, the trawl CP sector did not exceed 3,120 Chinook salmon PSC; therefore, the 2026 trawl CP sector Chinook salmon PSC limit will be 4,080 Chinook salmon. In 2025, the non-Rockfish Program trawl CV sector did not exceed 2,340 Chinook salmon PSC; therefore, the 2026 non-Rockfish Program trawl CV sector Chinook salmon PSC limit will be 3,060 Chinook salmon. NMFS will specify the 2027 PSC limits for the trawl CP and non-Rockfish Program trawl CV sectors based on their performance and their ability to minimize their use of their respective Chinook salmon PSC limits

during the 2026 calendar year (§ 679.21(h)(4)).

**American Fisheries Act (AFA) C/P and CV Groundfish Sideboard Limits**

Section 679.64 establishes groundfish harvesting sideboard limitations on AFA CPs and CVs in the GOA. These sideboard limits are necessary to protect the interests of fishermen and processors who do not directly benefit from the AFA as compared to those fishermen and processors who receive exclusive harvesting and processing privileges under the AFA. In addition, § 679.7(k)(1)(ii) prohibits listed AFA CPs and CPs designated on a listed AFA CP permit from harvesting any species of groundfish in the GOA. Section 679.7(k)(1)(iv) prohibits listed AFA CPs and CPs designated on a listed AFA CP permit from processing any pollock harvested in a directed pollock fishery in the GOA and any groundfish harvested in statistical area 630 of the GOA.

AFA CVs that are less than 125 feet (38.1 m) length overall, have annual landings of pollock in the Bering Sea and Aleutian Islands of less than 5,100 mt, and have made at least 40 landings of GOA groundfish from 1995 through 1997 are exempt from GOA CV groundfish sideboard limits under § 679.64(b)(2)(i). Sideboard limits for

non-exempt AFA CVs in the GOA are based on their traditional harvest levels of TAC in groundfish fisheries covered by the FMP. Section 679.64(b)(3)(iv) establishes the CV groundfish sideboard limits in the GOA based on the aggregate retained catch by non-exempt AFA CVs of each sideboard species from 2009 through 2019; divided by the TAC for that species available to CVs from

2009 through 2019; multiplied by the TAC available to CVs in the year or season in which the harvest limit will be in effect. Table 56 to 50 CFR part 679 lists the GOA groundfish species and species groups for which directed fishing for sideboard limits by non-exempt AFA CVs is prohibited (§ 679.20(d)(1)(iv)(D)). Sideboard limits that are not subject to these directed

fishing prohibitions continue to be calculated and included in the GOA annual harvest specifications.

Tables 18 and 19 list the final groundfish sideboard limits for non-exempt AFA CVs. NMFS will deduct all targeted or incidental catch of sideboard species made by non-exempt AFA CVs from the sideboard limits listed in tables 18 and 19.

TABLE 18—FINAL 2026 GOA NON-EXEMPT AMERICAN FISHERIES ACT CV GROUND FISH SIDEBOARD LIMITS  
[Values are rounded to the nearest mt]

Species	Seasonal apportionments	Area	Ratio of 2009–2019 non-exempt AFA CV retained catch to 2009–2019 TAC	Final 2026 TACs	Final 2026 non-exempt AFA CV sideboard limit	
Pollock	A Season: January 20–May 31	Shumagin (610)	0.057	4,109	234	
		Chirikof (620)	0.064	46,510	2,977	
		Kodiak (630)	0.091	12,314	1,121	
	B Season: September 1–November 1	Shumagin (610)	0.057	23,344	1,331	
		Chirikof (620)	0.064	13,967	894	
		Kodiak (630)	0.091	25,622	2,332	
	Annual	WYK (640)	0.026	3,883	101	
	Pacific cod	A Season: January 20–June 10	W	0.009	4,266	38
			C	0.011	13,790	152
B Season: September 1–November 1		W	0.009	2,427	22	
		C	0.011	7,759	85	
Annual		C	0.011	28,455	313	
		C	0.014	13,582	190	
Shallow-water flatfish	Annual	C	0.011	68,511	754	
Rex sole		C	0.007	22,083	155	
Arrowtooth flounder		C	0.011	68,511	754	
Flathead sole		C	0.007	22,083	155	

**Note:** The 2026 GOA non-exempt AFA CV groundfish sideboard limits are effective from 1200 hours, A.l.t., March 17, 2026, through 2400 hours, A.l.t., December 31, 2026.

TABLE 19—FINAL 2027 GOA NON-EXEMPT AMERICAN FISHERIES ACT CV GROUND FISH SIDEBOARD LIMITS  
[Values are rounded to the nearest mt]

Species	Seasonal apportionments	Area	Ratio of 2009–2019 non-exempt AFA CV retained catch to 2009–2019 TAC	Final 2027 TACs	Final 2027 non-exempt AFA CV sideboard limit	
Pollock	A Season: January 20–May 31	Shumagin (610)	0.057	4,109	234	
		Chirikof (620)	0.064	46,510	2,977	
		Kodiak (630)	0.091	12,314	1,121	
	B Season: September 1–November 1	Shumagin (610)	0.057	23,344	1,331	
		Chirikof (620)	0.064	13,967	894	
		Kodiak (630)	0.091	25,622	2,332	
	Annual	WYK (640)	0.026	3,883	101	
	Pacific cod	A Season: January 20–June 10	W	0.009	3,310	30
			C	0.011	10,698	118
B Season: September 1–November 1		W	0.009	1,882	17	
		C	0.011	6,019	66	
Annual		C	0.011	28,455	313	
		C	0.014	13,582	190	
Shallow-water flatfish	Annual	C	0.011	68,511	754	
Rex sole		C	0.007	22,083	155	
Arrowtooth flounder		C	0.011	68,511	754	
Flathead sole		C	0.007	22,083	155	

**Note:** The 2027 GOA non-exempt AFA CV groundfish sideboard limits are effective from 0001 hours, A.l.t., January 1, 2027, through 1200 hours, A.l.t., March 17, 2027.

**Non-Exempt AFA CV Halibut PSC Sideboard Limits**

Pursuant to § 679.64(b)(4)(ii), the non-exempt AFA CVs and the associated

LLP licenses PSC limit for halibut in the GOA will be an annual amount based on a static ratio of 0.072, which was derived from the aggregate retained groundfish catch by non-exempt AFA

CVs in each PSC target category from 2009 through 2019. Table 20 lists the 2026 and 2027 non-exempt AFA CV halibut PSC sideboard limits for vessels using trawl gear in the GOA.

**TABLE 20—FINAL 2026 AND 2027 NON-EXEMPT AFA CV HALIBUT PSC SIDEBOARD LIMITS FOR VESSELS USING TRAWL GEAR IN THE GOA**

Ratio (percent)	Annual trawl gear halibut PSC limit (mt)	Annual non-exempt AFA CV halibut PSC limit (mt)
0.072	1,705	123

**Note:** The 2026 non-exempt AFA CV halibut PSC sideboard limit is effective from 1200 hours, A.I.t., March 17, 2026, through 2400 hours, A.I.t., December 31, 2026. The 2027 non-exempt AFA CV halibut PSC sideboard limit is effective from 0001 hours, A.I.t., January 1, 2027, through 1200 hours, A.I.t., March 17, 2027.

**Non-AFA Crab Vessel Groundfish Sideboard Limitations**

Section 680.22 establishes groundfish sideboard limits for vessels with a history of participation in the Bering Sea snow crab fishery to prevent these vessels from using the increased flexibility provided by the Crab Rationalization (CR) Program to expand their level of participation in the GOA groundfish fisheries. Sideboard limits restrict these vessels' catch to their collective historical landings in each GOA groundfish fishery (except the fixed-gear sablefish fishery). Sideboard limits also apply to catch made using an LLP license derived from the history of

a restricted vessel, even if that LLP license is used on another vessel. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the CR Program, including amendments 18 and 19 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP) (70 FR 10174, March 2, 2005), amendment 34 to the Crab FMP (76 FR 35772, June 20, 2011), amendment 83 to the GOA FMP (76 FR 74670, December 1, 2011), and amendment 45 to the Crab FMP (80 FR 28539, May 19, 2015). In addition, through rulemaking (84 FR 2723, February 8, 2019), non-AFA crab vessels are prohibited from directed fishing for

all groundfish species or species groups subject to sideboard limits, except for Pacific cod apportioned to CVs using pot gear in the Western GOA and Central GOA (§ 680.22(e)(1)(iii)), so NMFS does not establish groundfish sideboard limits for non-AFA crab vessels except for Pacific cod apportioned to CVs using pot gear in the Western GOA and Central GOA.

Tables 21 and 22 list the final groundfish sideboard limitations for non-AFA crab vessels. All targeted or incidental catch of sideboard species made by non-AFA crab vessels or associated LLP licenses will be deducted from these sideboard limits.

**TABLE 21—FINAL 2026 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH SIDEBOARD LIMITS**  
[Values are rounded to the nearest mt]

Species	Season	Sector	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2026 TACs	Final 2026 non-AFA crab vessel sideboard limit
Pacific cod	A Season: January 20–June 10	Western GOA Pot CV	0.0997	4,266	425
		Central GOA Pot CV	0.0474	13,790	654
	B Season: September 1–November 1	Western GOA Pot CV	0.0997	2,427	242
		Central GOA Pot CV	0.0474	7,759	368

**Note:** The 2026 GOA non-AFA crab vessel groundfish sideboard limits are effective from 1200 hours, A.I.t., March 17, 2026, through 2400 hours, A.I.t., December 31, 2026.

**TABLE 22—FINAL 2027 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH SIDEBOARD LIMITS**  
[Values are rounded to the nearest mt]

Species	Season	Sector	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2026 TACs	Final 2026 non-AFA crab vessel sideboard limit
Pacific cod	A Season: January 20–June 10	Western GOA Pot CV	0.0997	3,310	330
		Central GOA Pot CV	0.0474	10,698	507
	B Season: September 1–November 1	Western GOA Pot CV	0.0997	1,882	188
		Central GOA Pot CV	0.0474	6,019	285

**Note:** The 2027 GOA non-AFA crab vessel groundfish sideboard limits are effective from 0001 hours, A.I.t., January 1, 2027, through 1200 hours, A.I.t., March 17, 2027.

**Rockfish Program Groundfish and Halibut PSC Sideboard Limitations**

The Rockfish Program establishes three classes of sideboard provisions: (1) CV groundfish sideboard restrictions; (2) CP rockfish sideboard restrictions; and (3) CP opt-out vessel sideboard restrictions (§ 679.82(c)(1)). These sideboards are intended to limit the ability of rockfish harvesters to expand into other GOA groundfish fisheries.

CVs participating in the Rockfish Program may not participate in directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the WYK District and Western GOA from July 1 through July 31. Also, CVs participating in the Rockfish Program may not participate in directed fishing for arrowtooth flounder, deep-water flatfish, and rex sole in the GOA from July 1 through July 31 (§ 679.82(d)).

CPs participating in Rockfish Program cooperatives are restricted by rockfish and halibut PSC sideboard limits. These CPs are prohibited from directed fishing

for dusky rockfish, Pacific ocean perch, and northern rockfish in the WYK District and Western GOA from July 1 through July 31 (§ 679.82(e)(2)). The sideboard ratio for each rockfish fishery in the WYK District is an established percentage of the TAC for CPs in the directed fishery for dusky rockfish and Pacific ocean perch (§ 679.82(e)(4)). These percentages are confidential, however, the method for determining the percentages is described in § 679.82(e)(3). Holders of CP-designated LLP licenses that opt out of participating in a Rockfish Program cooperative will be able to access that portion of each rockfish sideboard limit that is not assigned to rockfish cooperatives (§ 679.82(e)(7)).

Under the Rockfish Program, the CP sector is subject to halibut PSC sideboard limits for the trawl deep-water and shallow-water fisheries from July 1 to July 31 (§ 679.82(e)(3) and (5)). No halibut PSC sideboard limits apply to the CV sector, as CVs participating in

cooperatives receive a portion of the annual halibut PSC limit. CPs that opt out of the Rockfish Program are able to access that portion of the deep-water and shallow-water fishery halibut PSC sideboard limit not assigned to CP rockfish cooperatives. The sideboard provisions for CPs that elect to opt out of participating in a Rockfish Program cooperative are described in § 679.82(c), (e), and (f). Sideboard limits are linked to the catch history of specific vessels; however, some of these vessels may choose to opt out of the Rockfish Program. After March 1, NMFS will determine which CPs have opted-out of the Rockfish Program in 2026 and will know the ratios and amounts used to calculate opt-out sideboard ratios. NMFS will then calculate any applicable opt-out sideboards for 2026. NMFS will announce these limits after March 1 in the **Federal Register**. Table 23 lists the final Rockfish Program halibut PSC sideboard limits for the CP sector.

TABLE 23—FINAL 2026 AND 2027 ROCKFISH PROGRAM HALIBUT PSC SIDEBOARD LIMITS FOR THE C/P SECTOR  
[Values are rounded to the nearest mt]

Sector	Shallow-water fishery halibut PSC sideboard ratio (percent)	Deep-water fishery halibut PSC sideboard ratio (percent)	Annual trawl gear halibut PSC limit (mt)	Annual shallow-water fishery halibut PSC sideboard limit (mt)	Annual deep-water fishery halibut PSC sideboard limit (mt)
C/P .....	0.1	2.5	1,705	2	43

**Note:** The 2026 Rockfish Program halibut PSC sideboard limits are effective from 1200 hours, A.l.t., March 17, 2026, through 2400 hours, A.l.t., December 31, 2026. The 2027 Rockfish Program halibut PSC sideboard limits are effective from 0001 hours, A.l.t., January 1, 2027, through 1200 hours, A.l.t., March 17, 2027.

**Amendment 80 Program Groundfish and Halibut PSC Sideboard Limits**

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (Amendment 80 Program) established a limited access privilege program for the non-AFA trawl CP sector. The Amendment 80 Program established groundfish and halibut PSC sideboard limits for Amendment 80 Program participants to limit the ability of participants eligible for the

Amendment 80 Program to expand their harvest efforts in the GOA.

Section 679.92 establishes groundfish harvesting sideboard limits on all Amendment 80 Program vessels to amounts no greater than the limits listed in table 37 to 50 CFR part 679. The Amendment 80 Program vessel, the F/V “Golden Fleece” is prohibited from directed fishing for pollock, Pacific cod, Pacific ocean perch, dusky rockfish, and northern rockfish in the GOA, and is not subject to halibut PSC sideboard limits in the GOA (§ 679.92(d)).

Groundfish sideboard limits for Amendment 80 Program vessels operating in the GOA are based on their average aggregate harvests from 1998 through 2004 (72 FR 52668, September 14, 2007). Tables 24 and 25 list the final groundfish sideboard limits for Amendment 80 Program vessels. NMFS will deduct all targeted or incidental catch of sideboard species made by Amendment 80 Program vessels from the sideboard limits in tables 24 and 25.

TABLE 24—FINAL 2026 GOA GROUNDFISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS  
[Values are rounded to nearest mt]

Species	Season	Area	Ratio of amendment 80 sector vessels 1998–2004 catch to TAC	Final 2026 TACs	Final 2026 amendment 80 vessel sideboard limit (mt)
Pollock .....	A Season: January 20–May 31 .....	Shumagin (610) ...	0.003	4,109	12
	A Season: January 20–May 31 .....	Chirikof (620) .....	0.002	46,510	93
	A Season: January 20–May 31 .....	Kodiak (630) .....	0.002	12,314	25
	B Season: September 1–November 1 ....	Shumagin (610) ...	0.003	23,344	70
	B Season: September 1–November 1 ....	Chirikof (620) .....	0.002	13,967	28

TABLE 24—FINAL 2026 GOA GROUND FISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS—Continued  
 [Values are rounded to nearest mt]

Species	Season	Area	Ratio of amendment 80 sector vessels 1998–2004 catch to TAC	Final 2026 TACs	Final 2026 amendment 80 vessel sideboard limit (mt)
Pacific cod	B Season: September 1–November 1	Kodiak (630)	0.002	25,622	51
	Annual	WYK (640)	0.002	3,883	8
	A Season: January 20–June 10	W	0.02	4,266	85
	A Season: January 20–June 10	C	0.044	13,790	607
Pacific ocean perch	B Season: September 1–November 1	W	0.02	2,427	49
	B Season: September 1–November 1	C	0.044	7,759	341
	Annual	WYK	0.034	1,811	62
	Annual	W	0.994	1,688	1,678
Northern rockfish	Annual	WYK	0.961	1,993	1,915
	Annual	W	1	1,346	1,346
Dusky rockfish	Annual	W	0.764	199	152
	Annual	WYK	0.896	204	183

**Note:** The 2026 GOA groundfish sideboard limits for Amendment 80 Program vessels are effective from 1200 hours, A.I.t., March 17, 2026, through 2400 hours, A.I.t., December 31, 2026.

TABLE 25—FINAL 2026 GOA GROUND FISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS  
 [Values are rounded to nearest mt]

Species	Season	Area	Ratio of amendment 80 sector vessels 1998–2004 catch to TAC	Final 2026 TACs	Final 2026 amendment 80 vessel sideboard limit (mt)
Pollock	A Season: January 20–May 31	Shumagin (610)	0.003	4,109	12
	A Season: January 20–May 31	Chirikof (620)	0.002	46,510	93
	A Season: January 20–May 31	Kodiak (630)	0.002	12,314	25
	B Season: September 1–November 1	Shumagin (610)	0.003	23,344	70
	B Season: September 1–November 1	Chirikof (620)	0.002	13,967	28
	B Season: September 1–November 1	Kodiak (630)	0.002	25,622	51
	Annual	WYK (640)	0.002	3,883	8
Pacific cod	A Season: January 20–June 10	W	0.02	3,310	66
	A Season: January 20–June 10	C	0.044	10,698	471
	B Season: September 1–November 1	W	0.02	1,882	38
	B Season: September 1–November 1	C	0.044	6,019	265
Pacific ocean perch	Annual	WYK	0.034	1,450	49
	Annual	W	0.994	1,688	1,678
	Annual	WYK	0.961	1,993	1,915
Northern rockfish	Annual	W	1	1,346	1,346
Dusky rockfish	Annual	W	0.764	199	152
	Annual	WYK	0.896	204	183

**Note:** The 2027 GOA groundfish sideboard limits for Amendment 80 Program vessels are effective from 0001 hours, A.I.t., January 1, 2027, through 1200 hours, A.I.t., March 17, 2027.

The halibut PSC sideboard limits for Amendment 80 Program vessels in the GOA are based on the historic use of halibut PSC by Amendment 80 Program vessels in each PSC target category from 1998 through 2004. These values are slightly lower than the average historic use to accommodate two factors: (1) the

allocation of halibut PSC cooperative quota under the Rockfish Program and (2) the exemption of the F/V “Golden Fleece” from this restriction (§ 679.92(b)(2)). Table 26 lists the final halibut PSC sideboard limits for Amendment 80 Program vessels. These tables incorporate the maximum

percentages of the halibut PSC sideboard limits that may be used by Amendment 80 Program vessels as contained in table 38 to 50 CFR part 679. Any residual amount of a seasonal Amendment 80 Program halibut PSC sideboard limit may carry forward to the next season limit (§ 679.92(b)(2)).

TABLE 26—FINAL 2026 AND 2027 HALIBUT PSC SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS IN THE GOA

[Values are rounded to nearest mt]

Season	Season dates	Target fishery	Historic amendment 80 use of the annual halibut PSC limit catch (ratio)	Annual trawl gear halibut PSC limit (mt)	2026 and 2027 amendment 80 vessel halibut PSC limit
1	January 20–April 1	shallow-water	0.0048	1,705	8
		deep-water	0.0115	1,705	20
2	April 1–July 1	shallow-water	0.0189	1,705	32
		deep-water	0.1072	1,705	183
3	July 1–August 1	shallow-water	0.0146	1,705	25
		deep-water	0.0521	1,705	89
4	August 1–October 1	shallow-water	0.0074	1,705	13
		deep-water	0.0014	1,705	2
5	October 1–December 31	shallow-water	0.0227	1,705	39
		deep-water	0.0371	1,705	63
Annual		Total shallow water			117
		Total deep water			357
		Grand total, all seasons and categories			474

**Note:** The 2026 halibut PSC sideboard limits for Amendment 80 Program vessels are effective at 1200 hours, A.I.t., March 17, 2026, through 2400 hours, A.I.t., December 31, 2026. The 2027 halibut PSC sideboard limits for Amendment 80 Program vessels are effective from 0001 hours, A.I.t., January 1, 2027, through 1200 hours, A.I.t., March 17, 2027.

**Directed Fishing Closures**

Pursuant to § 679.20(d)(1)(i), if the Regional Administrator determines: (1) that any allocation or apportionment of a target species or species group allocated or apportioned to a fishery will be reached; or (with respect to pollock and Pacific cod) (2) that an allocation or apportionment to an

inshore or offshore component or sector allocation will be reached, then the Regional Administrator may establish a directed fishing allowance (DFA) for that species or species group. If the Regional Administrator establishes a DFA and that allowance is or will be reached before the end of the fishing season or year, NMFS will prohibit directed fishing for that species or

species group in the specified GOA subarea, regulatory area, or district (§ 679.20(d)(1)(iii)).

The Regional Administrator has determined that the TACs for the species and species groups listed in table 27 are necessary to account for the incidental catch of these species in other anticipated groundfish fisheries for the 2026 and 2027 fishing years.

TABLE 27—FINAL 2026 AND 2027 DIRECTED FISHING CLOSURES IN THE GOA

[Amounts for incidental catch in other directed fisheries are in mt]

Species	Area/sector or program/gear	ICA amounts for 2026	ICA amounts for 2027
Pollock <sup>1</sup>	All, ICA, offshore	0	0
	Shumagin (610), A80 sideboard, trawl	82	82
	Chirikof (620), A80 sideboard, trawl	121	121
	Kodiak (630), A80 sideboard, trawl	76	76
	WYK District (640), A80 sideboard, trawl	8	8
Sablefish	All, trawl <sup>2</sup>	3,273	3,273
Pacific Cod	Western GOA, CV, HAL	72	72
	Western GOA, CP, trawl	125	125
	Western GOA, AFA sideboard, trawl	52	52
	Central GOA, CP, trawl <sup>2</sup>	582	582
Pacific ocean perch	Central GOA, ICA, trawl <sup>2</sup>	2,800	2,800
Northern rockfish	Central GOA, ICA, trawl <sup>2</sup>	300	300
Shortraker rockfish	All <sup>2</sup>	647	647
Dusky rockfish	Central GOA, ICA, trawl <sup>2</sup>	250	250
Rougeye/Blackspotted rockfish	All <sup>2</sup>	1,203	1,203
Demersal shelf rockfish	C/W/WYK	271	271
Thornyhead rockfish	All <sup>2</sup>	1,338	1,338
Other rockfish	All	1,384	1,384
Atka mackerel	All	3,000	3,000
Big skate	All	2,835	2,835
Longnose skate	All	2,536	2,536
Other skates	All	665	665
Sharks	All	4,891	4,891
Octopuses	All	964	964

**Note:** The directed fishing closures are effective at 1200 hours, A.I.t., March 17, 2026, through 1200 hours, A.I.t., March 17, 2027.

<sup>1</sup> Pollock is closed to directed fishing in the GOA by the offshore component under § 679.20(a)(6)(i).

<sup>2</sup>Closures are not applicable to participants in Central GOA Rockfish Program cooperatives while such participants are checked into the Central GOA Rockfish Program (and therefore are fishing under the authority of a rockfish cooperative quota permit) because cooperatives are prohibited from exceeding their allocations (§ 679.7(n)(6)(viii)).

Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the DFA for the species or species groups listed in table 27 as zero mt. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for those species and species groups, areas, gear types, and components in the GOA listed in table 27 effective at 1200 hours, A.l.t., March 17, 2026, through 1200 hours, A.l.t., March 17, 2027.

Inseason closures implemented under the 2025 and 2026 GOA harvest specifications for groundfish (90 FR 12468, March 18, 2025) remain effective under authority of these final 2026 and 2027 harvest specifications and until the date specified in those closure notifications or superseded by a subsequent action. Inseason closures are posted at the following website under the Alaska filter for Management Areas: <https://www.fisheries.noaa.gov/rules-and-announcements/bulletins>.

While these closures are in effect, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in addition to closures and prohibitions found at 50 CFR part 679. NMFS may implement other openings and closures during the 2026 and 2027 fishing years as necessary for effective conservation and management and consistent with the regulations at 50 CFR part 679.

### Comments and Responses

NMFS received three letters with six unique comments during the public comment period for the proposed GOA groundfish harvest specifications (90 FR 58185, December 16, 2025). One letter was from an organization, and two letters were from individuals. NMFS's responses are below.

*Comment 1:* NMFS should consider how the harvest specifications affect communities, including small communities.

*Response:* NMFS recognizes the harvest specifications, in particular the specification of TACs, affect fishery participants and communities and the importance of the communities that depend on Alaska fisheries.

One of the purposes of the harvest strategy used to develop the harvest specifications is to support sustainable fishing communities. The harvest specifications specify TAC amounts for harvest by fishing vessels and processing by fish processors, both of which are supported by businesses

located in coastal communities. Many coastal communities rely on processing plants to generate revenue and employ community members, and reducing the amount of fish landed in these communities could have detrimental economic effects on these communities.

The TAC amounts are set each year based on consideration of the best scientific information available and public comment relevant to impacts on communities. The Economic SAFE, ESRs, and ESPs provide relevant information on the status of fishery participants and communities throughout Alaska and relevant socioeconomic indicators are presented in the ESRs and ESPs. As noted in the 2024 ESR, the majority of Alaska groundfish and crab fisheries are sustainably managed.

The harvest specifications are informed by public comment that can be provided at every step through the Council and NMFS processes. Public comment can inform the Council's and NMFS's consideration in recommending and setting TACs, respectively, such as impacts to small communities. The AP also reviews and provides TAC recommendations to the Council. The Council appoints to the AP recognized experts from the fishing industry and related fields who represent a variety of gear types, industry, and related interests as well as a spread of geographic regions of Alaska and the Pacific Northwest having major interest in the fisheries off Alaska. The AP also has a designated Alaska Native Tribal Representative seat. The purpose of the AP is to represent and provide the perspectives of fishery participants and affected communities. Through its role, the AP provides perspectives on the socioeconomic and cultural impacts of TAC and PSC amounts on fishery participants and affected communities.

Each year, NMFS also publishes the proposed specifications and invites public comment. This provides the public with another opportunity to offer NMFS information and input for consideration on the social and economic impacts of the proposed TACs for each stock or stock complex.

Ultimately, every final 2026 and 2027 TAC has been specified within the robust, precautionary framework outlined in responses to comments 2 and 4; this framework is designed to prevent overfishing while achieving the OY for the GOA groundfish fisheries. These TACs, as specified under the

harvest strategy, are within the OY range for the GOA groundfish fisheries and support sustainable fishing communities while also providing for sustainable incomes for fishery participants.

*Comment 2:* Setting TAC above precautionary or conservative levels will worsen bycatch impacts on ecosystems and harm local Alaska communities dependent on them.

*Response:* The TAC setting process accounts for ecosystem and socioeconomic information, such as impacts on communities. The TACs specified in this final rule are consistent with regulations on bycatch, implemented in consideration of ecosystem information, based on precaution that is built into the process, and reflective of socioeconomic considerations, like effects on communities. Effects on communities are also addressed in response to comment 1. The specification of bycatch (PSC) limits is addressed in response to comment 5.

The annual process for specifying TACs for groundfish in the GOA is a thorough, scientifically driven process informed by the best available information on the status of target and bycatch species and the marine ecosystem in the GOA as well as socioeconomic considerations like harvest data and impacts on fishery participants and communities. The primary sources of ecosystem information are the ESRs, which provide the Plan Team, SSC, AP, Council, scientific community, and the public, as well as NMFS, with annual information about ecosystem status and trends for the GOA. The ESRs are drafted by scientists and staff from NOAA, other Federal and State agencies, academic institutions, Tribes, and non-profits. The ESRs also provide information on the status of PSC species like salmon, halibut, and crab. The 2024 GOA ESR, for example, includes information on: (1) directed commercial catch of salmon; juvenile salmon abundance, size, and condition; (2) trends in survival of coho, sockeye, and pink salmon in Southeast Alaska; and (3) low returns of pink salmon in 2024.

Ecosystem information from the ESRs, as well as ESPs, is integrated into the stock assessments for target species in several ways. Stock assessment authors will include, if possible, relevant ecosystem-related factors into their modeling. Many models use variables

that are potentially ecosystem-related, climate-impacted like size and condition of fish (*i.e.*, length and weight) and recruitment, and some models integrate specific environmental factors that have been influenced by climate variability, such as the extent of the cold pool and bottom temperature in the survey area. Some stock assessments present ecosystem considerations qualitatively through an additional ecosystem considerations section prepared for operational assessments, and all stock assessments include a risk table. The tables include four categories of considerations: (1) assessment-related; (2) population dynamics; (3) environmental/ecosystem; and (4) fishery performance. The risk tables inform the Plan Team and SSC OFL and ABC recommendations by signaling the status (*i.e.*, level of concern) of these four considerations for a stock or stock complex. This means that a reduction can occur for the maximum recommended ABC as specified by the stock assessment model or as recommended by the author. Risk tables are most informative for the specification of ABC by accounting for additional scientific information and uncertainty that is not captured in the modeling.

Some stock assessments also include an ESP, which is a framework for organizing ecosystem and socioeconomic information about an individual stock. The ESP informs environmental and ecosystem considerations, population dynamics, and fisheries performance about that stock and is also integrated into the stock assessment in the risk table. GOA groundfish stocks with ESPs include: (1) sablefish; (2) pollock; and (3) Pacific cod.

As a result, the Plan Team and SSC review a robust set of information on the status of target and bycatch species and the GOA ecosystem. This information is fully incorporated in the groundfish harvest specifications process such that the setting of OFL and ABC for stocks and stock complexes accounts for the best scientific information available. Stock assessments that utilize this information are thoroughly reviewed by the Plan Team and the SSC through a public process.

The TAC setting process is likewise informed by this information, which is the best scientific information available on the biological condition of the stocks and socioeconomic considerations. The ESRs and ESPs provide relevant information for setting TACs, and information from the ESRs and ESPs is presented and reviewed by the Plan Team, SSC, AP, and Council during the

process. In the TAC setting process, the Council reviews the Plan Team and SSC reports. With this information, public comment, and TAC recommendations from the Council's AP, the Council recommends TACs to NMFS. NMFS reviews those recommendations, the Plan Team and SSC reports, the SAFE reports, and other relevant documents.

For specifying TAC, the FMP and regulations further provide that TAC may be lower than the ABC if warranted on the basis of bycatch considerations, management uncertainty, or socioeconomic considerations, or if required in order to cause the sum of the TACs to fall within the OY range (FMP section 3.2.3.4.1; § 679.20(a)(3)). In the GOA, some TACs have been adjusted based on PSC considerations. The Western GOA shallow-water flatfish, Western GOA arrowtooth flounder, and Western GOA flathead sole TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other, more fully utilized fisheries.

Consistent with National Standard 1 guidelines in Federal regulations at § 600.310 and the FMP, the TAC cannot exceed ABC, and ABC cannot exceed the OFL (§ 600.310(f)(3), (f)(4), and (g)(4)). For all stocks and stock complexes in the GOA, ABCs do not exceed the OFLs, and TACs do not exceed the ABCs (and therefore ACLs). The Magnuson-Stevens Act requires that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the OY for each fishery (16 U.S.C. 1851(a)(1)). The OFL is the catch level above which overfishing is occurring; overfishing occurs whenever a stock or stock complex is subjected to a level of fishing mortality or annual total catch that jeopardizes the capacity of a stock or stock complex to produce maximum sustainable yield on a continuing basis (FMP section 3.2.1). This rule specifies an OFL for each stock and stock complex. NMFS manages fisheries inseason by monitoring catch (retained and discarded) to ensure that TACs are not exceeded. Managing catch to stay at or below the TAC ensures that the ABC (and therefore ACL) and OFL are not exceeded. Each stock assessment also notes whether overfishing has occurred for that stock or stock complex, and none of the groundfish of the GOA are subject to overfishing.

*Comment 3:* It is important to manage fisheries sustainably, prevent overfishing, and set clear limits.

*Response:* NMFS acknowledges that we are setting harvest and PSC limits in the GOA groundfish fisheries to

accomplish the goals and objectives of the GOA FMP and the Magnuson-Stevens Act. This final rule sets clear limits for the GOA groundfish fisheries through the specification of OFL, ABC, and TAC for each stock and stock complex. See the responses to comments 1 and 2 for more information.

*Comment 4:* The TACs should be set at the most conservative and precautionary level at the lower limit of the OY of 116,000 mt. The current process does not account for uncertainty that faces the ecosystem and fisheries.

*Response:* The groundfish harvest specifications process and resulting TACs incorporates available information on the status of the ecosystems, accounts for uncertainty and risk, and is precautionary, and for these reasons NMFS does not agree that TACs should be set any lower than the current sum (which is within the mid-range of the OY).

The FMP and implementing regulations direct that the sum of the TACs for the GOA "must be within the OY range specified" in regulation (§ 679.20(a)(1)(i)(B) and (a)(2)). The sum of the TACs for 2026 is 470,482 mt and for 2027 is 465,697 mt, and both sums are within the OY range specified in regulation (116,000 to 800,000 mt). This OY, which was previously recommended by the Council and approved by NMFS, is set forth in the FMP and in regulation. NMFS has therefore determined that, in any given year, setting the TACs to fall within the OY range is consistent with the Magnuson-Stevens Act and provides the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems and relevant economic, social, or ecological factors (§ 600.310(e)(3)).

NMFS does not agree that TACs should be set any lower than the current sum (which is within the mid-range of the OY). These TACs, as explained below, account for the current status of fish stocks and the GOA ecosystem, while also accounting for current uncertainties and socioeconomic considerations across the fisheries and communities of the GOA.

The harvest specifications process is a robust process that involves significant scientific review and input and uses the best scientific information available when applying the harvest strategy to establish annual harvest specifications. Scientists from the AFSC prepare the stock assessments using sophisticated statistical analyses of fish populations. The assessments for the GOA are informed by the survey and harvest data

available, including biennial surveys in the GOA. The stock assessments undergo rigorous review, during public meetings, by the scientists and resource managers on the Plan Team and SSC. The Plan Team first reviews the stock assessments and recommends OFLs and ABCs for each stock or stock complex for specified management areas. The SSC then reviews the assessments and recommends OFLs and ABCs, which provide the foundation for the Council to recommend and NMFS to implement the TAC for each stock and stock complex. The status of fish stocks in the GOA is reviewed in each stock assessment, the status of the GOA ecosystem is compiled in ESR and other reports that are expressly considered throughout the process, and the status of fisheries and fishing communities are also compiled in several reports and presented at the various meetings and during the public comment period.

Precautions that account for uncertainties and risk are embedded throughout the harvest strategy and annual stock assessment process for specifying OFLs, ABCs, and TACs for GOA groundfish stocks. First, OFL and ABC are calculated using prescribed methods set forth in the FMP. These methods become more precautionary depending on the tier level and stock status. For example, with less reliable information, the larger the buffer (reduction) between OFL and ABC, and as stock status declines, the OFL and ABC are reduced. Calculating OFLs and ABCs using this tier system accounts for uncertainties as it is based on the level of reliable information about the stock and is adaptive based on stock status. Precaution built into the specification of OFL and ABC also influences TAC because TAC cannot exceed ABC, and ABC cannot exceed OFL. Second, risk tables are a tool prepared for Alaska groundfish stocks to specifically address uncertainty across four categories of considerations: (1) assessment-related; (2) population dynamics; (3) environmental/ecosystem; and (4) fishery performance. The risk tables inform Plan Team and SSC OFL and ABC recommendations by signaling the status (*i.e.*, level of concern) of these four considerations for each assessed stock and stock complex. This means that a reduction can occur for the maximum recommended ABC as specified by the stock assessment model or as recommended by the author. Risk tables are most informative for the specification of ABC by accounting for additional scientific information and uncertainty that is not captured in the modeling. This approach is consistent

with the FMP and National Standard 1 guidelines that ABC accounts for scientific uncertainty in the estimate of OFL and “any other scientific uncertainty” (FMP section 3.2.3.3.1; § 600.310(f)(1)(ii)). Because TAC cannot exceed ABC, reductions in ABC for scientific uncertainty based on the risk table result in additional precaution in the catch limits (*i.e.*, TACs) for groundfish of the GOA.

The specification of TACs also accounts for management uncertainty. As defined in the FMP and consistent with National Standard 1 guidelines, TAC is the annual catch target for a stock or stock complex, derived from the ABC by considering social and economic factors and management uncertainty (*i.e.*, uncertainty in the ability of managers to constrain catch so the ACL is not exceeded, and uncertainty in quantifying the true catch amount) (FMP section 3.2.1; § 600.310(f) and (g)(4)). The FMP and regulations further provide that TAC may be lower than the ABC if warranted on the basis of bycatch considerations, management uncertainty, or socioeconomic considerations (FMP section 3.2.3.4.1; § 679.20(a)(3)). TACs in the GOA have been reduced to account for other socioeconomic considerations, specifically to reduce the amount of discards, to accommodate ICAs in other fisheries, or to allow for increased harvest opportunities for some target species while conserving the halibut PSC limit for use in other, more fully utilized fisheries.

Any additional uncertainty in this year’s process was addressed by the SSC in December 2025 and summarized in the SSC report. At its December 2025 meeting during which the SSC recommended final 2026 and 2027 OFLs and ABCs, the SSC recognized that due to the disruption in the completion of new assessments in 2025 there is increased uncertainty and elevated risk for all stocks. In implementing what the SSC called a “structured process” for developing its OFL and ABC recommendations in light of this increased uncertainty and risk, the SSC used as a starting point the proposed OFLs and ABCs for 2026 that were recommended by the SSC in October 2025. These are the final OFLs and ABCs for 2026 that were reviewed in the 2024 cycle and are based on the 2024 SAFE report. Under the SSC’s framework, the SSC then evaluated whether any stocks should be considered for potential changes to those proposed specifications and whether individual stocks warranted consideration of additional conservation. The SSC determined that

the framework established criteria for considering whether the proposed specifications, which were based on the most recent fully peer reviewed SAFE reports, remain the best available scientific advice.

The SSC’s stock-specific deliberations focused on whether additional uncertainty and risk were sufficient to warrant reductions in ABC (which, as explained above, influences TAC as TAC cannot exceed ABC). SSC discussions highlighted the need to explicitly consider the increase in uncertainty as stock trends and reference points are projected forward over multiple years but noted that an approach for quantifying increased uncertainty could not be developed in the current timeframe. Ultimately, SSC used the established qualitative risk table framework for consistency across years in order to inform whether reductions in ABC were warranted on the basis of the best information available during this year’s specifications process. The SSC also explained that the specifications process is based on the tier system, precautionary harvest control rules, and assessment frequencies that reflect different life history dynamics and are periodically reviewed and adjusted. In sum, the SSC recognized the potential for increased uncertainty and risk in developing the 2026 and 2027 OFLs and ABCs. Any additional uncertainty and risk was expressly assessed by the SSC for each stock through the evaluation of the risk tables, which are an established method for assessing additional scientific information and uncertainty that are not captured in the modeling for calculating ABC.

The SSC’s December 2025 report is available at: <https://meetings.npfmc.org/CommentReview/DownloadFile?p=74322a78-4de1-451c-a10f-13b11286f8b9.pdf&fileName=Draft%20SSC%20Report%20Dec%202025.pdf>.

*Comment 5:* The PSC limits should be set at the most conservative and precautionary level for the GOA. The information used to set the PSC limits is stale and outdated.

*Response:* The harvest specifications set PSC limits based on pre-existing frameworks set out in the regulations. In these final harvest specifications, NMFS implements PSC limits consistent with the requirements of the regulations for setting PSC limits.

Halibut PSC limits are established in regulations at § 679.21(d) such that there is no updated information needed for fixed limits already established in regulation, with the exception discussed in the next paragraph. Modification to

the halibut PSC limits set in regulations is outside of the scope of this action.

For apportioning the “other hook-and-line fishery” halibut PSC limit between CVs and CPs, NMFS has used the most recent information available, the 2025 Pacific cod stock assessment. Section 679.21(d)(2)(iii) requires that the “other hook-and-line fishery” halibut PSC limit apportionment to vessels using hook-and-line gear must be apportioned between CVs and CPs based on the Western GOA and Central GOA Pacific cod allocations, which vary annually based on the proportion of the Pacific cod biomass between the Western GOA, Central GOA, and Eastern GOA. The updated Pacific cod stock assessment describes this distributional calculation, which apportions ABC among GOA regulatory areas on the basis of the three most recent stock surveys. NMFS therefore implements this apportionment based on the most recent information available and consistent with the regulations for setting halibut PSC limits.

NMFS specifies the seasonal apportionments of the halibut PSC limits in the annual groundfish harvest specifications based on the following factors: (1) seasonal distribution of halibut; (2) seasonal distribution of target groundfish species relative to halibut distribution; (3) expected halibut bycatch needs, on a seasonal basis, relative to changes in halibut biomass and expected catches of target groundfish species; (4) expected variations in bycatch rates throughout the fishing year; (5) expected changes in directed groundfish fishing seasons; (6) expected start of fishing effort; and (7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry (§ 679.21(d)(4)(ii)).

Per § 679.21(d)(1)(iii), NMFS will consider public comment on the proposed halibut PSC apportionments and after consulting with the Council, will publish in the final specifications the final halibut PSC apportionments. The Council did not recommend any modifications to the halibut PSC seasonal apportionments. There were no exceedances for any gear types or any seasonal apportionments for any halibut PSC category in 2025. In October 2025, the Council recommended and NMFS proposed halibut PSC apportionments. NMFS is implementing the final halibut PSC seasonal apportionments in this final rule as recommended by the Council in December 2025.

Chinook salmon PSC limits are established in regulations at § 679.21(h) for pollock and non-pollock trawl sectors. Sector limits for the directed

pollock trawl fishery are fixed. Sector limits for the non-pollock trawl groundfish fisheries are also fixed, but the limit for two sectors may be increased in subsequent years based on the performance of these two sectors and their ability to minimize their use of their respective Chinook salmon PSC limits during the fishing year. In 2025, there were no Chinook salmon sector limits exceeded, so the limits will remain the same for 2026. Modifying any salmon PSC limit set in regulations is outside the scope of this action.

National Standard 9 directs that conservation and management measures shall, to the extent practicable, minimize bycatch, and, if bycatch cannot be avoided, minimize mortality of bycatch (16 U.S.C. 1851(a)(9)). NMFS develops and implements FMP amendments and regulations for new bycatch reduction measures, including PSC limits, based on the recommendations made by the Council. Each of these actions establishing a PSC limit considered and balanced all the National Standards, including the direction to minimize bycatch and bycatch mortality, including PSC, to the extent practicable. Specifying PSC limits in the annual harvest specifications consistent with the existing PSC regulations is therefore consistent with National Standard 9. NMFS and the Council are committed to continued improvements in bycatch management; however, changes to PSC limits and bycatch management are outside the scope of this final rule to implement the 2026 and 2027 groundfish harvest specifications for the GOA.

*Comment 6:* The harvest specifications are in violation of the Council’s peer review process, SSC guidelines, and National Standard 2 because there was no 2025 SAFE report and no recommendations from the Plan Teams. The 2024 SAFE is stale and outdated.

*Response:* NMFS is required to implement harvest specifications consistent with the Magnuson-Stevens Act, implementing regulations, and the FMP. NMFS has determined the final harvest specifications are consistent with the Magnuson-Stevens Act, including National Standard 2, implementing regulations, and the FMP, and align with other guidelines like the SSC Handbook.

The Magnuson-Stevens Act requires that conservation and management measures be based on the best scientific information available (16 U.S.C. 1851(a)(1)) and that the SSC provide scientific advice for fishery management decisions, including recommendations

for ABCs, preventing overfishing, and reporting on stock status and health (16 U.S.C. 1852(g)(1)(B)). Regulations implementing the FMP require NMFS to publish proposed specifications after consultation with the Council and provide an opportunity for public comment before finalizing specifications (§ 679.20(c)).

Under the FMP, the Council develops harvest specification recommendations for NMFS’s consideration based on: (1) recommendations and supporting information from the Groundfish Plan Teams and SSC; (2) information from the AP and the public; and (3) other relevant information. The SAFE report that informs harvest specifications is reviewed by the Groundfish Plan Teams, SSC, AP, and Council. The FMP and SSC Handbook specify that SSC review constitutes the official scientific review under the Information Quality Act and that SAFE reports accepted by the SSC constitute the best scientific information available for purposes of the Magnuson-Stevens Act (FMP section 3.2.3.1.2). The SSC Handbook also indicates that the SSC recommends OFLs and ABCs after reviewing the stock assessment and the report of the Plan Team that reviewed the stock assessment. The SSC Handbook is available at: <https://files.npfmc.org/membership/SSC/SSChandbook.pdf>.

NMFS acknowledges there was a disruption in the completion of the stock assessments that were scheduled for update in 2025, and the November 2025 Plan Team meetings were canceled (since there were no updated stock assessments to review at that time). However, this disruption does not render the final harvest specifications inconsistent with the Magnuson-Stevens Act, implementing regulations, or the FMP.

The 2026 and 2027 OFLs and ABCs are unchanged from specifications previously reviewed by the Plan Team and SSC, with two exceptions as explained below. The OFLs and ABCs recommended in 2025 were based on the 2024 SAFE report, which underwent full review by the Plan Team and SSC in 2024 and informed the final 2025 and 2026 harvest specifications. The same OFLs and ABCs were subsequently reviewed again by the Plan Team in October 2025 and by the SSC in October 2025 for the proposed specifications using the 2024 SAFE report, the same as in prior years. This year, the same OFLs and ABCs were then reviewed again by the SSC in December 2025 using the 2024 SAFE report and additional information including prior SAFE reports, GOA catch reports for 2024 and 2025, 2025 survey information (GOA

bottom-trawl survey and GOA relative population number longline survey), and preliminary ESR and ESPs from October 2025.

The two exceptions to the harvest specifications without 2025 updates are Pacific cod and the deep-water flatfish stock complex. In December 2025, the Council requested that NMFS update the Pacific cod stock assessment. That assessment was updated and reviewed by the Plan Team in January 2026 and by the SSC and Council in February 2026. The SSC recommended updated OFLs and ABCs, and the Council recommended updated TACs. An abbreviated GOA ESR and an updated ESP for Pacific cod were also prepared and reviewed. For deep-water flatfish, a harvest projection scheduled for 2025 was completed and reviewed by the Plan Team in September 2025 and by the SSC in October 2025, consistent with established procedures for review of harvest projections and the SSC's role as the official scientific review body.

Even with the disruptions in 2025, this review by the Plan Team and SSC for all GOA groundfish stocks remains consistent with the FMP and aligns with the SSC Handbook. The SSC further fulfilled its statutory role by recommending ABCs and OFLs to prevent overfishing and by reviewing stock status and health. Although NMFS was unable to update all of the stock assessments scheduled for updates in 2025, the 2026 and 2027 harvest specifications are based on the best scientific information available. This includes: (1) the 2024 SAFE report and its accompanying ESR; (2) the 2025 Pacific cod stock assessment, ESP, and abbreviated GOA ESR; (3) the 2025 deep-water flatfish harvest projection; (4) prior SAFE reports; (5) 2024 and 2025 catch reports; (6) survey indices from 2025 AFSC surveys; (7) biomass and survey trend summaries; and (8) preliminary ESRs and ESPs where available. The information accepted by the SSC constitutes the best scientific information available for purposes of the Magnuson-Stevens Act. The annual harvest specification process this year therefore relies on the best scientific information available, including peer-reviewed stock assessments by the Plan Team and the SSC (16 U.S.C. 1851(a)(2); § 600.315).

The Council has recommended proposed and then final TACs. The Plan Team, SSC, AP, and Council meetings are open to the public both virtually and in person and provide an opportunity for public comment. The SAFE reports are available online (see **ADDRESSES**). In addition, NMFS published the proposed rule for the 2026 and 2027 harvest

specifications on December 16, 2025, and public comment was invited through January 5, 2026 (90 FR 58185). Development of the harvest specifications was fully transparent, with multiple opportunities for public review and comment at the Plan Team, SSC, AP, and Council meetings and through the public comment period announced in the **Federal Register**.

NMFS is now implementing these final harvest specifications after consultation with the Council and consideration of public comments received on the proposed specifications. This is consistent with the requirements of the Magnuson-Stevens Act and implementing regulations and with the process described in the FMP.

#### **Changes to the Final Rule**

NMFS undertook a thorough review of the relevant comments received during the public comment period. For reasons described in the preceding section, no changes to the final rule were made in response to any of the comments received. This year, there are limited changes to TACs between the proposed and final specifications because, with two exceptions, no updated stock assessments could be prepared due to a disruption in the completion of the stock assessments that were scheduled to be updated in 2025. The final TACs are different than the proposed TACs for Pacific cod and deep-water flatfish based on updated information prepared and reviewed in 2025 and 2026. The final 2026 and 2027 Pacific cod TACs are higher based on the 2025 Pacific cod stock assessment that was reviewed by the Plan Team and SSC in January 2026 and February 2026 and revised Council recommendations for TAC in February 2026. The final 2026 deep-water flatfish stock complex TAC is higher based on the harvest projection reviewed by the Plan Team in September 2025 and the SSC in October 2025. In addition, the final 2026 and 2027 octopus TACs are lower than the proposed TACs to account for the State GHs. These changes are compared in table A and the section Changes in TACs from the Proposed 2026 and 2027 Harvest Specifications in the GOA. The final TACs, including the limited changes to TACs between the proposed and final harvest specifications, are based on the most recent scientific, biological, ecosystem, harvest, and socioeconomic information and are consistent with the FMP, regulatory obligations, and the harvest strategy from the Final EIS and ROD.

#### **Classification**

NMFS is issuing this final rule pursuant to section 305(d) of the Magnuson-Stevens Act. Through previous actions, the FMP and regulations are designed to authorize NMFS to take this action pursuant to section 305(d) (see 50 CFR parts 679 and 680). The NMFS Assistant Administrator has determined that the final harvest specifications are consistent with the FMP, the Magnuson-Stevens Act, and other applicable law.

#### **Executive Order (E.O.) 13175**

This action will not have a substantial direct effect on one or more Alaska Native Tribes, on the relationship between the Federal Government and Alaska Native Tribes, or on the distribution of power and responsibilities between the Federal Government and Alaska Native 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) is not required and has not been prepared. No formal consultations were requested or held on the GOA harvest specifications.

#### **Administrative Procedure Act**

Pursuant to 5 U.S.C. 553(d)(1) and (d)(3), the 30-day delay in effective date requirement does not apply to this rule because: (1) implementing this rule at 1200 hours A.l.t. on March 17, 2026 will relieve a restriction on fishery participants; and (2) NMFS finds there is good cause for the measures to take effect at 1200 hours A.l.t. on March 17, 2026. The Plan Team and the SSC recommended the OFL and ABC for each stock and stock complex based on the 2024 SAFE report, the 2025 harvest projection for deep-water flatfish, and the 2025 Pacific cod stock assessment. The Council recommended TACs set less than or equal to the ABC for each stock or stock complex in December 2025 and February 2026. Accordingly, NMFS's review of the final 2026 and 2027 harvest specifications could not begin until after NMFS's consultation with the Council and after the public had time to comment on the proposed rule.

The 2026 harvest specifications expire on March 17, 2026. This action is necessary to timely establish harvest specifications for the remainder of the 2026 fishing year and for the start of the 2027 fishing year. If these final specifications are not effective by March 17, 2026, then the GOA groundfish

fisheries will be closed until new harvest specifications are published and effective. Any delay in effectiveness would cause a lapse in fishing and substantial harm to the fishing industry, including vessel owners, captain and crew, processing facilities, and fishing communities. Therefore, the 30-day delay is not required pursuant to 5 U.S.C. 553(d)(1).

Additionally, the 30-day delay requirement is not required for this rule because there is good cause pursuant to 5 U.S.C. 553(d)(3). If these final harvest specifications are not effective by the start of the 2026 Pacific halibut season as specified by the IPHC, the fixed gear sablefish fishery will not begin concurrently with the Pacific halibut IFQ season. NMFS implements a fixed gear sablefish TAC for 1 year in alignment with the Council's recommendation, and no TAC was specified for 2026 in the final 2025 and 2026 harvest specifications. The fixed gear sablefish fishery cannot open until a 2026 TAC is specified through the publication of the final 2026 and 2027 harvest specifications. If the sablefish IFQ fishery does not open concurrently with the halibut IFQ fishery, it would result in confusion for the industry and economic harm from unnecessary discard of sablefish that are caught along with Pacific halibut, as both fixed gear sablefish and Pacific halibut are managed under the same IFQ program. This action is necessary to allow the sablefish IFQ fishery to begin concurrently with the Pacific halibut IFQ season.

Making this rule effective at 1200 hours A.l.t. on March 17, 2026 provides the fishing industry with the earliest possible opportunity to plan and conduct its fishing operations with respect to TACs. Changes from the proposed to final 2026 and 2027 TACs in the GOA as discussed in the preamble of this action include an increase in the final 2026 and 2027 GOA Pacific cod TACs and the final 2026 GOA deep-water flatfish TAC. The changes to TACs between the proposed and final harvest specifications are based on the most recent scientific, biological, and socioeconomic information and are consistent with the FMP, regulatory obligations, and the harvest strategy from the Final EIS and ROD as described in the proposed and final harvest specifications. Therefore, in accordance with 5 U.S.C. 553(d)(3), NMFS has demonstrated good cause and the 30-day delay requirement does not apply to this rule and the specifications can take effect on effect at 1200 hours A.l.t. on March 17, 2026.

#### **Executive Orders (E.O.s) 12866 and 14192**

This action is exempt from review under E.O. 12866 because it only implements annual catch limits in the GOA. This action is exempt from E.O. 14192 because it is exempt from review under E.O. 12866.

#### **National Environmental Policy Act**

NMFS prepared a Final EIS for the Alaska groundfish harvest specifications and alternative harvest strategies (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the ROD for the Final EIS identifying the selected alternative (alternative 2). NMFS prepared a SIR for this action to address the need to prepare a Supplemental EIS (SEIS). Copies of the Final EIS, ROD, and annual SIRs (including the 2026 SIR for this action) are available from NMFS (see **ADDRESSES**). The Final EIS analyzes the environmental, social, and economic consequences of alternative harvest strategies on resource components in the action area. Based on the analysis in the Final EIS, NMFS concluded that the preferred alternative harvest strategy (alternative 2) provides the best balance among relevant environmental, social, and economic considerations and allows for continued management of the groundfish fisheries based on the most recent, best scientific information. Specifically, alternative 2: (1) prevents overfishing because it is consistent with the ABCs for the target species recommended on the basis of the best scientific information; (2) sets TACs that fall within the BSAI OY range, which is set to reflect ecosystem constraints; (3) works within a broad range of existing and evolving fishery management measures meant to balance harvest for fishing and processing industries and communities and environmental harm and ecosystem impacts, while also facilitating continued harvests of BSAI groundfish; and (4) allows for management of target species within harvest limits that are based on the best scientific information available, including ecosystem information.

The preferred alternative is a harvest strategy in which TACs are set at a level within the range of ABCs recommended through the harvest specifications process. The sum of the TACs also must achieve the OY specified in the FMP and regulations. While the specific numbers that the harvest strategy produces may vary from year to year, the methodology used for the preferred harvest strategy remains constant.

NMFS prepared the 2026 SIR to evaluate whether to prepare a SEIS for the 2026 and 2027 groundfish harvest specifications. A SEIS should be prepared if a major Federal action remains to occur and: (1) the agency makes substantial changes to the proposed action that are relevant to environmental concerns; or (2) there are substantial new circumstances or information about the significance of adverse effects that bear on the analysis. After reviewing the most recent, best available information, including the information contained in the SIR, SAFE report, and other updated assessments and reports, the Regional Administrator has determined that: (1) the 2026 and 2027 harvest specifications, which were set according to the preferred alternative harvest strategy, do not constitute a substantial change in the action; and (2) there are no substantial new circumstances or information about the significance of adverse effects that bear on the analysis in the Final EIS. Any new information and circumstances do not present a seriously different picture of the likely environmental harms of the action to occur (*i.e.*, the implementation of these harvest specifications) beyond what was considered in the Final EIS such that the 2026 and 2027 harvest specifications will not affect the human environment in a significant manner or to a significant extent not considered in the Final EIS. The 2026 and 2027 harvest specifications will result in environmental, social, and economic impacts within the scope of those analyzed and disclosed in the Final EIS. Therefore, a SEIS is not necessary to implement the 2026 and 2027 harvest specifications.

#### **Final Regulatory Flexibility Analysis (FRFA)**

Section 604 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 604) requires that, when an agency promulgates a final rule under 5 U.S.C. 553, after being required by that section or any other law to publish a general notice of proposed rulemaking, the agency shall prepare a FRFA. The following constitutes the FRFA prepared for these final 2026 and 2027 harvest specifications.

Section 604 of the RFA describes the required contents of a FRFA: (1) a statement of the need for, and objectives of, the rule; (2) a statement of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis (IRFA), a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3)

the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments; (4) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available; (5) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and (6) a description of the steps the agency has taken 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 alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency that affect the impact on small entities was rejected.

A description of this action, its purpose, and its legal basis are contained at the beginning of the preamble to this final rule and are not repeated here.

NMFS published the proposed rule for 2026 and 2027 harvest specifications, apportionments, and halibut PSC limits for groundfish fisheries of the GOA on December 16, 2025 (90 FR 58185). NMFS prepared an IRFA to accompany the proposed action and included the IRFA in the proposed rule. The comment period closed on January 5, 2026. No comments were received on the IRFA or on the economic impacts of the rule. The Chief Counsel for Advocacy of the SBA did not file any comments on the proposed rule.

#### *Number and Description of Small Entities Regulated by This Rule*

The entities directly regulated by this action are: (1) entities operating vessels with groundfish Federal fishing permits (FFPs) catching GOA FMP groundfish in Federal waters (including those receiving direct allocations of groundfish); (2) all entities operating vessels, regardless of whether they hold groundfish FFPs, catching GOA FMP groundfish in the State-waters parallel fisheries; and (3) all entities operating vessels fishing for halibut that have incidental catch of GOA FMP groundfish (whether or not they have FFPs).

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (§ 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System (NAICS) code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual gross receipts not in excess of \$11 million for all its affiliated operations worldwide. NMFS formally reviewed this size standard determination in 2025 and subsequently issued a Notice of Determination. The review process was consistent with NMFS's small business size standards regulations, the SBA's review requirements under the Small Business Jobs Act of 2010, the SBA's regulations establishing size standards, and SBA's size standards methodology. The Notice of Determination confirmed the NMFS-established and codified single small business size standard of \$11 million in annual gross receipts for all businesses in the commercial fishing industry continues to reflect the size distribution of all businesses in the commercial fishing industry. This standard remains appropriate for continued use for RFA purposes only (90 FR 52917, November 24, 2025). Therefore, no revision of the standard is warranted at this time.

Using the most recent year of complete data (2024), there were 602 individual CV and CP entities with gross revenues less than or equal to \$11 million. This includes an estimated 601 small CV entities and one small CP entity in the GOA groundfish sector. The determination of entity size is based on vessel revenues and affiliated group revenues. This determination also includes an assessment of fisheries cooperative affiliations, although actual vessel ownership affiliations have not been completely established. However, the estimate of these 602 CVs and CPs may be an overstatement of the number of small entities because of the complexity of analyzing the links and affiliations across these vessels, particularly since many of them conduct operations in both Federal and State fisheries. The CVs had average gross revenues that varied by gear type. Average gross revenues for hook-and-line CVs, pot gear CVs, and trawl gear CVs are estimated to be \$460,000, \$920,000, and \$2,400,000 respectively. Average gross revenues for all CPs are confidential.

#### *Recordkeeping, Reporting, and Other Compliance Requirements and Relevant Federal Rules That May Duplicate, Overlap, or Conflict With This Rule*

This action does not impose recordkeeping and reporting requirements. This action sets TAC and PSC limits that NMFS utilizes for the management of the groundfish fisheries in the GOA. If a TAC limit or PSC limit has been or will be reached, NMFS can take action to prevent exceeding the specified limit. Entities operating in the GOA must follow any inseason actions that NMFS issues and comply with Federal regulations at 50 CFR part 679. The specific compliance requirements for entities operating in the GOA are set by regulations that are separate from this action. This action does not duplicate, overlap, or conflict with any Federal rules.

#### *Description of Significant Alternatives That Minimize Adverse Impacts on Small Entities*

This action implements the final 2026 and 2027 harvest specifications, apportionments, and halibut PSC limits for the groundfish fisheries of the GOA. This action is necessary to establish harvest limits for groundfish during the 2026 and 2027 fishing years and is taken in accordance with the FMP implemented by NMFS and recommended by the Council pursuant to the Magnuson-Stevens Act. The establishment of the final harvest specifications is governed by NMFS's harvest strategy designed in consultation with the Council for the catch of groundfish in the GOA. The harvest strategy was selected previously from among five alternatives as described in the Final EIS, with the preferred alternative harvest strategy being one in which the TACs fall within the range of ABCs recommended through the harvest specifications process. Under this preferred alternative harvest strategy, TACs are set to a level that falls within the range of ABCs recommended by the SSC and the sum of the TACs achieve the OY specified in the FMP and regulations. While the specific TAC numbers that the harvest strategy produces may vary from year to year, the methodology used for the preferred harvest strategy remains constant.

For most species, the OFLs and ABCs are based on recommendations prepared by the Plan Team and SSC in 2024 for final 2025 and 2026 OFLs and ABCs. For these species, the final OFLs and ABCs for 2026 are unchanged from these previously reviewed 2025 and 2026 final amounts, and the 2027

amounts are set equal to 2026 amounts and will be superseded in the final 2027 and 2028 harvest specifications. These OFLs and ABCs were reviewed by the Plan Team in September 2025 and were reviewed and recommended by the SSC in October and December 2025. For deep-water flatfish, the final 2026 and 2027 OFLs and ABCs are based on a harvest projection that was reviewed by the Plan Team in September 2025 and the SSC in October 2025. For Pacific cod, the final 2026 and 2027 OFLs and ABCs are based on an updated stock assessment that was reviewed by the Plan Team in January 2026 and the SSC in February 2026.

The final 2026 and 2027 TACs associated with preferred harvest strategy are those recommended by the Council in December 2025 and February 2026. The Council based its TAC recommendations on those of its AP, and those recommendations are consistent with the SSC's OFL and ABC recommendations. The sum of all TACs remains within the OY for the GOA consistent with § 679.20(a)(1)(i)(B).

The final 2026 and 2027 OFLs and ABCs are based on the best available biological information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods to calculate stock biomass. The final 2026 and 2027 TACs are based on the best available biological and socioeconomic information. The final 2026 and 2027 OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks, as well as the ecosystem and socioeconomic information, presented in the 2024 SAFE report (including the 2024 GOA ESR and any ESPs), the abbreviated updated 2025 GOA ESR, the 2025 harvest projection of the deep-water flatfish stock complex, and the 2025 Pacific cod stock assessment and ESP. Accounting for the most recent information to set the final OFLs, ABCs, and TACs is consistent with the objectives for this action, as well as National Standard 2 of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(2); 50 CFR 600.315) that actions shall be based on the best scientific information available. The SAFE report also includes information on the economic condition of the groundfish fisheries off Alaska through the Economic SAFE report. Data are available through 2024.

Under this action, the final ABCs reflect harvest amounts that are less than the specified OFLs. The final TACs are within the range of final ABCs recommended by the SSC and do not exceed the biological limits recommended by the SSC (the ABCs

and OFLs). Specifying TACs that do not exceed ABCs and ABCs that do not exceed OFLs is consistent with the objectives for this action, the FMP, and National Standard 1 of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(1)) and implementing regulations (50 CFR 600.310). For most species and species groups in the GOA, NMFS implements through this final rule, in alignment with recommendations from the Council, TACs equal to ABCs, which is intended to maximize harvest opportunities in the GOA, unless other conservation or management reasons support setting TAC amounts less than the ABCs.

In this final rule, NMFS implements TACs that are less than the ABCs in alignment with recommendations from the Council for the following species and species groups: pollock; Pacific cod; shallow-water flatfish in the Western GOA; arrowtooth flounder in the Western GOA; flathead sole in the Western GOA; other rockfish in the SEO District; Atka mackerel; and octopus. These reductions were reviewed and recommended by the Council's AP, and the Council in turn adopted the AP's recommendations for the final 2026 and 2027 TACs. Setting TACs equal to ABCs for some species may not result in increased harvest opportunities for those species. This is due to a variety of reasons. There may be a lack of commercial or market interest in some species. Additionally, there are fixed, and therefore constraining, PSC limits associated with the harvest of the GOA groundfish species that can lead to an underharvest of flatfish TACs. For this reason, the shallow-water flatfish, arrowtooth flounder, and flathead sole TACs in the Western GOA are set to allow for harvest opportunities for these target species while conserving the halibut PSC limit for use in other fisheries, including other groundfish fisheries, or the halibut IFQ directed fishery. The other rockfish TAC in the SEO District is set to support incidental catch in other fisheries, and the Atka mackerel TAC is also set to accommodate incidental catch in other fisheries. Finally, the TACs for W/C/WYK pollock, GOA Pacific cod, and GOA octopus are set to account for the State's GHIs so that the ABCs are not exceeded.

Based upon the best available scientific data, and in consideration of the objectives of this action, there are no significant alternatives to the final rule that have the potential to accomplish the stated objectives of the Magnuson-Stevens Act and any other applicable statutes and that have the potential to minimize any significant adverse

economic impact of the final rule on small entities. This action is economically beneficial to entities operating in the GOA, including small entities. The action specifies TACs for commercially valuable species in the GOA and allows for the continued prosecution of the fishery, thereby creating the opportunity for fishery revenue. After public process, during which the Council and NMFS solicited input from stakeholders, the Council concluded and NMFS likewise determines that these final harvest specifications would best accomplish the stated objectives articulated in the preamble for this final rule and in applicable statutes and would minimize to the extent practicable adverse economic impacts on the universe of directly regulated small entities.

#### **Paperwork Reduction Act**

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

#### **Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA)**

A formal section 7 consultation under the ESA was completed for the GOA groundfish fisheries. In a biological opinion and conference opinion dated December 23, 2024, the NMFS Alaska Regional Administrator determined that the GOA groundfish fisheries are not likely to jeopardize the continued existence of any endangered or threatened species or species proposed for listing.

Adverse impacts on marine mammals resulting from fishing activities conducted under this action are discussed in the Final EIS. Through a separate action, NMFS has issued a valid MMPA section 101(a)(5)(E) permit for the incidental, but not intentional, take of ESA-listed species during commercial fishing operations for the GOA groundfish fishery identified as a Category II fishery that interacts with ESA-listed species (89 FR 50270, June 13, 2024).

#### **Small Entity Compliance Guide**

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.

The tables contained in this final rule are provided online and serve as the plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule's primary purpose is to announce the final 2026 and 2027 harvest specifications and prohibited species bycatch allowances for the groundfish fisheries of the GOA. This action is necessary to establish harvest limits and associated management measures for groundfish during the 2026 and 2027 fishing years and to accomplish the goals and objectives of the FMP. It is taken in accordance with the FMP, the Magnuson-Stevens Act, and regulations at 50 CFR parts 600, 679, and 680. This action affects all fishermen who participate in the GOA

fisheries. The specific OFL, ABC, TAC, and PSC amounts are provided in tables in this final rule to assist the reader. Affected fishery participants are advised to review this final rule, including its tables.

Information to assist small entities in complying with this final rule is provided online. The OFL, ABC, TAC, and PSC tables are individually available online at: <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-groundfish-harvest-specifications>. Explanatory information on the relevant regulations supporting the harvest specifications is also found in footnotes to the tables. Harvest specification changes are also available from the same online source, which includes applicable **Federal Register** notices, information bulletins, and other supporting materials. NMFS will announce closures and openings of

directed fishing and other inseason adjustments in the **Federal Register** and information bulletins released by the Alaska Region. Affected fishery participants should keep themselves informed of such actions. Copies of the tables and/or this final rule are also available upon request.

**Authority:** 16 U.S.C. 773 *et seq.*; 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 3631 *et seq.*; Pub. L. 105-277; Pub. L. 106-31; Pub. L. 106-554; Pub. L. 108-199; Pub. L. 108-447; Pub. L. 109-241; Pub. L. 109-479.

Dated: March 6, 2026.

**Samuel D. Rauch III,**  
*Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.*

[FR Doc. 2026-04753 Filed 3-10-26; 8:45 am]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 91, No. 47

Wednesday, March 11, 2026

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

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 2, 51, 52, and 54

[NRC–2025–1501]

RIN 3150–AL58

#### Streamlining Contested Adjudications in Licensing Proceedings

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Public meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) plans to hold a virtual-only public meeting to discuss the proposed revisions to the agency's rules of practice and procedure to streamline contested adjudications in NRC licensing proceedings.

**DATES:** The NRC plans to hold the virtual-only public meeting on March 19, 2026, during the 30-day public comment period. See section II, Public Meeting, of this document for more information on the meeting.

**ADDRESSES:** Please refer to Docket ID NRC–2025–1501 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2025–1501. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: [Helen.Chang@nrc.gov](mailto:Helen.Chang@nrc.gov). For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room reference staff at 1–800–397–4209, at

301–415–4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Michael Spencer, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9115; email: [Michael.Spencer@nrc.gov](mailto:Michael.Spencer@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Background

On March 3, 2026, the NRC published a notice in the **Federal Register** for a 30-day public comment period (91 FR 10450). The proposed rule would revise the agency's rules of practice and procedure to streamline contested adjudications in NRC licensing proceedings in response to the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act) and Executive Order (E.O.) 14300, "Ordering the Reform of the Nuclear Regulatory Commission." The proposed changes to the contested hearing process would reduce burden, increase clarity, and promote efficiencies in line with the deadlines established in accordance with the ADVANCE Act and E.O. 14300. The public comment period for the proposed rule will close on April 2, 2026.

#### II. Public Meeting

The NRC staff will hold a virtual-only public meeting on March 19, 2026, from 1 p.m. to 3 p.m. ET, during the planned 30-day comment period to present the proposed rule. At that time, stakeholders will have an opportunity to ask questions and seek clarification from the NRC staff. Please note that this public meeting is not an avenue for submitting comments on the proposed rule. The proposed rule (91 FR 10450) includes instructions on how to submit comments.

Interested stakeholders may attend via telephone or online seminar. The public meeting will include a presentation of the contents of the proposed rule; and

an opportunity for government agencies, organizations, and individuals to ask questions. No comments on the proposed rule will be accepted during the meeting.

Persons interested in attending this meeting should monitor the NRC's Public Meeting Schedule web page at <https://www.nrc.gov/pmns/mtg> for additional information, agendas for the meeting, and access information for the meeting.

If special equipment or accommodations are needed to attend or present information at a public meeting, please contact Dennis Andrukat, telephone: 301–415–3561, email: [Dennis.Andrukat@nrc.gov](mailto:Dennis.Andrukat@nrc.gov).

For the Nuclear Regulatory Commission.

Dated: March 9, 2026.

**Jennifer Scro,**

*Acting Assistant General Counsel for Rulemaking, Agreement States, and Fee Policy, Office of the General Counsel.*

[FR Doc. 2026–04763 Filed 3–10–26; 8:45 am]

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## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR Parts 703 and 749

RIN 3133–AF61

#### Records Preservation Program and Appendices—Record Retention Guidelines; Catastrophic Act Preparedness Guidelines

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Proposed rule.

**SUMMARY:** On April 24, 2024, the NCUA Board (Board) published an advance notice of proposed rulemaking (ANPR) to solicit comments on ways the agency can improve and update its vital records preservation program regulation and accompanying guidelines. Based on public comments received in response to the ANPR and upon further consideration of the issues involved, the Board is publishing this proposed rule to simplify and streamline part 749. The Board is proposing to update part 749 by clarifying the purpose of the regulation, updating the definitions, and removing the appendices.

**DATES:** Comments must be received on or before May 11, 2026.

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

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for Docket Number NCUA–2025–0045.

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

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

*Public Inspection:* All public comments are available on the Federal eRulemaking Portal at <https://www.regulations.gov> as submitted, except when impossible for technical reasons. Public comments will not be edited to remove any identifying or contact information. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing [OGCMail@ncua.gov](mailto:OGCMail@ncua.gov).

**FOR FURTHER INFORMATION CONTACT:**

*Office of General Counsel:* Gira Bose, Senior Staff Attorney, Office of General Counsel, at (703) 518–6540 or at 1775 Duke Street, Alexandria, VA 22314.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

*A. Background*

The NCUA’s first vital records preservation program rule was promulgated in 1972 with the purpose of ensuring “off-site storage for duplicate vital records which will be used for reconstruction purposes in the event of a catastrophe.”<sup>1</sup> The purpose of the rule is to ensure that federally insured credit unions (FICUs or credit unions) can continue providing vital member services if their records are destroyed as a result of a catastrophic event. This purpose was reiterated when the agency revised the rule between 1980 and 1981 because, “[w]hen catastrophic acts occur, such as the Johnstown flood, Hurricane Agnes, or the Mount St. Helens volcano, credit union records can be destroyed. When members may most need funds, the credit union can be completely without records. A records preservation program is the only way to assure that back-up records are available when needed.”<sup>2</sup>

Part 749 was further amended in 2007 to build in lessons learned from Hurricane Katrina and Hurricane Rita. At that time, the Board concluded that

“NCUA’s review of events in the hurricanes’ aftermath demonstrates the need for advance planning and preparation in successfully responding to a catastrophic act.”<sup>3</sup> Specifically, “challenges such as providing members with access to funds and account information, loss of, or lack of, access to facilities, and locating and communicating with staff were some of the immediate issues credit unions faced.”<sup>4</sup> The preamble to the proposed rule recounted the many ways in which the NCUA, credit unions, trade organizations, and service providers assisted impacted credit unions by helping to restore share and loan data where necessary, making staff available, operating a call center, and assisting with equipment needs.<sup>5</sup> Drawing on those experiences, the Board determined that the FICUs that had identified critical functions for the retrieval of vital records were better able to address unforeseen difficulties and restore vital member services.<sup>6</sup>

Part 749 continues to serve an important purpose. However, it has not been updated since 2007, and Appendix A, which was promulgated in 2001, has never been updated. Appendix A was added to part 749 to provide guidance, which the Board determined was needed in light of the frequency of requests for assistance from credit unions.<sup>7</sup> The 2001 proposed rule received 11 comment letters, all of which expressed general support for the proposal. Five of these comment letters expressed approval specifically for the addition of Appendix A.<sup>8</sup> While some commenters suggested various changes, in finalizing Appendix A the Board noted that “the record retention guidelines are merely recommendations and credit unions may adopt other retention periods for these or other types of records.”<sup>9</sup> In 2007, NCUA issued Appendix B—Catastrophic Act Preparedness Guidelines to facilitate the recovery of essential operations after a catastrophic act with the expectation that these guidelines would result in continued member confidence in the credit union system.<sup>10</sup> When Appendix B was initially proposed, most

<sup>3</sup> Records Preservation Program and Appendices—Record Retention Guidelines; Catastrophic Act Preparedness Guidelines, 72 FR 14251 (Mar. 27, 2007) (amending 12 CFR parts 748 and 749).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Records Preservation Program, 66 FR 11239 (Feb. 23, 2001) (amending 12 CFR 749).

<sup>8</sup> *Id.*

<sup>9</sup> Records Preservation Program, 66 FR 40578 (Aug. 3, 2001) (amending 12 CFR 749).

<sup>10</sup> 72 FR 42271 (Aug. 2, 2007).

commenters opposed it on the grounds that sufficient guidance already existed and that including it in the regulation would cause examiners and credit union staff to misconstrue the guidance as being enforceable like a regulation.<sup>11</sup>

In August 2017, the Board published and sought comment on the NCUA Regulatory Reform Task Force’s (Task Force) first report on implementing the agency’s regulatory reform agenda (Agenda).<sup>12</sup> The Agenda identified those regulations the Board intended to amend or repeal because they were outdated, ineffective, or excessively burdensome.<sup>13</sup> The Board published the Task Force’s second and final report in December 2018.<sup>14</sup> The final report contained the Task Force’s updated recommendations and a refined blueprint for implementing the Agenda. With regard to part 749, the Task Force suggested the Board “review this regulation to identify if any changes or improvements are needed” and recommended using an ANPR due to the complexity of the endeavor.<sup>15</sup> Over the next few years, the NCUA received feedback that part 749 is unnecessarily burdensome and unclear to credit unions. In 2024, the Board issued an ANPR on part 749, as detailed in Section II below.<sup>16</sup>

*B. Summary of Proposed Rule*

The Board is proposing to update part 749 by clarifying the purpose of the regulation, updating the definitions, and removing unnecessary references to recommendations and guidance. The main proposed change is to remove both Appendix A and Appendix B entirely. Appendix A was added to part 749 as “suggested guidelines” based on the frequency of requests for assistance from credit unions. However, many commenters to the ANPR stated that, in practice, Appendix A is followed as if it were a requirement; thus, Appendix A has become an obstacle to sound record retention practices and has resulted in credit unions retaining unused and obsolete records. In further reviewing Appendix A, the Board has determined that several Appendix A sections—specifically, sections A, B, and D—duplicate language in the regulatory text of part 749 and are more appropriately

<sup>11</sup> *Id.*

<sup>12</sup> Regulatory Reform Agenda, 82 FR 39702 (Aug. 22, 2017).

<sup>13</sup> *Id.*

<sup>14</sup> Regulatory Reform Agenda, 83 FR 65926 (Dec. 21, 2018).

<sup>15</sup> *Id.*

<sup>16</sup> Records Preservation Program and Appendices—Record Retention Guidelines; Catastrophic Act Preparedness Guidelines, 89 FR 31117 (Apr. 24, 2024).

<sup>1</sup> Records Preservation Program, 37 FR 19387 (Sept. 20, 1972) (establishing 12 CFR 749).

<sup>2</sup> Board Action Memorandum (Nov. 12, 1980).

addressed in the regulation. Section C of Appendix A, titled “What Procedures Should a Credit Union Follow When Destroying Records?,” is overly prescriptive on the procedures a credit union should use to destroy records. The Board proposes to eliminate this language on the basis that processes for records destruction are better left to the judgment of a credit union’s board of directors.

Section E of Appendix A in particular appears to be a significant source of confusion as FICUs attempt to balance the recommendation to maintain documents permanently with the need to reduce the burden of maintaining old documents indefinitely. Section E of Appendix A lists a number of documents for permanent retention that, while important to the founding of a credit union or to its operations, are not necessarily critical to the restoration of vital member services in the aftermath of a catastrophic event. Thus, while it is important for a FICU to retain the documents listed in Appendix A section (E)(1)—charter, bylaws, amendments, and certificates or licenses to operate under programs of various government agencies—part 749 may not be the best place for the NCUA to communicate this information. Furthermore, it should be reasonable for the Board and for a FICU’s membership to expect that a FICU’s leadership would retain these key foundational documents of its own volition.

For the key operational records listed in Appendix A section (E)(2), credit unions should determine how long to retain these documents based on their operations and any requirements of other laws or regulations, with the assistance of counsel if necessary. Removing this provision from part 749 does not mean the Board considers key operational documents to be unimportant, but rather a reflection of the fact that part 749 is focused on vital records that a credit union needs to restore vital member services. Part 749 does not preclude a credit union from classifying additional records to be vital as it determines necessary.

The Board is proposing to remove Appendix B because, upon reconsideration, it no longer believes that the benefit of having the guidance in proximity to the regulation outweighs the potential for misinterpretation. As guidance, Appendix B is for informational purposes only and is not a regulatory requirement for credit unions.

## II. Overview of the ANPR and Comments Received in Response

The purpose of the 2024 ANPR was to solicit comments on ways the agency can improve and update its vital records preservation program regulation and accompanying guidelines. The ANPR asked a series of questions focused on the definitions in part 749, current credit union records retention practices, the use of guidance in part 749, and any interplay between part 749 and other NCUA regulations.

The agency received 25 comments in response to the ANPR. Commenters were 17 credit unions, 5 state and regional credit union leagues, 1 national credit union trade association, 1 trade association for state credit union supervisors, and 1 individual member of the public who did not disclose a group affiliation.

The ANPR questions were grouped into four categories: part 749 definitions, records retention practices, additional guidance, and other NCUA regulations. The questions and responses are summarized below.

### Part 749 Definitions

(1) Does the definition of vital records in 12 CFR 749.1 contain all, and only those, records you would consider to be vital for credit unions?

Ten commenters stated that the definition of “vital records” in 12 CFR 749.1 is generally reasonable and appropriate. However, five of these commenters noted that it is only reasonable to retain these documents in the short term, *i.e.*, retain only the most recent and current versions of these documents. If the expectation is that credit unions should retain them permanently, it is unreasonable.

An additional three commenters noted confusion with the definition of vital records due to the lack of clarity surrounding the retention period for such records. By way of example, commenters noted that the types of records identified in § 749.1 were different than the types of records listed in Appendix A, and that the NCUA recommended the records in Appendix A be held permanently. Commenters suggested that the NCUA should clarify what it means by the terms *vital* and *permanent* because documents that may be vital for restoring member services in the event that a credit union’s records are destroyed would rarely, if ever, need to be maintained permanently.

One commenter noted that while it believes only the most recent versions of vital records are necessary to restore service and must be retained under the current language of § 749.1, an explicit

statement would help alleviate confusion between that provision and Appendix A.

(2) Are there additional types of documents not listed as a vital record that you think should be as they are critical for business operations and to properly serve members?

Six commenters stated that no additional documents needed to be added to the list of vital records, with one stating that a comprehensive list would be unwieldy. One commenter stated that the list excludes key foundational and key operational documents such as board of directors meeting minutes or board-approved policies. One commenter suggested that “loan and mortgage documents” should be included, and three commenters suggested that “contracts and agreements with vendors” should be included but that any retention periods should reflect the limited useful life of these documents. One commenter suggested including a list of current critical vendors and a list of all parties that have access to or store the personally identifiable information of the credit union’s members.

One commenter stated that while all the records listed in § 749.1 are vital, the language of the provision needs to be updated to reflect modern storage and retention practices. For example, lists of member accounts and loan balances are outdated because that information is now more often stored digitally with regular backups to the cloud, and other vital records are maintained by third-party data processors with agreements that guarantee record preservation and reproduction.

(3) Are there other industry standards or methodologies outside of part 749 that the agency should consider for preserving vital records, for defining what vital records are, and for determining minimum retention periods?

One commenter stated that the NCUA and credit unions are the best judges of what records are vital and the advice in Appendix A section (D) to consult counsel is sound. Two commenters stated that the NCUA should look at the statutes of limitations for financial crimes as a straightforward and helpful model for determining minimum retention periods. Two commenters suggested looking at Internal Revenue Service and legal lookback periods as guides, and two other commenters offered the Association of Records Managers and Administrators standards, the National Archives and Records Administration standards, and the

Records Information Management system as sources for records retention standards that are widely available and well understood.

(4) The primary focus of the records retention guidance in Appendix B relates specifically to catastrophic act preparedness. Are there any terms, definitions, or standards that the Board should consider updating in Appendix B?

Five commenters stated that Appendix B is sufficient. One commenter added that the Disaster Recovery Institute is an excellent resource should the NCUA want to consider the issue further. Another commenter added that while Appendix B is fine and should remain as guidance, the recommendation that credit unions review their plans annually is unnecessary and not feasible for many credit unions. The commenter suggested no less than once every three years as a more workable recommendation.

Three commenters did not see the need for Appendix B. Two stated that it appears to be repetitive of other guidance. Another commenter stated that Appendix B lacks detail and does not address record retention or retention periods or define the terms it uses.

(5) Are there any other changes to Appendix B that you would recommend?

One commenter suggested adding a recommendation that credit unions conduct regular testing of their plans as appropriate for their size. Five commenters had no suggested changes. Of these five, two stated that Appendix B is redundant considering the availability of other guidance, such as that of the Federal Financial Institutions Examination Council (FFIEC) and thus should be removed.

#### *Records Retention Practices*

(6) How long, and in what format, does your credit union store its vital records?

Thirteen commenters responded to this question. Most store the bulk of their records electronically, but some still use a physical format, particularly for older documents. One commenter is in the process of converting their records to digital format. The physical formats used include paper, microfilm, floppy disk, and microfiche. One commenter stated that the older vital records listed in Appendix A are kept permanently in their original form.

One commenter stated that, per its records retention schedule, most corporate and employee vital records are retained permanently, although

some have a 15- or 20-year retention period. This commenter generally keeps member vital records related to operations and lending for 5 to 10 years unless a different timeframe is required based on the life of a loan. Financial records are typically retained for 10 years, but reconciliations are retained permanently. Account records, insurance policies, and investment records are retained indefinitely until closed, sold, or matured.

(7) Does your credit union maintain and store any vital records in a physical format due to a regulatory requirement or supervisory expectation?

Nine commenters responded to this question. One stated that all documents are maintained electronically. Three stated that they maintain some vital records physically but did not provide a reason why. One commenter stated that some documents are kept in physical format at the information owner's request. Two stated that they maintain records in physical format because the cost to digitize them is prohibitive. One stated that they maintain vehicle titles in paper format because their state has not switched to electronic titles. This commenter also maintains contracts and some human resources documents in paper format.

(8) What impediments, including estimated costs, does your credit union encounter with storing vital records?

Fourteen commenters responded to this question. Four commenters stated explicitly that the recommendation in Appendix A (to keep certain key operational documents permanently) is a big source of frustration because it results in the retention of records that have no real use or benefit to the credit union or its members. One of these four commenters stated that if by *vital records* the agency means records needed to restore current business within a month or two, then the costs to the credit union are no more than the cost of doing business. But if *vital* implies that the records must be maintained permanently, then the commenter would incur significant expenses.

Another commenter stated that permanent records have a rapidly declining useful life where the security liabilities and storage costs outweigh the benefits. These costs include maintaining equipment to reconstruct old documents and legal and reputational costs in the event of a breach. Another noted that the cost of storage space and storage security is an ongoing challenge, and the long timelines for retention mean costly

format management and conversion, including retaining and maintaining obsolete technology.

Two commenters noted the high cost of converting documents to digital format and the increased risk of data theft—through digital or paper formats—when keeping documents permanently. Another noted they have an entire secure room filled with boxes of old documents, which is a waste of space and employee time. Four commenters noted the dollar costs of renting storage space, purchasing equipment, or converting to newer storage methods.

(9) What records do you deem vital for business operations that a credit union should be required to keep permanently for the purpose of restoring vital member services?

Fifteen commenters responded to this question and universally expressed the opinion that no document is needed to be kept permanently to restore vital member services. One commenter stated that it was chartered in 1948. This commenter noted that it saves some documents and photos from that period for archival and historical purposes but none of those would provide data that would be helpful in restoring vital member services today.

A common theme in the comments was the need for NCUA to reevaluate the definitions of *vital* and *permanent*. Three commenters noted that 10 to 15 years is long enough for maintaining accounting records. The types of documents that commenters suggested are permanent include board meeting minutes (not the packets/information that accompany the board meetings), supervisory committee minutes, charters, bylaws, and founding documents.

One commenter stated that the documents listed in §§ 749.1(a) through (d) are vital but should not be kept permanently. The documents listed in Appendix A, sections (E)(1)(a) and (b) and sections (E)(2)(a) through (c) are important to reference business decisions and financial results and should be kept permanently, but the records in Appendix A sections (E)(2)(d) through (j) become outdated and should not be kept permanently. The minimum retention periods should consider the business purpose of the record, protect consumer data, and align with retention periods established in other regulations.

Another commenter stated that it makes sense to permanently retain official records of the credit union as stated in Appendix A, such as its charter, bylaws, amendments, and certificates or licenses. In addition, the

NCUA should address any retention requirements for legal documents associated with mergers. However, other documents that NCUA recommends to be retained permanently are not appropriate to retain because permanent retention is challenging with no clear benefits, especially for those credit unions that have experienced mergers over the years. The commenter also noted that this over-retention practice is legally risky.

(10) Other than for records that must be kept permanently, are there specific timeframes you would recommend that other vital records be retained?

Thirteen commenters responded to this question. Six commenters stated that they would not recommend specific timeframes, with some stating that the NCUA should defer to credit unions on retention periods and others suggesting that the statute of limitations for financial crimes is a good guide, beyond which credit unions may be exposed to unnecessary litigation risk. One commenter stated that it had a list of timelines for various documents based on legal advice. For example, adverse action notices are kept for 24 months and checks are kept for 7 years. Two other commenters suggested retaining documents for 7 years after account or loan closure or transaction completion. Two commenters provided lists of suggested retention periods including, for example, 10 years for meeting minutes, 2 to 3 years for member statements, 5 years for audits and payment systems, and 5 years after the date of document submission to the requesting authority in the case of subpoenas.

(11) What are the pros and cons of storing vital records physically, electronically, or in other formats, such as cloud computing storage?

Fourteen commenters responded to this question and generally provided a range of overlapping pros and cons for any method of storage. Many suggested that, while there are pros and cons to any method, the credit union should be able to choose the storage method. The important considerations should be ease of access, reducing the number of records, minimizing costs, and increasing member security.

(12) Does your credit union rely on third-party vendors to accurately maintain vital records, and if so, what are some of the challenges that these arrangements present?

Of the eight commenters who responded to this question, only two stated that they do not rely on third-

party vendors. One commenter stated that it uses third-party vendors but did not note any challenges. The other commenters noted the following challenges: data access if a vendor goes out of business; timely retrieval when the data is not under one's immediate control and space; additional vendor costs; lack of providers who offer this service; planning for future, potentially increased costs; and greater security considerations.

One commenter stated that it is currently paying \$25,000 per year for third-party vendor storage, and the biggest challenges are ensuring the vendor maintains appropriate information security standards, disaster recovery plans, and security of their sites. Thus, drafting contracts with strong security provisions, along with ongoing monitoring and due diligence, is very important.

(13) How would you suggest the agency create a more effective framework for credit unions to preserve vital records?

Fourteen commenters responded to this question. One stated that the current framework is effective. Five commenters suggested removing the permanent retention recommendation in Appendix A. One commenter recommended focusing on clarifying the distinction between *vital* and *operational* records.

One commenter stated that "journal and cash record" and "banking reconciliations" are confusing terms and should be clarified. Another commenter stated that a credit union should not need to maintain a destruction log for a vital record whose retention period has expired. This commenter also noted that typically consumers do not request account records from their financial institution beyond a certain point after account closure, especially now that consumers have more direct access to their records through online and mobile banking platforms.

Two commenters stated that the NCUA should articulate an actual definition of *vital records* instead of providing a bulleted list. A third commenter suggested defining records by category (e.g., accounting, administration, cards, loans, checks, disclosures) rather than listing individual documents.

Two commenters suggested clearly differentiating between a regulation versus a best practice or recommendation, and another commenter suggested consolidating all records preservation requirements into one regulation.

(14) What are some challenges for smaller credit unions, defined as credit unions with total assets of \$100 million or less, in maintaining vital records, and what has worked?

Six commenters responded to this question. Most noted that smaller credit unions have less resources and limited space and data capabilities. One said it is getting difficult for smaller credit unions to permanently keep copies of member statements as recommended in Appendix A. The commenter noted that the credit union system is celebrating 90 years of the Federal Credit Union Act, and some credit unions may have 90 years' worth of account records with no benefit to permanent retention of these documents. One commenter stated that credit unions follow guidance as requirements and another stated that it is important for the NCUA to provide clear direction on its recovery expectations, such as delineating what a credit union must be able to retrieve or reproduce and over what duration, and what retention periods apply for vital records that do not have to be kept permanently.

(15) What additional support, training, or technical assistance could the NCUA provide, if any, to assist credit unions with both understanding and implementing records retention requirements?

Fifteen commenters responded to this question. One stated that no additional training is needed. Six commenters suggested providing pre-recorded webinars and trainings. Two stated that webinars with a question-and-answer component are particularly helpful. One commenter asked that the NCUA do annual or pre-recorded trainings to help with interpreting what is a regulation and what is a recommendation, and training on why the NCUA recommends retaining so many documents permanently.

One commenter suggested the NCUA create a detailed, standard retention schedule for use by all credit unions and informed by well-known records management organizations, such as Information Governance Professionals or the Institute of Certified Records Managers. This commenter also suggested the NCUA perform a comprehensive review of all documents with a view to reducing the permanent retention recommendation in Appendix A.

Another commenter stated that the NCUA should acknowledge the costs and challenges of moving from physical to electronic formats, provide guidance on managing and mitigating them, and

provide training and webinars on the difference between records necessary for operational recovery and those preserved for historical significance.

One commenter stated the NCUA needs to explain the purpose of the records retention program because, while it is helpful that the regulation lets credit unions form their own systems, the definitions of *vital* and *permanent* are too vague. The commenter asserted that it is unclear whether the purpose of part 749 is so credit unions can recreate enough information to carry on member services or so they can preserve the history of the credit union. This commenter suggested the NCUA go through the list of permanent records listed in Appendix A and contemplate the “why” behind suggesting that credit unions keep certain records permanently.

#### *Additional Guidance*

(16) What provisions of Appendix A or Appendix B do not align with the requirements of part 749, or are otherwise outdated or unclear examples of the types of records that should be retained? For records you consider outdated, please explain why.

Thirteen commenters responded to this question with eight reiterating the main point referenced throughout many comment letters that the NCUA remove the recommendation in Appendix A that credit unions retain certain documents permanently. Two commenters noted that while Appendix A is only guidance, as written it appears more as a requirement, which credit unions follow in the event examiners seek compliance.

One commenter stated that the Appendix A guidance on destruction of records is outdated because it does not consider automated processes for document destruction, which are more prevalent today. One commenter noted that referring to the appendices in § 749.0 while simultaneously saying the appendices are only guidance adds to the confusion.

(17) In terms of the content of any future guidance, what guidance would be helpful to better reflect the types of records that must be retained under part 749?

Eleven commenters responded to this question and, again, most focused on the need to revise Appendix A’s recommendation that some records be retained permanently and to ensure that each record has a purpose and value with a reasonable retention period.

(18) What guidance would be helpful for catastrophic act or other disaster preparedness?

Nine commenters responded to this question with four stating that Appendix B is sufficient and two stating that it is unnecessarily duplicative of business continuity plan guidance. Two commenters stated the NCUA should mimic the FFIEC guidance on Business Continuity Management. One commenter stated that Appendix B should include expectations or standards that third-party vendors need to maintain so that credit unions are better able to negotiate contracts with third parties.

(19) Is there confusion among stakeholders regarding the enforceability of regulation versus guidance concerning part 749? If so, what should be revised?

Thirteen commenters responded to this question. One commenter stated that the NCUA should be consistent in its approach to regulations versus guidance. This commenter noted that the regulation on derivatives contains a record retention provision that cites Appendix A as a requirement.<sup>17</sup> One commenter stated there is no confusion while 11 stated there is confusion primarily because examiners do not differentiate between guidance and enforceable regulation.

#### *Other NCUA Regulations*

(20) Are there other provisions in the NCUA’s regulations that contain record retention requirements that should be incorporated into part 749?

Nine commenters responded to this question. Three stated that there are no other provisions that need to be incorporated into part 749. Six commenters stated that the NCUA should be mindful of retention periods and requirements in other regulations and statutes and ensure that part 749 does not conflict.

### **III. Section-by-Section Analysis of the Proposed Rule**

The Board has considered the comments received in response to the ANPR and proposes to amend part 749 as follows:

#### *Heading of Part 749*

The Board proposes to add the term *vital* so that the heading of the part will read: Vital Records Preservation Program. This makes clear that the

<sup>17</sup> 12 CFR 703.105(d) (“Reports required by this section must, at a minimum, be retained in accordance with the requirements in Appendix A to part 749”).

scope of this part is limited to vital records.

#### *Section 749.0 Purpose and Scope*

This section lays out the purpose of part 749, which is for FICUs to maintain a written vital records preservation program to identify, store, and reconstruct vital records in the event that such records are destroyed. The proposed rule does not substantively change the purpose statement. The proposed changes streamline the section and add the term *vital* to further clarify the scope of part 749, which is vital records. Another proposed addition to this section is to make clear that part 749 does not supersede records preservation requirements that may apply to a credit union pursuant to other law or regulation. Finally, all references to the appendices are also being removed because the Board is proposing to remove both appendices A and B.

#### *Section 749.1 Definitions*

The current rule defines *vital member services* and *vital records* only through examples. The proposed rule provides definitions for these terms followed by the same examples that are in the current rule. Commenters generally did not take issue with the examples but did suggest that the agency draft definitions for these terms. One commenter suggested additional documents be added, such as “loan and mortgage documents.” The Board has determined not to add to the list of examples at this time and is, instead, incorporating a clarifying statement in § 749.1 that credit unions may classify additional records as vital and maintain older versions of any vital records as they determine necessary.

One commenter stated that lists of member accounts and their loan balances is an outdated example of a vital record because information is now more often stored digitally and records are also maintained by third-party service providers. The Board is retaining this example because current loan balances can reasonably be considered vital to members seeking access to their accounts. While the information contained in the record is considered vital, the proposed rule continues to provide credit unions with the flexibility to store such records in any format, including but not limited to digital storage methods.

The definition of *vital records center* in § 749.3 is moved to § 749.1 as it is more appropriately located with the other definitions used in this part.

### *Section 749.2 Vital Records Preservation Program*

This section sets forth a credit union's obligation to establish a vital records preservation program. The first change is to make clear that a records preservation log may be in electronic format. This information is being added for clarity. This is not a substantive change. Electronic storage of vital records is already permitted, and the rule does not mandate any particular format for records storage. The second proposed change to this section is to reference the legal implications of records destruction and to permit destruction of older versions of records unless required by other law or regulation.

The Board proposes to continue its longstanding practice of not prescribing specific retention periods for individual documents that would then apply to all credit unions. There are too many variables that can inform decisions about retention periods, including the application of various state and federal laws, industry best practices, statutes of limitations, and a credit union's unique operations and membership. Thus, credit unions should continue to make these judgments based on the many factors that inform such decisions. Some commenters to the ANPR shared their lists of document retention periods, further informing the Board's decision to provide flexibility and discretion for credit unions to craft their own retention periods.

### *Section 749.3 Vital Records Center*

This provision continues to require that a credit union maintain, or contract with a third party to maintain, any equipment or software necessary for the credit union to access its records from a vital records center. As noted above, the Board is proposing to move the definition of *vital records center* to § 749.1 with other definitions used in this part. The other proposed change to this section is to state clearly the NCUA's expectation that, if a credit union contracts with a third-party service provider to maintain its vital records, the credit union must maintain effective oversight of the third-party service provider to ensure the credit union meets its obligations under part 749. With this addition, the heading of this section is being amended to include an explicit reference to third-party service providers. Thus, the heading for this section now reads, "Vital records center and third-party service providers."

### *Section 749.4 Format for Vital Records Preservation*

The Board is not proposing any changes to this section.

### *Section 749.5 Format for Records Required by Other NCUA Regulations*

The Board is not proposing any changes to this section.

### *Appendix A to Part 749—Record Retention Guidelines*

The Board is proposing to eliminate Appendix A. Many of the provisions in the Appendix restate the requirements of part 749, and section (E) of Appendix A unnecessarily expands the scope of part 749 by going beyond vital records to discuss the retention of foundational and operational records. While these documents are important and credit unions should be thoughtful in their approach to managing them, they are beyond the scope of part 749. Furthermore, section (E)'s reference to retaining these records permanently has, as reflected in many comments to the ANPR, created much confusion and unnecessary burden.

While eliminating Appendix A, the Board proposes to retain some helpful concepts from Appendix A and move them into the regulatory text of part 749.

The reference in Appendix A section (D) to keeping records until the credit union's annual supervisory committee audit and the NCUA's examination have been completed, is now covered by proposed language in § 749.2(c) that older versions of vital records may be destroyed "unless required by other law or regulation." Appendix A's reference only to part 715 is unnecessarily limited and may create the erroneous impression that there are no other laws or regulations that may require credit unions to maintain more than just the latest version of a vital record. The proposed amendment to § 749.2(c) should clarify the Board's meaning that, unless required by other law or regulation, older versions of vital records may be destroyed once their current versions are stored.

Section A of Appendix A, titled "What Format Should the Credit Union Use for Retaining Records?," is already covered in § 749.4, which permits credit unions to determine the format for preserving their vital records. The reference to maintaining the necessary equipment or software to permit an examiner to review and reproduce stored records upon request is a requirement and is already covered in § 749.5. Appendix A section (B), titled "Who is Responsible for Establishing a System for Record Disposal?," is already

covered in § 749.2, which states that a credit union's board of directors is responsible for setting up a vital records preservation program that includes a schedule for storage and destruction of records.

Finally, section (C) of Appendix A, titled "What Procedures Should a Credit Union Follow When Destroying Records?," recommends that credit unions prepare an index of any records destroyed and retain the index permanently. It further recommends that destruction of records should ordinarily be carried out by at least two persons whose signatures, attesting to the fact that records were destroyed, should be affixed to the listing. The Board proposes to eliminate this language on the basis that processes for records destruction are better left to the judgment of a credit union's board of directors. Furthermore, advances in technology specifically designed to manage records retention schedules provide credit unions with more options for managing the internal controls necessary for a sound records retention program.

### *Appendix B to Part 749—Catastrophic Act Preparedness Guidelines*

The Board is proposing to eliminate Appendix B—Catastrophic Act Preparedness Guidelines. This is consistent with the agency's new approach of streamlining its regulations by removing nonbinding guidance documents.

### *References to Part 749 in Other NCUA Regulations*

With the elimination of the record retention guidelines, the Board is proposing to eliminate the reference to those guidelines in the reporting requirements for derivatives activities. Specifically, 12 CFR 703.105(d) requires federal credit unions to retain any reports required under NCUA's derivatives regulation in accordance with Appendix A of part 749. This is a technical amendment but should also further the Board's goal of better differentiating between regulations and guidance and removing references to requirements in the context of guidance.

As an alternative to the proposed rule, the agency considered rescinding part 749 altogether. Under the Federal Credit Union Act (FCUA or Act), the agency is authorized to require information and reports from insured credit unions.<sup>18</sup> The FCUA also requires federal credit unions to keep all their books and records.<sup>19</sup> These statutory provisions do

<sup>18</sup> 12 U.S.C. 1789(a)(8).

<sup>19</sup> 12 U.S.C. 1766(e).

not require the agency to issue regulations for them to go into effect. They are self-executing. The FCUA does, however, grant the agency the discretion to prescribe such rules and regulations as it may deem necessary or appropriate to carry out the provisions of the Act.<sup>20</sup> And, NCUA has promulgated the record retention regulations that are the subject of the current rulemaking since 1972, for the specific purpose of ensuring that FICUs can continue providing vital member services if their records are destroyed as a result of a catastrophic event.

Rather than rescind the regulation entirely, which may be detrimental to FICUs that have relied on the rule for many years or for new credit unions that may need some direction in this area, the Board believes that the more prudent approach is to streamline the regulation and remove the appendices. This approach is consistent with the recent comments received in response to the ANPR.

#### IV. Request for Comments on This Proposed Rule

The Board is requesting comment on the entire proposed rule, including the following specific areas:

(1) Are the proposed definitions of *vital member services* and *vital records* helpful and sufficient? If not, please provide alternative suggestions.

(2) The proposed § 749.2(a)(3) requires that a credit union's procedures for its vital records preservation program contain a records preservation log, which may be in electronic or other format at the credit union's discretion. The regulation currently requires a records preservation log to specify each vital record stored and its name, storage location, storage date, and name of the person sending the record for storage. The Board believes it is important for a credit union and for the agency to know where these records are stored. However, the Board is interested in feedback on whether the provision is unnecessarily prescriptive in mandating other requirements, such as storage date and name of the person sending the record for storage.

(3) Does the proposed repeal of Appendices A and B clarify the scope of part 749 and reduce the burden and compliance costs for preserving vital records?

(4) The Board is interested in obtaining feedback from commenters on whether to include a reference in § 749.2 for FICUs to consult legal counsel when setting minimum retention periods. This suggestion is

currently made in Appendix A—Record Retention Guidelines. However, with the removal of the record retention guidelines, would it be helpful to remind credit unions in the text of the regulation that they can, at their discretion, consult with legal counsel when setting minimum retention periods? Or do commenters believe that such a reference is unnecessary and would be construed as a *requirement* to consult with counsel when setting minimum retention periods?

(5) As stated above, the Board considered rescinding part 749 as an alternative to the current proposal. Commenters are invited to provide feedback on this alternative.

#### V. Legal Authority

The Board issues this proposed rule pursuant to its authority under the FCUA to prescribe rules and regulations as it deems appropriate for administering the FCUA, including its recordkeeping requirements for federal credit unions. Maintaining vital records is central to a credit union's ability to properly service its members and to NCUA's ability to fulfill its supervisory and enforcement duties. Sections 120 and 209 of the FCUA are plenary grants of regulatory authority to the Board to examine and require information and reports from credit unions as well as issue rules and regulations necessary or appropriate to carry out its roles as regulator and share insurer.

Section 106 of the FCUA requires the Board to supervise federal credit unions and requires federal credit unions to make their books and records accessible and available for examination to any person designated by the Board. Section 204 of the FCUA requires the Board to appoint examiners who shall have the power to thoroughly examine the affairs of FICUs and report to the Board. Section 206 of the FCUA requires the agency to impose corrective measures whenever, in the opinion of the Board, any credit union is engaged in or has engaged in unsafe or unsound practices in conducting its business. Accordingly, the FCUA grants the Board broad rulemaking authority to ensure that credit unions, their member owners, and the National Credit Union Share Insurance Fund remain safe, sound, and protected. The Board's requirements codified in part 749 help to identify or prevent such unsafe and unsound practices to aid the Board in its duties under the FCUA.

Part 749 also incorporates 15 U.S.C. 7001(d)—the Electronic Signatures in National and Global Commerce Act—which states that if a statute, regulation, or other rule of law requires a record be

retained, that requirement is met by retaining an electronic record of the information in the record that accurately reflects the information in the record and remains accessible to all persons who are entitled to access by statute, regulation, or rule of law, for the period required by such statute, regulation, or rule of law, in a form that is capable of being accurately reproduced for later reference, whether by transmission, printing, or otherwise.

#### VI. Regulatory Procedures

##### A. Providing Accountability Through Transparency Act of 2023

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

In summary, on April 24, 2024, NCUA published an ANPR to solicit comments on ways the agency can improve and update its vital records preservation program regulation and accompanying guidelines. Based on public comments received in response to the ANPR, and upon further consideration of the issues involved, the Board is publishing this proposed rule to simplify and streamline part 749. The Board is proposing to update part 749 by clarifying the purpose of the regulation, updating the definitions, and removing the appendices.

The proposed rule and required summary are available at <https://www.regulations.gov>.

##### B. Executive Orders 12866, 13563, and 14192

Pursuant to Executive Order 12866 (Regulatory Planning and Review), as amended by Executive Order 14215, a determination must be made whether a regulatory action is significant and therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order. OMB has determined that this proposed rule is not a "significant regulatory action" as defined in section 3(f) of Executive Order 12866.

Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are "outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline,

<sup>20</sup> 12 U.S.C. 1789(a)(11).

expand, or repeal them in accordance with what has been learned.” Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. This proposed rule will reduce the burden of retaining vital records by streamlining 12 CFR part 749 and is consistent with Executive Order 13563.

Executive Order 14192 (Unleashing Prosperity Through Deregulation) was issued on January 31, 2025. Section 3(c) of Executive Order 14192 requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations. This proposed rule is expected to be a deregulatory action for purposes of Executive Order 14192.

*C. The Regulatory Flexibility Act*

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.<sup>21</sup> If the agency makes such a certification, it shall publish the certification at the time of publication of either the proposed rule or the final rule, along with a statement providing the factual basis for such certification.<sup>22</sup> For purposes of this analysis, the NCUA considers small credit unions to be those having under \$100 million in

assets.<sup>23</sup> The Board fully considered the potential economic impacts of the regulatory amendments on small credit unions.

The proposed rule amends part 749 by clarifying the purpose of the regulation, updating the definitions, and removing unnecessary references to recommendations and guidance. Part 749 is a longstanding regulation that requires FICUs to establish a vital records preservation program to identify, store, and reconstruct vital records for the purpose of restoring vital member services after a catastrophic event.

The preamble makes clear that the purpose of the proposed rule is to reduce the regulatory burden of vital records preservation. It does so by streamlining the regulation so that only vital records are preserved and only for so long as they can be used to restore vital member services. The proposed rule is based on industry feedback, particularly from small credit unions, that part 749, particularly Appendix A, is unnecessarily burdensome and unclear. The proposed elimination of Appendix A, which recommends credit unions retain certain documents permanently, should reduce the costs of compliance with part 749.

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

*D. The Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (PRA) requires that OMB approve all collections of information by a federal agency from the public before they can be implemented.<sup>24</sup>

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

This action does not impose any new information collection burden under the PRA. The proposed updates will require revision of an existing information collection to be submitted to the Office of Information and Regulatory Affairs at OMB for approval under the PRA. The NCUA is proposing to extend for 3 years, with revision, this information collection.

*Title of Information Collection:* Records Preservation, 12 CFR part 749.

*OMB Control Number:* 3133–0032.

*Respondents:* All FICUs.

*Estimated Annual Burden:* 8,886.

The proposed rule contains information collection recordkeeping requirements that would impose PRA burden on FICUs. This burden is associated with establishing, retaining and maintaining a written vital records preservation program.

As of September 30, 2025, the NCUA supervised approximately 4,331 FICUs. The NCUA estimates eight new FICUs in the next 3 years. For each information collection activity, the burden table lists the estimated annual number of responses per respondent and estimated time per response.

The NCUA estimates a total annual burden of 8,886 hours as follows:

NCUA SUMMARY OF ESTIMATED ANNUAL BURDEN (3133–0032)

Information collection activity	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (hours)	Total estimated annual burden (hours)
Retain and maintain a written vital records preservation program.	Recordkeeping (On Occasion) .....	4,331	1	2	8,662
Establish a written program .....	Recordkeeping (One-time) .....	8	1	8	64
<b>Total Estimated Annual Burden .....</b>	.....	.....	.....	.....	<b>8,726</b>

The NCUA invites comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be

collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection

<sup>21</sup> 5 U.S.C. 601 *et seq.*

<sup>22</sup> 5 U.S.C. 605(b).

<sup>23</sup> 80 FR 57512 (Sept. 24, 2015).

<sup>24</sup> 44 U.S.C. 3501 *et seq.*

techniques or other forms of information technology; and (e) estimates of capital or start-up costs and cost of operation, maintenance, and purchase of services to provide information.

All comments are a matter of public record. Interested persons are invited to (1) submit written comments via email to [PRAComments@ncua.gov](mailto:PRAComments@ncua.gov) or (2) visit [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) (find this particular information collection by selecting the tab titled "Information Collection Review" and click on to the section titled "Currently under Review—Open for Public comment").

#### *E. Analysis on Executive Order 13132 on Federalism*

Executive Order 13132 encourages certain regulatory agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), complies with the executive order to adhere to fundamental federalism principles. This proposed rule would apply to all FICUs, including state-chartered credit unions. The NCUA expects that any effect on states or on the distribution of power and responsibilities among the various levels of government will be minor. The proposed changes would mainly clarify the existing regulations and guidance in this area and are not intended to affect the division of responsibilities between the NCUA and state regulatory authorities with oversight of federally insured, state-chartered credit unions. The NCUA welcomes comments on ways to eliminate, or at least minimize, any potential impact in this area.

#### *F. Assessment of Federal Regulations and Policies on Families*

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999. The proposed rule relates to FICUs' vital records retention programs, and any effect on family well-being is expected to be indirect.

#### **List of Subjects**

##### *12 CFR Part 703*

Credit unions, Investments, Reporting and recordkeeping requirements.

##### *12 CFR Part 749*

Archives and records, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board, this 9th day of March 2026.

**Melane Conyers-Ausbrooks,**  
*Secretary of the Board.*

For the reasons stated in the preamble, the NCUA Board proposes to amend 12 CFR parts 703 and 749 as follows:

### **PART 703—INVESTMENT AND DEPOSIT ACTIVITIES**

#### **Subpart B—Derivatives**

■ 1. The authority citation for part 703 continues to read as follows:

**Authority:** 12 U.S.C. 1757(7), 1757(8), 1757(14), and 1757(15).

■ 2. Amend § 703.105 by removing and reserving paragraph (d).

### **PART 749—RECORDS PRESERVATION PROGRAM AND APPENDICES—RECORD RETENTION GUIDELINES; CATASTROPHIC ACT PREPAREDNESS GUIDELINES**

■ 3. Revise part 749 to read as follows:

#### **PART 749—VITAL RECORDS PRESERVATION PROGRAM**

749.0 Purpose and scope.

749.1 Definitions.

749.2 Vital records preservation program.

749.3 Vital records center and third-party service providers.

749.4 Format for vital records preservation.

749.5 Format for records required by other NCUA regulations.

**Authority:** 12 U.S.C. 1756, 1766(a), 1784, 1786, 1789; 15 U.S.C. 7001(d).

#### **§ 749.0 Purpose and scope.**

(a) This part describes the obligations of a federally insured credit union to maintain a vital records preservation program to identify, store, and reconstruct vital records in the event such records are destroyed.

(b) This part does not supersede records preservation requirements that may apply to a credit union pursuant to other law or regulation.

#### **§ 749.1 Definitions.**

For purposes of this part:

*Vital member services* are the essential financial services that a credit union provides to its members, such as member access to their accounts, share withdrawal and deposit facilities, and loan payments and disbursements.

*Vital records* are the most recent and current versions of those records a credit union needs to restore vital member services. These records are:

(a) A list of share, deposit, and loan balances for each member's account as

of the close of the most recent business day that:

(1) Shows each balance individually identified by a name or number,

(2) Lists multiple loans of one account separately, and

(3) Contains information sufficient to enable the credit union to locate each member, such as address and telephone number.

(b) A financial report, which lists all of the credit union's asset and liability accounts, current as of the most recent month-end.

(c) Bank reconciliations, current as of the most recent month-end.

(d) A list of the credit union's accounts at financial institutions, insurance policies, and investments along with related contact information, current as of the most recent month-end.

(e) Emergency contact information for employees, officials, regulatory offices, and vendors used to support vital records.

A credit union may classify additional records as vital and maintain older versions of any vital records as it determines necessary.

*Vital records center* is a storage facility, which may include another federally insured credit union, at any location far enough from the credit union's offices to avoid the simultaneous loss of both sets of records in the event of a catastrophic act.

#### **§ 749.2 Vital records preservation program.**

(a) The board of directors of a credit union is responsible for establishing a vital records preservation program within six months of its insurance certificate being issued. The program must be in writing and contain procedures for maintaining duplicate vital records at a vital records center. The procedures must include:

(1) designated staff responsible for vital records preservation,

(2) a schedule for the storage and destruction of vital records, and

(3) a records preservation log specifying each vital record stored, its name, storage location, storage date, and name of the person sending the record for storage. The log may be in electronic format, for example, a data processing system log.

(b) A credit union that has some or all of its vital records maintained by an off-site data processor is considered to be in compliance for the storage of those records if the service agreement specifies the data processor safeguards against the simultaneous destruction of production and back-up information.

(c) Unless required by other law or regulation, older versions of vital

records may be destroyed once their current versions are stored.

**§ 749.3 Vital records center and third-party service providers.**

A credit union must maintain, or contract with a third-party service provider to maintain, any equipment or software for its vital records center necessary for the credit union to access its records. If a credit union contracts with a third-party service provider to maintain its records, the credit union must maintain effective oversight of the third-party service provider to ensure the records meet the requirements of this section.

**§ 749.4 Format for vital records preservation.**

Preserved vital records may be in any format that can be used to reconstruct the credit union's vital records. The format used must accurately reflect the information in the record, remain accessible to all persons entitled to access by statute, regulation, or rule of law, and be capable of reproduction by transmission, printing, or otherwise.

**§ 749.5 Format for records required by other NCUA regulations.**

Where NCUA regulations require a credit union to retain certain writings, records, or information, the credit union may use any format that accurately reflects the information in the record, is accessible to all persons entitled to access by statute, regulation, or rule of law, and is capable of being reproduced by transmission, printing, or otherwise. The credit union must maintain the necessary equipment or software to permit an examiner to access the records during the examination process.

[FR Doc. 2026-04761 Filed 3-10-26; 8:45 am]

BILLING CODE 7535-01-P

**CONSUMER PRODUCT SAFETY COMMISSION**

**16 CFR Part 1217**

[Docket No. CPSC-2017-0012]

**Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Toddler Beds**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of availability and request for comment.

**SUMMARY:** The U.S. Consumer Product Safety Commission's (Commission or CPSC) mandatory rule, Safety Standard for Toddler Beds, incorporates by reference ASTM F1821-19<sup>e1</sup>, Standard

Consumer Safety Specification for Toddler Beds. ASTM notified the Commission that it has revised this incorporated voluntary standard. CPSC seeks comment on whether the revision improves the safety of toddler beds.

**DATES:** Comments must be received by March 25, 2026.

**ADDRESSES:** You can submit comments, identified by Docket No. CPSC-2017-0012, by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. CPSC typically does not accept comments submitted by email, except as described below.

*Mail/Hand Delivery/Courier/Confidential Written Submissions:* CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

*Instructions:* All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit to this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

*Docket:* For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC-2017-0012, into the "Search" box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:** Daniel Taxier, Project Manager, Division of Mechanical and Combustion

Engineering, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987-2211; email: [dtaxier@cpsc.gov](mailto:dtaxier@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** Section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to adopt mandatory standards for durable infant or toddler products. 15 U.S.C. 2056a(b)(1). Mandatory standards must be "substantially the same as" voluntary standards, or they may be "more stringent" than the applicable voluntary standards, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the products. *Id.* Mandatory standards may be based, in whole or in part, on a voluntary standard.

Section 104(b)(4)(B) of the CPSIA specifies the process for when a voluntary standards organization revises a standard that the Commission previously had incorporated by reference under section 104(b)(1). First, the voluntary standards organization must notify the Commission of the revision. Once the Commission receives this notification, the Commission may reject or accept the revised standard. To reject a revised standard, the Commission must notify the voluntary standards organization within 90 days of receiving the notice of revision that the Commission has determined that the revised standard does not improve the safety of the consumer product and that CPSC is retaining the existing standard. If the Commission does not take this action, the revised voluntary standard will be considered a consumer product safety standard issued under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the Commission received notification of the revision (or a later date specified by the Commission in the **Federal Register**). 15 U.S.C. 2056a(b)(4)(B).

Under this authority, in 2011 the Commission issued a mandatory safety rule for toddler beds. The rulemaking created 16 CFR part 1217, which incorporated by reference ASTM F1821-09, Standard Consumer Safety Specification for Toddler Beds, with certain modifications to make the standard more stringent. 76 FR 22019 (Apr. 20, 2011).<sup>1</sup> At the time the Commission published the final rule, ASTM F1821-09 was the current version of the voluntary standard. The

<sup>1</sup> A correction notice was published because the Office of the Federal Register inadvertently omitted the last two sections and figures from the April 20, 2011 **Federal Register** Notice. 76 FR 27882 (May 13, 2011).

mandatory standard included performance requirements and test methods, as well as requirements for warning labels and instructions, to address hazards to children associated with toddler beds.

After the Commission adopted the mandatory standard in 2011, ASTM subsequently revised the voluntary standard ten times. In accordance with the procedures set out in section 104(b)(4)(B) of the CPSIA, some of these revised standards<sup>2</sup> became the new mandatory standard for toddler beds.<sup>3</sup> 78 FR 73692 (Dec. 9, 2013), 82 FR 11317 (Feb. 22, 2017), 84 FR 57315 (Oct. 25, 2019). The mandatory standard currently incorporates by reference

<sup>2</sup> ASTM F1821–13, ASTM F1821–16, and ASTM F1821–19.

<sup>3</sup> ASTM revised the voluntary standard three times in 2011 (ASTM F1821–11, ASTM F1821–11a, and ASTM F1821–11b). ASTM notified CPSC of F1821–11b, however, the Commission voted to retain the existing consumer product safety standard (ASTM F1821–09). ASTM revised the voluntary standard in 2015 (ASTM F1821–15) and notified CPSC, however, the Commission voted to retain the existing consumer product safety standard (ASTM F1821–13). ASTM approved another revision in 2018 (ASTM F1821–18), however, ASTM did not notify CPSC of this revision under CPSIA section 104(b)(4)(B). Consequently, this revised voluntary standard did not become the mandatory standard by operation of law, and the Commission did not update the mandatory standard to incorporate by reference this revised ASTM standard.

ASTM F1821–19<sup>e1</sup>, an editorial version of ASTM F1821–19.<sup>4</sup> In 2022, ASTM published another editorial version of the 2019 standard, ASTM F1821–19<sup>e2</sup>, which removed a figure that was no longer relevant or being used in the standard. This editorial revision otherwise made no changes to the content of ASTM F1821–19<sup>e1</sup>.

On March 2, 2026, ASTM notified the Commission that it had approved and published another revised version of the voluntary standard, ASTM F1821–26. CPSC is assessing the revised voluntary standard to determine, consistent with section 104(b)(4)(B) of the CPSIA, its effect on the safety of toddler beds subject to 16 CFR part 1217. The Commission invites public comment to inform CPSC staff's assessment and subsequent Commission consideration of the revisions in ASTM F1821–26.

The currently incorporated voluntary standard (ASTM F1821–19<sup>e1</sup>) and the revised voluntary standard (ASTM F1821–26) are available for review in several ways. A read-only copy of the existing, incorporated standard (ASTM F1821–19<sup>e1</sup>) is available for viewing, at no cost, on the ASTM website at: <https://www.astm.org/>

<sup>4</sup> ASTM F1821–19<sup>e1</sup> corrected two typographical errors but did not otherwise change the content of ASTM F1821–19.

*READING LIBRARY*/. A read-only copy of the revised standard (ASTM F1821–26), including red-lined versions that identify the changes from the 2019 versions to the 2026 version, is available, at no cost, on ASTM's website at: <https://www.astm.org/CPSC.htm>. Interested parties can also download copies of the standards by purchasing them from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; phone: 610–832–9585; <https://www.astm.org>. Alternatively, interested parties can schedule an appointment to inspect copies of the standards at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, telephone: 301–504–7479.

Comments must be received by March 25, 2026. Because of the short statutory time frame Congress established for the Commission to consider revised voluntary standards under section 104(b)(4) of the CPSIA, CPSC will not consider comments received after this date.

**Alberta E. Mills,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 2026–04749 Filed 3–10–26; 8:45 am]

**BILLING CODE 6355–01–P**

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### Agency Information Collection Activities: Proposed Collection; Comment Request—The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Breastfeeding Award of Excellence

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved collection for awarding local agencies for excellence in WIC breastfeeding services and support. The Child Nutrition Act of 1966 at 42 U.S. Code § 1786(h)(4)(B), requires that the Department of Agriculture (USDA) establish a program to recognize WIC local agencies and clinics that demonstrate exemplary breastfeeding promotion and support activities.

**DATES:** Written comments must be received on or before May 11, 2026.

**ADDRESSES:** The Food and Nutrition Service, USDA, invites interested persons to submit written comment.

- **Preferred Method:** Federal eRulemaking Portal. Go to <http://www.regulations.gov> and follow the online instructions for submitting comments electronically.

- **Mail:** Send comments to: Kristin Garcia, Director, Food Safety and Nutrition Division, Supplemental Nutrition and Safety Programs, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Pl, Alexandria, VA 22314.

All responses to this notice will be summarized and included in the request for Office of Management and Budget

approval. All comments will be a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this information collection should be directed to Valery Soto, Chief, Nutrition Services and Promotion Branch, Food Safety and Nutrition Division, Supplemental Nutrition and Safety Programs, FNS, USDA, 1320 Braddock Pl, Alexandria, VA 22314. Email: [Valery.Soto@usda.gov](mailto:Valery.Soto@usda.gov), Telephone: (703) 305-2742.

**SUPPLEMENTARY INFORMATION:** Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**Title:** Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Breastfeeding Award of Excellence.

**Form Number:** Not applicable.

**OMB Number:** 0584-0591.

**Expiration Date:** 12/31/2026.

**Type of Request:** Revision of a Currently Approved Collection.

**Abstract:** This information collection is mandated by the Child Nutrition Act of 1966 at 42 U.S. Code § 1786(h)(4)(B), herein referred to as the Child Nutrition Act. The Child Nutrition Act requires USDA to implement a program to recognize exemplary breastfeeding support practices at WIC local agencies and clinics. The WIC program provides breastfeeding promotion and support for pregnant and postpartum mothers as a part of its mission to improve the health of the approximately 6.7 million Americans it serves each month. Breastfeeding is a priority in WIC and WIC mothers are strongly encouraged to breastfeed their infants unless medically contraindicated.

In recognizing exemplary local agencies and clinics, the Child Nutrition Act requires the Secretary to consider the following criteria: (1) performance measurements of breastfeeding; (2) the effectiveness of a peer counselor program; (3) the extent to which the agency or clinic has partnered with other entities to build a supportive breastfeeding environment for women participating in WIC; and (4) other criteria the Secretary considers appropriate after consultation with state and local program agencies. The information will be submitted voluntarily by WIC local agencies who will be applying for an award. FNS will use the information collected to evaluate the components of existing breastfeeding programs and support in WIC local agencies and make decisions about awards. This program is expected to provide models of breastfeeding support excellence and motivate local agencies and clinics to strengthen their breastfeeding promotion and support activities.

A notable improvement from past collection requests is that FNS plans to explore ways to streamline the application questions and instructions for local agencies. WIC state agencies will continue to conduct their evaluation on PartnerWeb, which was modernized in fiscal year (FY) 2025 for a better user experience. The total estimated time for local WIC agencies to complete the application is not expected to change.

**Affected Public:** State, Local and Tribal Government; Respondent groups identified include local and WIC state agencies.

**Estimated Number of Respondents:** The total estimated number of respondents is 258: 170 local WIC agencies and 88 WIC state agencies.

Since the inception of the program in 2015, a total of 1,137 awards have been given. In FY 2023, 143 eligible local agencies applied for awards; in FY 2024, 136 eligible local agencies applied for awards; and in FY 2025, 216 eligible local agencies applied for awards. FNS estimates that applications will increase from a range of 130–150 to 130–170 annually. FNS estimates that 7–8 percent (13 applications) of local agency applications are small entities as they do not come from health departments. The estimated number of respondents for the state agency application

verification is derived from the total number of WIC state agencies, which has decreased by one since the previous burden collection.

*Estimated Number of Responses per Respondent:*

The estimated number of responses per respondent for the WIC local agency is one, as each eligible WIC local agency can submit one application. The estimated number of responses per respondent for the WIC state agency is 2.0, as each WIC state agency will evaluate approximately 2.0 applications annually. These estimates were derived by dividing the total number of responses for the WIC local agency application or the WIC state agency

evaluation by the respective number of respondents. Overall, the estimated number of responses per respondent across the entire collection is 1.3, which is derived by dividing the total number of annual responses (346) by the total estimated number of respondents (258).

*Estimated Total Annual Responses:*

346. *Estimated Time per Response:* FNS estimates the WIC local agency application response is 2.0 hours, and the WIC state agency response is 1.2 hours. Overall, the average estimated time for all the award participants is 1.6 hours. The estimated average number of hours per response was derived by dividing the number of estimated total

hours (551), by the number of total annual responses by all respondents (346). The time for the WIC local agency is an estimated time for the agency to voluntarily review the instructions, fill out the “WIC Breastfeeding Award of Excellence” application, and attach supportive documentation. The time for the WIC state agency is an estimated time for the agency to review the instructions, evaluate the components of the local WIC agencies applications, and make a recommendation for an award.

*Estimated Total Annual Burden on Respondents:*

551.2 hours. See the Burden table below for estimated total annual burden for each type of respondent.

Respondent	Estimated # respondent	Responses annually per respondent	Total annual responses	Estimated avg. # of hours per response*	Estimated total hours
<b>Reporting Burden</b>					
Small Entity Application .....	13.0	1.0	13.0	2.0	26.0
WIC Local Agency Application .....	157.0	1.0	157.0	2.0	314.0
WIC State Agency Evaluation .....	88.0	2.0	176.0	1.2	211.2
<b>Total Reporting Burden .....</b>	<b>258.0</b>	<b>1.3</b>	<b>346.0</b>	<b>1.6</b>	<b>551.2</b>

\* Estimated average # of hours per response includes .5 hours for reviewing instructions.

**Parick A. Penn,**  
Deputy Under Secretary, Food, Nutrition and Consumer Services.

[FR Doc. 2026-04773 Filed 3-10-26; 8:45 am]

BILLING CODE 3410-30-P

**DEPARTMENT OF AGRICULTURE**

**Food and Nutrition Service**

**Agency Information Collection Activities: Supplemental Nutrition Assistance Program Trafficking Controls and Fraud Investigations (Card Replacement)**

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice. Renewal of a previously approved information collection.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved collection. This information collection announces the intent of the Food and Nutrition Service (FNS) to revise and report on the activities associated with the replacement of multiple Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) cards,

as well as the monitoring and notices associated with excessive requests for replacement SNAP EBT cards.

**DATES:** Written comments must be received on or before May 11, 2026.

**ADDRESSES:** Comments may be sent to Maribelle Balbes, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314, or (703) 605-4272. Comments may also be submitted via email to [snapsab@usda.gov](mailto:snapsab@usda.gov). Comments will also be accepted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov> and follow the online instructions for submitting comments electronically. All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this information collection should be directed to Dr. Casey Lowe at (703) 659-7361 or [snapsab@usda.gov](mailto:snapsab@usda.gov).

**SUPPLEMENTARY INFORMATION:** Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the

agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*Title:* Supplemental Nutrition Assistance Program Trafficking Controls and Fraud Investigations (Card Replacement).

*Form Number:* N/A.

*OMB Control Number:* 0584-0587.

*Expiration Date:* 04/30/2026.

*Type of Request:* Revision of a currently approved collection.

*Abstract:* Per Federal regulations at 274.6(b)(6),<sup>1</sup> state agencies are required to monitor EBT card replacement requests and send notices to the household upon their fourth request for a replacement card within a 12-month period. Upon requesting the fourth replacement card, state agencies are required to send a notice to the

<sup>1</sup> [https://www.ecfr.gov/current/title-7/part-274/section-274.6#p-274.6\(b\)\(6\)](https://www.ecfr.gov/current/title-7/part-274/section-274.6#p-274.6(b)(6)).

household specifying the number of cards requested over what period of time, an explanation of what is considered misuse or fraudulent use of their benefits, and that their account is being monitored for potential trafficking activity.

State agencies also have the option to withhold the replacement card if the household has reached the excessive card replacement threshold set by the state agency. The threshold set by the state agency must not be less than four cards within a 12-month period. Per Federal regulations at 7 CFR

274.6(b)(5),<sup>2</sup> state agencies have the option to require that a household member contact the state agency to explain the reason for requesting a new EBT card if the state agency determines that the requests are excessive. State agencies must notify the household in writing when they reach their replacement card threshold. The state agency will withhold the replacement card until the household provides an explanation by contacting the state agency. If fraud is suspected, the state agency will refer the household for investigation and, when deemed

necessary, provide written notification to the household.

**Reporting**

*Affected Public:* Individual/Household.

*Estimated Number of Respondents:* 292,064.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Responses:* 292,064.

*Estimated Time per Response:* 0.0607.

*Estimated Total Annual Burden on Respondents:* 17,737.92.

**FY26 0584–0587**

Section of reg		Number of respondents	Number of responses per respondent	Total annual responses	Hours per response	Total annual burden hours
<b>Individuals/Households</b>						
274.6(b)(5) ..	Reading Withhold Replacement Card Warning Notice.	32,127	1	32,127	0.0334	1,073.04
274.6(b)(5) ..	Reading Replacement Card Withheld Notice and Making Contact with State agency.	* 16,064	1	16,064	0.5000	8,031.76
274.6(b)(6) ..	Reading Excessive Replacement Card Notice.	258,477	1	258,477	0.0334	8,633.12
Household Total.	.....	292,064	1	292,064	0.0607	17,737.92

\* 16,064 Individuals/Households (I/H) SNAP participants are the same I/H accounted for in the 32,127 and therefore not double counted.

*Affected Public:* State Agencies.  
*Estimated Number of Respondents:* 53.  
*Estimated Number of Responses per Respondent:* 5,511.  
*Estimated Total Annual Responses:* 292,064.  
*Estimated Time per Response:* 0.0334.  
*Estimated Total Annual Burden on Respondents:* 10,242.68.

Using SNAP participation data, FNS estimates that there are about 292,064 households affected annually by the excessive replacement card procedures outlined in this information collection

request. FNS estimates it will take a total of 17,737.92 hours for these households to complete the tasks associated with this information collection. The most recent SNAP data shows a decrease in participation as compared with fiscal year (FY) 2021 data used in the last submission for this information request; therefore, there is a decrease of 5,001.84 burden hours compared to the previous burden hours approved by the OMB (22,739 (FY23 household burden hours) – 17,737.92 (current household burden hours) = 5,001.84 hours. The household burden

hours include reading excessive replacement card notices from the State agency and when applicable, contacting the state agency to explain the reason for the excessive card requests.

The total burden hours, including household and state agency burden hours, for this information request has decreased by 7,881.86 hours as compared to the most recent information collection approved by OMB in FY23 (35,862.48 (FY23 total burden hours) – 27,980.61 (current total burden hours) = 7,881.86 burden hours).

**FY26 0584–0587**

Section of Reg	Description	Number of respondents	Number of responses per respondent	Total annual responses	Hours per response	Total annual burden hours
<b>State Agencies</b>						
274.6(b)(5)	Withhold Replacement Card Warning Notice.	6	5,355	32,127	0.0334	1,073.04
274.6(b)(5)	Replacement Card Withheld Notice .....	6	2,677	16,064	0.0334	536.52
274.6(b)(6)	Excessive Replacement Card Notice ....	47	5,500	258,477	0.0334	8,633.12

<sup>2</sup> [https://www.ecfr.gov/current/title-7/part-274/section-274.6#p-274.6\(b\)\(5\)](https://www.ecfr.gov/current/title-7/part-274/section-274.6#p-274.6(b)(5)).

FY26 0584–0587—Continued

Section of Reg	Description	Number of respondents	Number of responses per respondent	Total annual responses	Hours per response	Total annual burden hours
State Agency Total.	.....	53	5,511	292,064	0.0334	10,242.68

There is no change in the number of state agency respondents, 53. FNS estimates that out of 53 state agencies, 47 send the excessive replacement card notice. The remaining six state agencies implement the option to withhold the replacement SNAP card and require the household to contact the state agency to explain the reason for their excessive SNAP card replacement requests before the card is replaced. This estimation has not changed since the last submission of this information collection request.

FY23 total state agency burden hours were updated from 13,122.72 to 10,242.68 for FY26. The total burden hours for state agencies for this information collection has decreased by 2,880.04 burden hours.

**Patrick A. Penn,**

*Deputy Under Secretary, Food, Nutrition and Consumer Services, U.S. Department of Agriculture.*

[FR Doc. 2026–04775 Filed 3–10–26; 8:45 am]

**BILLING CODE 3410–30–P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C–821–841]

**Unwrought Palladium From the Russian Federation: Preliminary Affirmative Countervailing Duty Determination**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of unwrought palladium (palladium) from the Russian Federation (Russia). The period of investigation is January 1, 2024, through December 31, 2024. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable March 11, 2026.

**FOR FURTHER INFORMATION CONTACT:** Kelsie Hohenberger or Olivia Woolverton, AD/CVD Operations, Office V, Enforcement and Compliance,

International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2517 or (202) 482–7452.

**SUPPLEMENTARY INFORMATION:**

**Background**

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On August 22, 2025, Commerce published the notice of initiation of this countervailing duty (CVD) investigation in the **Federal Register**.<sup>1</sup> On September 30, 2025, Commerce postponed the preliminary determination until December 29, 2025.<sup>2</sup>

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.<sup>3</sup> 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.<sup>4</sup> Accordingly the deadline for this preliminary determination is now March 5, 2026.

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>5</sup> A list of topics discussed in the Preliminary Decision

<sup>1</sup> See *Unwrought Palladium from the Russian Federation: Initiation of Countervailing Duty Investigation*, 90 FR 41039 (August 22, 2025) (*Initiation Notice*).

<sup>2</sup> See *Unwrought Palladium from the Russian Federation: Postponement of Preliminary Determination in the Countervailing Duty Investigation*, 90 FR 46791 (September 30, 2025).

<sup>3</sup> See Memorandum, “Deadlines Affected by the Shutdown of the Federal Government,” dated November 14, 2025.

<sup>4</sup> See Memorandum, “Tolling of all Case Deadlines,” dated November 24, 2025.

<sup>5</sup> See Memorandum, “Decision Memorandum for the Preliminary Affirmative Determination in the Countervailing Duty Investigation of Unwrought Palladium from the Russian Federation,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Scope of the Investigation**

The product covered by this investigation is palladium from Russia. For a complete description of the scope of this investigation, see Appendix I.

**Scope Comments**

In accordance with the *Preamble* to Commerce’s regulations,<sup>6</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>7</sup> No interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. Accordingly, Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*.

**Methodology**

Commerce is conducting this investigation in accordance with section 701 of the Act.

For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>8</sup> For a full description of the methodology underlying our preliminary determination, see the Preliminary Decision Memorandum.

Commerce notes that, in making these findings, we relied on facts available and, because we find that certain respondents did not act to the best of

<sup>6</sup> See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>7</sup> See *Initiation Notice*, 90 FR at 41039.

<sup>8</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

their ability to respond to Commerce’s requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available.<sup>9</sup> For further information, see the “Use of Facts Otherwise Available and Adverse Inferences” section in the Preliminary Decision Memorandum.

**All-Others Rate**

Sections 703(d) and 705(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

Pursuant to section 705(c)(5)(A)(ii) of the Act, if the individual estimated countervailable subsidy rates established for all exporters and producers individually examined are zero, *de minimis*, or determined based entirely on adverse facts available (AFA), Commerce may use “any reasonable method” to establish the estimated subsidy rate for all other producers or exporters. In this investigation, no company respondent participated and all rates are based entirely on AFA under section 776 of the Act. Therefore, the AFA rate is the only rate available in this proceeding to assign as the all-others rate. Consequently, pursuant to sections 703(d) and 705(c)(5)(A)(ii) of the Act, Commerce established the all-others rate by applying the countervailable subsidy rate assigned to the non-responsive mandatory respondents listed below.

**Preliminary Determination**

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent <i>ad valorem</i> )
JSC Urals Innovative Technologies .....	* 109.10
Prioksky Plant of Non Ferrous Metals .....	* 109.10
All Others .....	109.10

\* Rate based on facts available with adverse inferences.

**Suspension of Liquidation**

In accordance with section 703(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to

suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 703(d)(1)(B) of the Act and 19 CFR 351.107(e), Commerce will instruct CBP to require a cash deposit equal to the estimated company-specific countervailable subsidy rate or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated individual countervailable subsidy rates determined in this preliminary determination; (2) if both the producer and exporter of the subject merchandise have company-specific estimated subsidy rates determined in this preliminary determination, and their rates differ, then the applicable cash deposit rate will be the higher of these two rates; (3) if either the producer or the exporter, but not both, of the subject merchandise have a company-specific estimated subsidy rate determined in this preliminary determination, the applicable cash deposit rate will be that company’s company-specific rate; and (4) the cash deposit rate for all other producers and exporters will be equal to the estimated all-others subsidy rate.

**Disclosure**

Normally, Commerce discloses its calculations performed in connection with the preliminary determination to interested parties within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of the notice, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied total AFA for the calculation of the benefit for the mandatory respondents, and the applied AFA rates are based on rates calculated in prior proceedings, there are no company-specific calculations to disclose.

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

**Verification**

Because the examined company respondents in this investigation did not provide information requested by Commerce and Commerce preliminarily determines each of these respondents have been uncooperative, it will not conduct verification.

**Public Comment**

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary determination.<sup>10</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>11</sup> Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.<sup>12</sup>

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>13</sup> Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>14</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce via ACCESS within 30 days after the date of publication of this notice. Requests should contain the party’s name, address, and telephone

<sup>10</sup> See 19 CFR 351.309(c)(1)(i); see also 19 CFR 351.303 for general filing requirements

<sup>11</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

<sup>12</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>13</sup> We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

<sup>14</sup> See *APO and Service Final Rule*.

<sup>9</sup> See sections 776(a) and (b) of the Act.

number, the number of participants and whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.

### U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, Commerce will notify the ITC of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of palladium from Russia are materially injuring, or threaten material injury to, the U.S. industry.

### Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: March 5, 2026.

**Christopher Abbott,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

### Appendix I

#### Scope of the Investigation

The scope of this investigation is unwrought palladium. Unwrought palladium includes palladium, whether or not refined, in the form of ingots, blocks, lumps, billets, cakes, slabs, pigs, cathodes, anodes, briquettes, cubes, sticks, grains, sponge, pellets, shot, powder, and similar primary forms.

Unwrought palladium is covered by the scope regardless of production method. The scope includes unwrought palladium produced through ore extraction, unwrought palladium produced by recycling palladium-containing scrap, unwrought palladium produced by any other method, and blends of unwrought palladium produced by different methods.

The scope includes unwrought palladium that is commingled with unwrought palladium from sources not subject to this investigation or commingled with other metals. Only the subject unwrought palladium component of such commingled products is covered by the scope of this investigation.

Subject merchandise includes merchandise matching the above description that has been finished, packaged, or otherwise processed in a third country, including by refining, grinding, commingling, adding or removing additives (such as other metals), or performing any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the subject country.

The covered merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 7110.21.0000. Unwrought palladium meeting the scope description may also enter under HTSUS subheading 7110.29.0000. Although the HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

### Appendix II

#### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Injury Test
- V. Use of Facts Otherwise Available and Adverse Inferences
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- VII. Recommendation

[FR Doc. 2026-04765 Filed 3-10-26; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-879, C-583-880]

### Certain Monomers and Oligomers From Taiwan: Antidumping Duty Order and Countervailing Duty Order

**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 certain monomers and oligomers (monomers and oligomers) from Taiwan.

**DATES:** Applicable March 11, 2026.

**FOR FURTHER INFORMATION CONTACT:** Jaron Moore (AD) or Suresh Maniam (CVD), AD/CVD Operations, Offices I and VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3640 or (202) 482-0176, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

In accordance with sections 705(d) and 735(d) of the Tariff Act of 1930, as amended (the Act), on February 3, 2026, Commerce published its affirmative final determination of sales at less than fair value (LTFV) of monomers and oligomers from Taiwan,<sup>1</sup> and on January

<sup>1</sup> See *Certain Monomers and Oligomers from Taiwan: Final Affirmative Determination of Sales at*

26, 2026, Commerce published its affirmative final determination that countervailable subsidies are being provided to producers and exporters of monomers and oligomers from Taiwan.<sup>2</sup> On March 4, 2026, in accordance with sections 705(d) and 735(d) of the Act, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured by reason of dumped imports of monomers and oligomers from Taiwan, and subsidized imports of monomers and oligomers from Taiwan, within the meaning of sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act, respectively.<sup>3</sup>

### Scope of the Orders

The products covered by these orders are monomers and oligomers from Taiwan. For a complete description of the scope of the orders, see the appendix to this notice.

### AD Order

On March 4, 2026, in accordance with 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 monomers and oligomers from Taiwan that are sold in the United States at LTFV.<sup>4</sup> Therefore, in accordance with sections 735(c)(2) and 736 of the Act, Commerce is issuing this AD order. Because the ITC determined that imports of monomers and oligomers are materially injuring a U.S. industry, unliquidated entries of such merchandise from Taiwan, entered or withdrawn from warehouse for consumption, on or after September 9, 2025, are subject to the assessment of antidumping duties.

Therefore, in accordance with sections 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 monomers and oligomers from Taiwan. Antidumping duties will be assessed on unliquidated

*Less Than Fair Value and Final Affirmative Critical Circumstances Determination*, 91 FR 4866 (February 3, 2026) (*LTFV Final Determination*).

<sup>2</sup> See *Certain Monomers and Oligomers from Taiwan: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination*, 91 FR 3114 (January 26, 2026) (*CVD Final Determination*).

<sup>3</sup> See ITC's Letter, "Notification of ITC Final Determinations," dated March 4, 2026 (ITC Notification Letter).

<sup>4</sup> *Id.*

entries of monomers and oligomers entered, or withdrawn from warehouse, for consumption on or after September 9, 2025, the date of the publication of the *LTFV Preliminary Determination* 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 735(b) of the Act, as further described in the "Provisional Measures—AD" section of this notice.<sup>5</sup>

**Critical Circumstances—AD**

In addition, the ITC found that critical circumstances do not exist with respect to imports of monomers and oligomers from Taiwan. 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 June 11, 2025, (*i.e.*, 90 days prior to the date of publication of the affirmative *LTFV Preliminary Determination*), but before September 9, 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 monomers and oligomers from Taiwan, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**. Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins listed in the *LTFV Final Determination*. The all-others rate applies to all producers or exporters not specifically listed. 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)
Eternal Materials Co., Ltd .....	* 130.23
Qualipoly Chemical Corporation	* 130.23
Synth-Edge Advanced Material Co., Ltd .....	* 130.23

<sup>5</sup> See *Certain Monomers and Oligomers from Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances*, 90 FR 43409 (September 9, 2025) (*LTFV Preliminary Determination*).

Producer or exporter	Weighted average dumping margin (percent)
All Others .....	130.23

\* 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 September 9, 2025. Therefore, the four-month period beginning on the date of publication ended on January 6, 2026. 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 determinations.

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 monomers and oligomers from Taiwan entered, or withdrawn from warehouse, for consumption on or after January 7, 2026, 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 March 4, 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 monomers and oligomers from Taiwan.<sup>6</sup> 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 monomers and oligomers from Taiwan are materially injuring a U.S. industry, unliquidated entries of such merchandise from Taiwan, entered or withdrawn from warehouse, for

<sup>6</sup> See ITC Notification Letter.

consumption, on or after August 29, 2025, 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 monomers and oligomers from Taiwan entered, or withdrawn from warehouse, for consumption on or after August 29, 2025, the date of publication of the *CVD Preliminary Determination*, 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" section of this notice.<sup>7</sup>

**Critical Circumstances—CVD**

In addition, the ITC found that critical circumstances do not exist with respect to imports of monomers and oligomers from Taiwan. 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 duties with respect to entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after May 31, 2025 (*i.e.*, 90 days prior to the date of the publication of the *CVD Preliminary Determination*), but before August 29, 2025 (*i.e.*, the date of publication of the *CVD Preliminary Determination*).<sup>8</sup>

**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 monomers and oligomers from Taiwan, 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*.<sup>9</sup> These instructions suspending liquidation will remain in effect until further notice.

<sup>7</sup> See *Certain Monomers and Oligomers from Taiwan: Preliminary Affirmative Countervailing Duty Determination*, 90 FR 42184 (August 29, 2025) (*CVD Preliminary Determination*).

<sup>8</sup> See *CVD Preliminary Determination*; see also *See Certain Monomers and Oligomers from Taiwan: Preliminary Affirmative Critical Circumstances Determination in Countervailing Duty Investigation*, 90 FR 45370 (September 22, 2025).

<sup>9</sup> See *CVD Final Determination*, 91 FR at 3115.

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 *Final Determination*.<sup>10</sup> The all-others rate applies to all producers or exporters not specifically listed.

#### Estimated Countervailable Subsidy Rates

Company	Subsidy rate (percent <i>ad valorem</i> )
Eternal Materials Co., Ltd .....	* 103.43
Qualipoly Chemical Corporation .....	* 103.43
All Others .....	103.43

\* Rate is 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 *Preliminary Determination* on August 29, 2025.<sup>11</sup> As such, the four-month period beginning on the date of the publication of the *Preliminary Determination* ended on December 26, 2025. Therefore, entries of monomers and oligomers from Taiwan made on or after December 27, 2025, and prior to the date of publication of the ITC's final injury determination in the **Federal Register**, are not subject to the assessment of countervailing duties due to Commerce's discontinuation of the suspension of liquidation.

On December 29, 2025, in accordance with section 703(d) of the Act, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of monomers and oligomers from Taiwan entered, or withdrawn from warehouse, for consumption, on or after December 27, 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

affirmative final injury 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, 2021, and September 27, 2021, respectively.<sup>12</sup> 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.<sup>13</sup>

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."<sup>14</sup>

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

<sup>12</sup> 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*).

<sup>13</sup> *Id.*

<sup>14</sup> 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.

inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance*,<sup>15</sup> 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 Petitioner and Foreign Governments

In the *Final Rule*, Commerce stated that, "after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow."<sup>16</sup>

Accordingly, as stated above, the petitioner and the Taiwan Authorities (TA) 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 351.225(n)(3), the petitioner and the TA will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioner and the TA 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 and CVD orders with respect to monomers and oligomers from Taiwan pursuant to sections 706(a) and 736(a) of the Act. Interested parties can find a list of AD and CVD order currently in effect at <https://enforcement.trade.gov/stats/iastats1.html>.

These orders are published in accordance with sections 706(a) and 736(a) of the Act, and 19 CFR 351.211(b).

<sup>15</sup> See *Procedural Guidance*, 86 FR at 53206.

<sup>16</sup> See *Final Rule*, 86 FR at 52335.

<sup>10</sup> *Id.*; see also section 706(a)(3) of the Act.

<sup>11</sup> See *CVD Preliminary Determination*.

Dated: March 6, 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 products covered by the Orders are certain multifunctional acrylate and

methacrylate monomers, and acrylated bisphenol-A epoxy based oligomers (collectively, certain monomers and oligomers or CMOs) that are derived from chemical reactions involving the use of acrylic or methacrylic acid. Products within the scope are listed below and have the following Chemical Abstracts Service (CAS) numbers:

CAS No.	Description	Molecular formula
109-16-0	Triethylene glycol dimethacrylate (TEGDMA)	C <sub>14</sub> H <sub>22</sub> O <sub>6</sub>
13048-33-4	1,6-hexanediol diacrylate (HDDA)	C <sub>12</sub> H <sub>18</sub> O <sub>4</sub>
42978-66-5	Tripropylene glycol diacrylate (TPGDA)	C <sub>15</sub> H <sub>24</sub> O <sub>6</sub>
3290-92-4	Trimethylolpropane trimethacrylate (TMPTMA)	C <sub>18</sub> H <sub>26</sub> O <sub>6</sub>
15625-89-5	Trimethylolpropane triacrylate (TMPTA)	C <sub>15</sub> H <sub>20</sub> O <sub>6</sub>
28961-43-5	Ethoxylated trimethylol-propane triacrylate (EOTMPTA)	(C <sub>2</sub> H <sub>4</sub> O) <sub>n</sub> (C <sub>2</sub> H <sub>4</sub> O) <sub>n</sub> (C <sub>2</sub> H <sub>4</sub> O) <sub>n</sub> C <sub>15</sub> H <sub>20</sub> O <sub>6</sub>
57472-68-1	Dipropylene glycol diacrylate (DPGDA)	C <sub>12</sub> H <sub>18</sub> O <sub>5</sub>
55818-57-0	Bisphenol-A-epichlorohydrin copolymer acrylate (EPOXY ACRYLATE)	(C <sub>15</sub> H <sub>16</sub> O <sub>2</sub> .C <sub>3</sub> H <sub>5</sub> ClO) <sub>x</sub> .xC <sub>3</sub> H <sub>4</sub> O <sub>2</sub>

The monomers are generally known as multifunctional acrylates (MFAs) or multifunctional methacrylates (MFMA) depending on whether the functional groups are acrylate or methacrylate. The monomers generally contain stabilizers/inhibitors, which include but are not limited to Hydroquinone, Methyl Hydroquinone, and Butylated Hydroxy Toluene. The monomers are either difunctional or trifunctional (having 2 or 3 functional groups/molecule), have viscosities of 9 to 15 centipoise (cPs) at 25 degrees Celsius (if difunctional) or 44 to 110 cPs at 25 degrees Celsius (if trifunctional), have (meth)acrylate equivalent weights (molecular weight per number of functional groups) between 99 and 158 and molecular weights between 226 and 472 grams per mol.

The acrylated bisphenol-A epoxy based oligomer is commonly referred to as epoxy acrylate or acrylated epoxy. In contrast to epoxy resin, the main characteristic of the epoxy acrylate oligomer is that it contains acrylate functional groups which make them curable by free-radical polymerization. The epoxy acrylate has a molecular weight between 508 to 536 grams per mol and a viscosity of 2400 to 3600 cPs at 65 degrees Celsius. The epoxy acrylate generally contains stabilizers/inhibitors, which include but are not limited to Hydroquinone, Methyl Hydroquinone, and Butylated Hydroxy Toluene.

Certain monomers and oligomers are subject to the scope even if an in-scope monomer or oligomer is blended or mixed with one or more other in-scope monomers or oligomers.

Certain monomers and oligomers in any blend or mixture are also subject to the scope, so long as the blend or mixture contains no less than 20 percent by weight of in-scope CMOs.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing, or removing ingredients, or performing any other processing that would not otherwise remove the merchandise from the scope of

the investigation if performed in the subject country.

The scope also includes CMOs that are commingled, mixed or blended with in-scope product from sources not subject to the Order.

Only the subject component(s) of such blends, mixtures or commingled products described above is covered by the scope of the Orders. Subject merchandise contained in a blended, mixed or commingled product described above will not have undergone a chemical reaction as a result of being blended, mixed or commingled.

Notwithstanding the above, specifically excluded from the scope are downstream products, including but not limited to, inks, coatings and overprint varnishes. For purposes of this exclusion, the downstream product requires only the application of energy to be cured, e.g., inks or varnish applied to packaging, coatings applied to wood flooring, etc. The energy source required to cure the downstream product to its substrate can be thermal, ultraviolet radiation, visible light, electron beam radiation, or infrared radiation.

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2916.12.5050, 2916.14.2050, 3824.99.2900, 3907.29.0000, and 3907.30.0000. Subject merchandise may also be entered under subheadings 2916.12.1000 and 3824.99.9397. The HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes only; the written description of the scope is dispositive.

[FR Doc. 2026-04766 Filed 3-10-26; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-898]

**Chlorinated Isocyanurates From the People's Republic of China: 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 chlorinated isocyanurates from the People's Republic of China (China) was sold in the United States at less than normal value during the period of review (POR) June 1, 2023, through May 3, 2024.

**DATES:** Applicable March 11, 2026.

**FOR FURTHER INFORMATION CONTACT:** Dan Alexander, AD/CVD Operations, Office OII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4313.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 3, 2025, Commerce published the *Preliminary Results* in the **Federal Register** and invited interested parties to comment.<sup>1</sup>

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled

<sup>1</sup> See *Chlorinated Isocyanurates from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2023-2024*, 90 FR 48032 (October 3, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

all deadlines in administrative proceedings by 47 days.<sup>2</sup> 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.<sup>3</sup> Accordingly, the deadline for this final determination is now April 7, 2026.

For a complete description of the events that followed the *Preliminary Results*, as well as a full discussion of the issues raised by parties for this final determination, see the Issues and Decision Memorandum.<sup>4</sup> The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Scope of the Order<sup>5</sup>

The products covered by the *Order* are chlorinated isocyanurates from China. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.

#### Analysis of Comments Received

The issues raised in the case and rebuttal briefs submitted by interested parties in this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice as the Appendix.

#### Changes Since the Preliminary Results

Based on a review of the record and our analysis of the comments received from interested parties regarding the *Preliminary Results*, Commerce made certain changes to the preliminary weighted-average dumping margin calculations for mandatory respondents

Heze Huayi Chemical Co. Ltd. and Juancheng Kangtai Chemical Co. Ltd. for the final results. For further details on the changes made since the *Preliminary Results*, see the Issues and Decision Memorandum.

#### China-Wide Entity

As noted in the *Preliminary Results*, in accordance with Commerce's policy, the China-wide entity is not under review because no party specifically requested, and Commerce did not self-initiate, a review of the China-wide entity.<sup>6</sup> Thus, the China-wide entity's dumping margin, *i.e.*, 285.63 percent, is not subject to change as a result of this administrative review.

#### Final Results of Administrative Review

Commerce determines the following estimated weighted-average dumping margins for the companies listed below for the period June 1, 2023, through May 31, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
Heze Huayi Chemical Co. Ltd ....	39.87
Juancheng Kangtai Chemical Co. Ltd .....	30.24

#### Disclosure

Commerce intends to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

#### Assessment Rates

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For any individually examined respondents whose weighted-average dumping margin is above *de minimis*, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer, and we will instruct CBP to assess antidumping duties on all appropriate entries covered by this. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR

351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this administrative review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

#### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review in the **Federal Register**, as provided for by section 751(a)(2) of the Act: (1) the cash deposit rate for companies subject to this review will be the rates established in these final results of the review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) for all China exporters of subject merchandise that do not have a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin assigned to the China-wide entity (*i.e.* 285.63 percent); (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

<sup>2</sup> See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

<sup>3</sup> See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

<sup>4</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results in the Antidumping Duty Administrative Review of Chlorinated Isocyanurates from the People's Republic of China; 2023–2024," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>5</sup> See *Notice of Antidumping Duty Order: Chlorinated Isocyanurates from the People's Republic of China*, 70 FR 36561 (June 24, 2005) (*Order*).

<sup>6</sup> See *Preliminary Results* at 7.

**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 has occurred and the subsequent assessment of double antidumping duties.

**Notification to Interested Parties**

This determination is issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221.

Dated: March 6, 2026.

**Christopher Abbott,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

**Appendix****List of Topics Discussed in the Issues and Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the Preliminary Results
- V. Discussion of the Issues
  - Comment 1: Whether to Adjust the Mexican Import Data to Calculate Surrogate Values on a CIF Basis
  - Comment 2: Whether to Adjust VAT expenses in the U.S. Net Price Calculation
  - Comment 3: Whether Commerce Should Select Malaysia as the Primary Surrogate Country
  - Comment 4: Whether Commerce Should Make an Export Price Adjustment
- VI. Recommendation

[FR Doc. 2026-04767 Filed 3-10-26; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****International Trade Administration****North American Free Trade Agreement (NAFTA), Article 1904; Binational Panel Review: Notice of Panel Decision**

**AGENCY:** United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Panel Decision.

**SUMMARY:** On March 6, 2026, the Binational Panel issued its Decision on the Redetermination on Remand in the matter of Certain Softwood Lumber Products from Canada: Final Affirmative Countervailing Duty Determination

(Secretariat File Number: USA-CDA-2017-1904-02). The Binational Panel affirmed in part and remanded in part the Department of Commerce's Redetermination on Remand.

**FOR FURTHER INFORMATION CONTACT:**

Vidya Desai, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482-2311.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to provide judicial review of the trade remedy determination being challenged and then issue a binding Panel Decision. There are established *Rules of Procedure for Article 1904 Binational Panel Reviews*, which were adopted by the three governments for panels requested pursuant to Article 1904(2) of NAFTA. The notice of this Binational Panel's Decision is being published pursuant to Rule 70. For the complete Rules, please see [https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/nafta-alena-tlcan/rules-regles-reglas/article-article-articulo\\_1904.aspx?lang=eng](https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/nafta-alena-tlcan/rules-regles-reglas/article-article-articulo_1904.aspx?lang=eng).

Dated: March 6, 2026.

**Vidya Desai,**

*United States Secretary, NAFTA Secretariat.*

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**BILLING CODE 3510-GT-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648-XF548]

**Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Eareckson Air Station Fuel Pier Repair in Alcan Harbor on Shemya Island, Alaska**

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

**ACTION:** Notice; request for comments on proposed renewal incidental harassment authorization.

**SUMMARY:** NMFS received a request from the U.S. Army Corps of Engineers (USACE) on behalf of the United States Air Force Pacific Air Forces Regional Support Center (USAF) for the renewal of their currently active incidental

harassment authorization (IHA) to take marine mammals incidental to the Eareckson Air Station Fuel Pier Repair Project in Alcan Harbor on Shemya Island, Alaska. USAF's activities are nearly identical to those covered in the current authorization and will not be completed prior to the IHA's expiration. Pursuant to the Marine Mammal Protection Act (MMPA), prior to issuing the currently active IHA, NMFS requested comments on both the proposed IHA and the potential for renewing the initial authorization if certain requirements were satisfied. The renewal requirements have been satisfied, and NMFS is now providing an additional 15-day comment period to allow for any additional comments on the proposed renewal not previously provided during the initial 30-day comment period.

**DATES:** Comments and information must be received no later than March 26, 2026.

**ADDRESSES:** Comments should be addressed to the Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, and should be submitted via email to [ITP.fleming@noaa.gov](mailto:ITP.fleming@noaa.gov). Electronic copies of the original application, renewal request, and supporting documents (including NMFS' **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed below.

*Instructions:* NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Kate Fleming, Office of Protected Resources, NMFS, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:**

## Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definition of all applicable MMPA statutory used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and the NMFS’s implementing regulations at 50 CFR 216.103.

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time, 1-year renewal of an IHA following notice to the public providing an additional 15 days for public comments when: (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated

Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

3. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>. Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

## National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of a renewal IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has preliminarily determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

## History of Request

On April 21, 2025, NMFS issued an IHA to USAF to take marine mammals incidental to the Eareckson Fuel Pier Repair in Alcan Harbor in Shemya Island, Alaska (90 FR 17410, April 25, 2025), effective from April 21, 2025 through April 20, 2026. On January 30, 2026, NMFS received an application for the renewal of that initial IHA. As described in the application for renewal IHA, the activities for which incidental take is requested are nearly identical to those covered in the initial authorization, consisting of activities that are covered by the initial authorization but will not be completed prior to its expiration. USAF submitted a revised version on February 9, 2026, which was deemed adequate and complete. As required, the applicant also provided a preliminary monitoring report which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted.

NMFS first received an application from U.S. Army Corps of Engineers on behalf of USAF for an IHA to take marine mammals incidental to construction associated with the EAS Fuel Pier repair in Alcan Harbor on Shemya Island, Alaska on May 15, 2023. NMFS published a notice of a proposed

IHA and request for comments in the **Federal Register** on October 10, 2023 (88 FR 74451) and issued this IHA on March 5, 2024 [89 FR 17423, March 11, 2024; (2024 IHA)]. On September 23, 2024, USAF informed NMFS that work on the project experienced significant delays and would not be completed during the 2024 IHA time period. NMFS published a notice of a proposed 2025 IHA and request for comments in the **Federal Register** on March 13, 2025 (90 FR 11952). As described above, NMFS issued the 2025 IHA to USAF on April 21, 2025 (90 FR 17410, April 25, 2025).

**Description of the Specified Activities and Anticipated Impacts**

The purpose of this construction project is to conduct long-term repairs on the only existing fuel pier at Eareckson Air Station on Shemya Island, Alaska. As described in detail in the notice for the initial 2025 IHA (90 FR 11952, March 13, 2025; 90 FR 17410, April 25, 2025) and the original 2024 notices (88 FR 74451, October 31, 2023; 89 FR 17423, March 11, 2024), the in-water construction activity include installation and removal of temporary 30-inch (in) (0.8 meter (m)) steel pipe piles and installation of permanent 42-in (1 m) steel interlocking pipe piles with vibratory and impact hammers and down-the-hole (DTH) drilling. During the 2025 construction season, 11 out of 60 30-in temporary steel pipe piles and 32 out of 208 42-in permanent interlocking steel pipe piles were installed, and 10 out of 64 30-in temporary steel pipe piles were removed. This work was completed over 42 construction days. The remaining necessary activities include installation of 49 30-in temporary steel pipe piles and 176 42-in permanent steel interlocking pipe piles, and the removal of 54 30-in temporary steel piles.

A minor change to the activities conducted by USAF was described in the renewal letter. The initial 2025 IHA noted that the vibratory pile driving and removal of 30-in steel pipe piles would be limited to 60 minutes per day (4 piles at 15 minutes each), and vibratory pile driving of 42-in steel interlocking pipe piles would be limited to 120 minutes

per day (4 piles at 30 minutes each). Under this renewal, USAF would increase the daily amount of vibratory pile driving or removal of 30-in steel pipe piles to 120 minutes (8 piles at 15 minutes each), and increase the daily amount of vibratory pile installation of 42-in interlocking steel pipe piles to 210 minutes (7 piles at 30 minutes each). Additionally, USAF would conduct vibratory pile driving activities during low-light conditions, where Protected Species Observers (PSOs) would use equipment such as infrared light bars, night vision devices, and thermal imaging to ensure sufficient visibility. USAF proposes these changes to help address slower production rates than originally estimated, given challenging environmental conditions and mechanical delays.

These changes would increase the size of the estimated Level A harassment zones and the shutdown zones associated with vibratory pile driving and removal (see Description of Proposed Mitigation, Monitoring, and Reporting Measures). The increase to proposed shutdown zones for vibratory pile driving and removal activities follows the same goals for mitigation articulated in the notice of the initial proposed 2025 IHA, *i.e.*, the shutdown zones are equal to the estimated Level A harassment zones, and there is no increase to the estimated take numbers. Therefore, NMFS has determined that these changes are minor and that the requested renewal IHA is appropriate. Given delays from mechanical failures and inclement weather, USAF estimates that construction would be completed in 173 construction days under this renewal rather than 160 days as estimated in the initial 2025 IHA. Sounds produced by these activities may result in take, by Level A harassment and Level B harassment, of marine mammals located in Alcan Harbor, Alaska.

NMFS proposes to authorize incidental take at the same levels as authorized in the initial 2025 IHA, except for Steller sea lion (take proposed for authorization has been reduced by the amount of potential take reported during completion of activities

under the 2025 IHA, to maintain consistency with the associated Biological Opinion). A total of 12 marine mammal species (15 stocks) are expected to experience Level B harassment and 8 species (10 stocks) have the potential for Level A harassment (see Estimated Take).

All documents related to the initial 2025 IHA and the original 2024 IHA are available on our website: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-pacific-air-forces-regional-support-centers-construction-0>.

*Detailed Description of the Activity*

A detailed description of the construction activities for which take is proposed here may be found in the Notices of the Proposed (90 FR 11952, March 13, 2025) and Final 2025 IHA (90 FR 17410, April 25, 2025), and/or the Notices of the Proposed (88 FR 74451, October 31, 2023) and Final 2024 IHA (89 FR 17423, March 11, 2024). The location, timing, and nature of the activities, including the types of equipment planned for use, are a subset of and nearly identical to those described in the previous notices. The only minor change is the increase of vibratory installation and removal of 30-in steel pipe piles from 60 minutes per day to 120 minutes per day and the increase of vibratory installation of 42-in steel interlocking pipe piles from 160 minutes per day to 210 minutes per day (table 1). The longer duration of vibratory hammer use would create larger harassment and, therefore, larger shutdown zones than those analyzed in the initial 2025 IHA. USAF would also include vibratory pile driving and removal at night, and anticipates that work would occur over 173 construction days rather than 160 days. NMFS has preliminarily determined that the amount of take authorized through the initial 2025 IHA remains sufficient to cover the likely effects of the planned activity, and no changes to the authorized take numbers are proposed, other than to account for reported potential takes of Steller sea lion.

USAF’s proposed revisions are summarized in table 1 below.

**TABLE 1—PRODUCTION RATES FOR VIBRATORY PILE DRIVING AND REMOVAL ACTIVITIES INCLUDED IN THE INITIAL IHA AND USAF’S PROPOSED REVISIONS FOR THE RENEWAL**

	Initial IHA		Proposed revision	
	Temporary pile installation and removal: 30-in steel	Permanent pile installation: 42-in steel	Temporary pile installation and removal: 30-in steel	Permanent pile installation: 42-in steel
Maximum piles per day .....	4	4	8	7

TABLE 1—PRODUCTION RATES FOR VIBRATORY PILE DRIVING AND REMOVAL ACTIVITIES INCLUDED IN THE INITIAL IHA AND USAF’S PROPOSED REVISIONS FOR THE RENEWAL—Continued

	Initial IHA		Proposed revision	
	Temporary pile installation and removal: 30-in steel	Permanent pile installation: 42-in steel	Temporary pile installation and removal: 30-in steel	Permanent pile installation: 42-in steel
Minutes per pile .....	15	30	15	30
Minutes per day .....	60	120	120	210

The proposed renewal would be effective for a period not exceeding 1 year from the date of expiration of the initial 2025 IHA.

*Description of Marine Mammals*

A description of the marine mammals in the area of the activities for which authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the Notices of the Proposed (90 FR 11952, March 13, 2025) and Final 2025 IHA (90 FR 17410, April 25, 2025) for the initial 2025 authorization, and the Notices of the Proposed (88 FR 74451, October 31, 2023) and Final 2024 IHA (89 FR 17423, March 11, 2024). NMFS has reviewed the monitoring data from the initial 2025 IHA, current Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined there is no new information that affects which species or stocks have the potential to be affected or the pertinent information in the Description

of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA.

*Potential Effects on Marine Mammals and Their Habitat*

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which authorization of incidental take is proposed here may be found in the Notices of the Proposed (88 FR 74451, October 31, 2023) and Final 2024 IHA (89 FR 17423, March 11, 2024). NMFS has reviewed the monitoring data from the initial 2025 IHA, current Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

*Estimated Take*

A detailed description of the methods used to estimate take for the specified

activity are found in the notices of the Notices of the Proposed (90 FR 11952, March 13, 2025) and Final 2025 IHAs (90 FR 17410, April 25, 2025), and the Notices of the Proposed (88 FR 74451, October 31, 2023) and Final 2024 IHA (89 FR 17423, March 11, 2024). The source levels and marine mammal occurrence data applicable to this authorization remain unchanged from the previously issued IHAs.

USAF and NMFS reanalyzed the Level A harassment zones for vibratory pile installation and removal activities to reflect USAF’s proposed revisions (table 1), using the optional User Spreadsheet tool described in the initial 2025 IHA (90 FR 17410, April 25, 2025). Table 2 provides the calculated Level A harassment isopleths from the initial 2025 IHA, and table 3 provides the calculated Level A harassment isopleths given the revised minutes of vibratory pile driving proposed by USAF.

TABLE 2—PROJECT DISTANCES TO LEVEL A AND LEVEL B HARASSMENT ISOPLETHS (m) BY MARINE MAMMAL HEARING GROUP BASED ON PRODUCTION RATES ANALYZED UNDER THE INITIAL 2025 IHA [90 FR 17410, April 25, 2025]

Pile size/type	Level A harassment isopleths (m)					Level B harassment (m)
	LF	HF	VHF	PW	OW	
<b>Vibratory Installation and Removal</b>						
42-in interlocking steel .....	44.2	17.0	36.1	56.9	19.2	16,343
30-in steel pipe .....	19.9	7.6	16.2	25.6	8.6	11,659
<b>DTH</b>						
42-in interlocking steel .....	2,540	324.1	3,930.8	2,256.5	841.1	39,811
30-in steel pipe .....	2,249.4	287.0	3,480.9	1,998.2	744.9	39,811
<b>Impact Pile Driving</b>						
42-in interlocking steel .....	2,007.8	256.2	3,107.0	1,783.6	664.9	1,359
30-in steel pipe .....	930.4	118.7	1,439.9	826.6	308.1	1,166

**Note:** LF = Low frequency cetaceans; HF = high frequency cetaceans; VHF = Very high frequency cetaceans; PW = Phocids; OW = Otariids.

TABLE 3—PROJECT DISTANCES TO LEVEL A AND LEVEL B HARASSMENT ISOPLETHS (m) BY MARINE MAMMAL HEARING GROUP BASED ON PRODUCTION RATES PROPOSED FOR THE RENEWAL

Pile size/type	Level A harassment isopleths (m)					Level B harassment (m)
	LF	HF	VHF	PW	OW	
<b>Vibratory Installation and Removal</b>						
42-in interlocking steel .....	64.2	24.7	52.4	82.6	27.8	16,343
30-in steel pipe .....	31.5	12.1	25.6	40.6	13.7	11,659
<b>DTH</b>						
42-in interlocking steel .....	2,540	324.1	3,930.8	2,256.5	841.1	39,811
30-in steel pipe .....	2,249.4	287.0	3,480.9	1,998.2	744.9	39,811
<b>Impact Pile Driving</b>						
42-in interlocking steel .....	2,007.8	256.2	3,107.0	1,783.6	664.9	1,359
30-in steel pipe .....	930.4	118.7	1,439.9	826.6	308.1	1,166

**Note:** Bolded values reflect changes from the 2025 IHA and are based on USAF’s proposed daily increase in the planned number of piles to be vibratory installed or removed.

USAF would continue to implement shutdown zones that are equivalent to the Level A harassment zones during all vibratory pile driving and removal activities for all hearing groups, as described in the initial 2025 IHA (90 FR

17410, April 25, 2025). While USAF estimates a small increase in the number of construction days needed to complete the project under this renewal, data reported by PSOs monitoring during the 2025 construction period do not suggest

that authorization of additional take is warranted. Similarly, the stocks taken, methods of take, and types of take remain unchanged from the previously issued IHA, as do the number of takes, which are indicated in table 4.

TABLE 4—ESTIMATED TAKE BY LEVEL A AND LEVEL B HARASSMENT, BY SPECIES AND STOCK

Species	Stock	Take by Level B harassment	Take by Level A harassment	Proposed take as a percentage of stock abundance
Fin whale .....	Northeast Pacific .....	14	7	<1
Humpback whale .....	Western North Pacific .....	3	1	<1
	Mexico-North Pacific .....	10	2	1.3
	Hawai'i .....	118	20	< 1
Minke whale .....	Alaska .....	5	3	<1
Sperm whale .....	North Pacific .....	40	0	16.2
Baird’s beaked whale .....	Alaska .....	10	0	(*)
Stejneger’s beaked whale .....	Alaska .....	8	0	(*)
Killer whale .....	ENP Alaska Resident .....	176	0	9.1
	ENP Gulf of Alaska, Aleutian Islands, and Bering Sea .....			30
Dall’s porpoise .....	Alaska .....	21	19	< 1
Harbor porpoise .....	Bering sea .....	9	6	< 1
Northern fur seal .....	Eastern Pacific .....	5		< 1
Steller sea lion .....	Western, U.S. .....	**87	10	< 1
Harbor seal .....	Aleutian Islands .....	319	176	9

\* Reliable abundance estimates for these stocks are currently unavailable.

\*\* While NMFS authorized 89 takes by Level B harassment under the initial IHA, NMFS is proposing to authorize 87 takes by Level B harassment to stay consistent with the existing Biological Opinion for this project.

*Description of Proposed Mitigation, Monitoring and Reporting Measures*

The proposed mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial 2025 IHA (90 FR 17410, April 25, 2025), and the discussion of the least practicable adverse impact included in that document and the Notice of the proposed IHA remains accurate. The

following measures are proposed for this renewal:

- USAF must employ NMFS-approved PSOs and establish monitoring locations to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions.
- Monitoring must take place from 30 minutes prior to initiation of pile driving activity (*i.e.*, pre-start clearance monitoring) through 30 minutes post completion of pile driving activity.

- Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones are clear of marine mammals.
- If a marine mammal is observed entering or within the shutdown zones pile driving activity must be delayed or halted.
- If pile driving is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been

visually confirmed beyond the required shutdown zones or 15 minutes have passed (delphinids and pinnipeds) or 30 minutes for all other species without redetection of the animal.

- Soft start techniques must be used when impact pile driving.
- Pile driving activity must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or within the harassment zone.
- USAF must shut down construction operations if a marine mammal comes within 10 m of construction activity to avoid direct physical interaction with marine mammals.
- USAF must submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities or 60 calendar

days prior to the requested issuance of any subsequent IHA for construction activity at the same location, whichever comes first. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report.

- All injured or dead marine mammals must be reported to the Office of Protected Resources and to the Alaska Regional stranding network.

As noted above, the proposed increase in vibratory pile installation or removal time from 60 minutes per day to 120 minutes per day (30-in steel pipe piles) and from 120 minutes per day to 210 minutes per day (42-in steel interlocking pipe piles) has increased the size of the associated Level A harassment zones. As such, the proposed shutdown zones for these same activities have been revised.

Consistent with the mitigation required through the initial IHA, during all vibratory pile driving and removal activities for all hearing groups, and during all other activities for high frequency cetaceans, USAF will implement shutdown zones equivalent to the estimated Level A harassment isopleths. For all other hearing groups, during DTH and impact pile driving, shutdown zones are established at the distance that these species are assumed to be able to be reliably observed under typical conditions at the location.

Table 5 provides the shutdown zones from the initial 2025 IHA, and table 6 provides the provides the revised shutdown zones under this renewal given the revised minutes of vibratory pile driving and removal proposed by USAF.

TABLE 5—SHUTDOWN ZONES REQUIRED UNDER THE INITIAL IHA

Activity	Pile diameter	Shutdown zones				
		LF	HF	VHF	PW	OW
Vibratory Installation and Removal	42-in	50	50	50	60	50
	30-in	25	25	25	30	25
DTH	42-in	1000	350	500	400	400
	30-in		290			
Impact	42-in		260			
	30-in		120			

TABLE 6—PROPOSED SHUTDOWN ZONES UNDER THE RENEWAL IHA

Activity	Pile diameter	Shutdown zones				
		LF	HF	VHF	PW	OW
Vibratory Installation and Removal	42-in	<b>65</b>	50	<b>55</b>	<b>85</b>	50
	30-in	<b>35</b>	25	<b>30</b>	<b>45</b>	25
DTH	42-in	1000	350	500	400	400
	30-in		290			
Impact	42-in		260			
	30-in		120			

\* Bold font represents a change from the initial IHA.

**Comments and Responses**

As noted previously, NMFS published a notice of a proposed IHA (90 FR 11952, March 13, 2025) and solicited public comments on both our proposal to issue the initial IHA for construction activities associated with the project and on the potential for a renewal IHA, should certain requirements be met. No public comments were received on the proposed IHA.

**Preliminary Determinations**

The construction activities are nearly identical to those analyzed for the initial IHA, as are the method of taking and the effects of the action. The higher minutes of vibratory pile driving and removal

time each day does increase the size of the Level A harassment zones and shutdown zones slightly for these activities. This increase in zone sizes, however, does not change the anticipated take numbers analyzed in the initial IHA. In analyzing the effects of the activities for the initial IHA, NMFS determined that the USAF’s activities would have a negligible impact on the affected species or stocks and that the authorized take numbers of each species or stock were small relative to the relevant stocks (e.g., less than one-third of the abundance of all stocks). Aside from the revised shutdown zones associated with vibratory pile driving and removal

activities, the mitigation measures and monitoring and reporting requirements as described above are identical to the initial 2025 IHA.

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will affect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3)

the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) USAF's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action; and (5) appropriate monitoring and reporting requirements are included.

### Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA, 16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

The NMFS Alaska Regional Office issued a Biological Opinion under section 7 of the ESA (16 U.S.C. 1531 *et seq.*) on the issuance of an IHA and potential renewal IHA to USAF under section 101(a)(5)(D) of the MMPA by the NMFS Office of Protected Resources. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of ESA-listed fin whales (Northeast Pacific), humpback whales (Western North Pacific and Mexico North Pacific), sperm whales (North Pacific), and Steller sea lions (Western North Pacific).

### Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to USAF for conducting the Eareckson Fuel Pier Repair Project in Alcan Harbor on Shemya Island, Alaska between April 21, 2026 and April 20, 2027, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed and final initial 2025 IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. We request comment on our analyses, the proposed renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for this renewal IHA.

Dated: March 9, 2026.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2026-04768 Filed 3-10-26; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XF590]

#### Implementation of Fish and Fish Product Import Provisions of the Marine Mammal Protection Act—Notification of Comparability Findings

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

**ACTION:** Notice of comparability findings.

**SUMMARY:** Under the authority of the Marine Mammal Protection Act (MMPA), the NMFS Assistant Administrator for Fisheries (Assistant Administrator) announces comparability finding determinations for the Government of New Zealand's (GNZ) North Island and South Island multi-species set net fisheries and North Island and South Island multi-species trawl fisheries. NMFS bases the comparability findings on documentary evidence submitted by the GNZ and other relevant, readily available information.

**DATES:** These comparability findings are valid and in effect from March 11, 2026 through December 31, 2029, or for such other period as NMFS may specify.

**FOR FURTHER INFORMATION CONTACT:** Mi Ae Kim, Office of International Affairs, Trade, and Commerce, NMFS, [mmpa.loff@noaa.gov](mailto:mmpa.loff@noaa.gov), or by phone at (301) 427-8365.

#### SUPPLEMENTARY INFORMATION:

##### Background

The MMPA requires the United States to ban the importation of commercial fish or fish products that have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of U.S. standards (16 U.S.C. 1371(a)(2)). For the purposes of applying this import ban, the Secretary of Commerce shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing

technology in use for such fish or fish products exported from such nation to the United States (16 U.S.C. 1371(a)(2)(A)).

In August 2016, NMFS published a final rule (81 FR 54390; August 15, 2016) (Final Rule) implementing the fish and fish product import provisions in section 1371(a)(2) of the MMPA. The Final Rule established a process to evaluate a harvesting nation's regulatory program concerning the incidental and intentional mortality and serious injury of marine mammals in fisheries operated by nations that export fish and fish products to the United States. Under the Final Rule, a valid comparability finding for a fishery must be in effect for the importation of fish and fish products into the United States.

The GNZ submitted its comparability finding application to NMFS, including information pertaining to the North Island and South Island multi-species set net and trawl fisheries. NMFS issued comparability findings for a select number of New Zealand's fisheries (*i.e.*, West Coast North Island multi-species set net and trawl fisheries) in November 2020. *See* 85 FR 71297 (November 9, 2020). Following the publication of the findings, two environmental organizations filed a lawsuit against NMFS claiming that its comparability findings violated the MMPA and Administrative Procedure Act (APA). *See Sea Shepherd New Zealand and Sea Shepherd Conservation v. United States, et al.*, Case No. 20-00112. A brief history of the litigation can be found at 89 FR 4595 (January 24, 2024). In response to the litigation, the GNZ submitted supplemental documentary evidence regarding its regulatory program pertaining to the West Coast North Island multi-species set net and trawl fisheries. NMFS reconsidered its earlier comparability findings issued on November 9, 2020, based on the supplemental information provided and issued new comparability findings for these fisheries on January 24, 2024. *See* 89 FR 4595 (January 24, 2024).

A new lawsuit was initiated by a different environmental organization on December 4, 2024, challenging NMFS' January 24, 2024 comparability findings. *See Maui and Hector's Dolphin Defenders NZ Inc. v. National Marine Fisheries Service, et al.*, Case No. 1:24-cv-00218 (CIT) (*MHDD v. NMFS I*). Plaintiff asserted that NMFS' comparability findings and its failure to ban imports from New Zealand's West Coast North Island multi-species set net and trawl fisheries (specifically from Fishery IDs 1969 and 1977) violated the MMPA and APA. On August 26, 2025, the U.S. Court of International Trade

ruled in favor of the plaintiff concluding that NMFS' 2024 decision was arbitrary and capricious because the agency's rationale was inconsistent with the MMPA and it failed to adequately explain its rationale and support its determinations with documentary evidence. The court vacated and remanded the 2024 Decision Memorandum supporting the comparability findings with instructions to NMFS to issue remand comparability findings for New Zealand's West Coast North Island multi-species set net and trawl fisheries no later than January 6, 2026. NMFS filed its remand comparability findings with the court on January 6, 2026.

In an unrelated action, on September 2, 2025, NMFS published a Notice in the **Federal Register** announcing NMFS' final comparability findings for the entire group of harvesting nations (135 nations covering approximately 2,500 fisheries) seeking to export fish and fish products to the United States under section 1371(a)(2) of the MMPA. *See* 90 FR 42395 (Sept. 2, 2025). The issuance of final comparability findings for all harvesting nations was required because the regulations obligated NMFS to determine whether to issue comparability findings for Export and Exempt fisheries no later than November 30, 2025 (the year when the exemption period was set to expire) and because a court order in *Natural Resources Defense Council, et al. v. National Marine Fisheries Service, et al.*, 1:24-cv-00148 (CIT) directed that NMFS issue comparability findings for all harvesting nations and submit those findings to the **Federal Register** on or before September 1, 2025. Pursuant to the requirements of the Final Rule and the court's order, NMFS issued new comparability findings for all of New Zealand's commercial fisheries, which were published in the **Federal Register** on September 2, 2025.

Māui and Hector's Dolphin Defenders NZ Inc. filed another lawsuit on January 5, 2026, alleging that NMFS' September 2, 2025, comparability findings for New Zealand's fisheries involving commercial set net and trawl gear violated the MMPA and APA. *See Maui and Hector's Dolphin Defenders NZ Inc. v. National Marine Fisheries Service, et al.*, Case No. 1:26-00060 (CIT) (*MHDD v. NMFS II*). *MHDD v. NMFS II* challenged NMFS' findings for the following 15 North Island and South Island set net and trawl fisheries—Fishery IDs 1883, 1968, 1969, 1977, 1978, 2041, 2046, 2047, 2051, 2052, 2053, 2054, 2064, 2067, and 2077. The primary difference between *MHDD v. NMFS I* and *MHDD v. NMFS II* relates

to scope, namely that in *MHDD v. NMFS II* the Plaintiffs claimed that NMFS did not adequately address the effects of the South Island set net and trawl fisheries on Hector's dolphins and other potentially affected marine mammals.

#### **NMFS' Comparability Findings for New Zealand's North Island and South Island Multi-Species Set Net and Trawl Fisheries**

NMFS has conducted a discretionary review pursuant to 50 CFR 216.24(h)(8)(vii) of the findings it made on September 2, 2025, pertaining to New Zealand's North Island and South Island multi-species set net and trawl fisheries solely to consider whether the information obtained by NMFS during the remand period in *MHDD v. NMFS I*, and other readily available information from public sources and the GNZ, continued to support comparability findings for the additional 13 fisheries that were not included in the remand. Having concluded that this additional information does not support altering the previous results, NMFS issues the following comparability findings.

A comparability finding means that each of the harvesting nation's Export and/or Exempt fisheries covered by the finding meet the applicable conditions specified in the Final Rule and becomes valid upon publication in the **Federal Register**. *See* 50 CFR 216.24(h)(8)(i) and (iv). NMFS has evaluated the documentary evidence provided by the GNZ and other relevant, readily available information, addressed the concerns identified in the court's August 26, 2025, Opinion and Order, and the applicable regulatory conditions at 50 CFR 216.24(h)(6) and (h)(7), and has determined that the GNZ's regulatory program for its North Island and South Island multi-species set net and trawl fisheries is comparable in effectiveness to the United States' regulatory program under the MMPA. The comparability findings announced in this Notice incorporate the remand comparability findings for Fishery IDs 1969 and 1977 that were filed with the court on January 6, 2026, and new comparability findings for New Zealand's North Island and South Island multi-species set net and trawl fisheries that are the subject of *MHDD v. NMFS II* (Fishery IDs: 1883, 1968, 1969, 1977, 1978, 2041, 2046, 2047, 2051, 2052, 2053, 2054, 2064, 2067, and 2077) and the new findings supersede NMFS' previously published comparability findings for the same fisheries (*i.e.*, Fishery IDs: 1883, 1968, 1969, 1977, 1978, 2041, 2046, 2047, 2051, 2052, 2053, 2054, 2064, 2067, and 2077) referenced in NMFS's Notice of

Comparability Findings and Implementation and Continuation of Trade Restrictions for Certain Fish and Fish Products dated September 2, 2025. *See* 90 FR 42395 (Sept. 2, 2025). All of the other comparability findings for New Zealand's Export and/or Exempt fisheries (*i.e.*, purse seine (ID 1881), trolling lines (ID 1971), surface longline (ID 1972 and 1975), bottom trawl (ID 2074, 2083, 2084, 2085, 2093, 2099), bottom trawl/midwater trawl (ID 10581), bottom longline (ID 1882, 2075, and 2095), fish pots/fish traps (ID 2043 and 12480), pots/traps (ID 2050), lobster traps (ID 2089), and aquaculture (ID 2090)) identified in the September 2, 2025, **Federal Register** Notice and accompanying report for these New Zealand fisheries are unaffected by this Notice and remain valid.

As a result of these findings, NMFS announces the issuance of comparability findings that will allow the continued importation into the United States of fish and fish products harvested by New Zealand's set net and trawl fisheries (Fishery IDs: 1883, 1968, 1969, 1977, 1978, 2041, 2046, 2047, 2051, 2052, 2053, 2054, 2064, 2067, and 2077) operating off the North Island and South Island. A more detailed analysis of NMFS' comparability findings for the GNZ's North Island and South Island multi-species set net and trawl fisheries (Fishery IDs: 1883, 1968, 1969, 1977, 1978, 2041, 2046, 2047, 2051, 2052, 2053, 2054, 2064, 2067, and 2077) is contained in NMFS's Decision Memorandum dated March 2, 2026, and can be found at: <https://www.fisheries.noaa.gov/international-affairs/2025-marine-mammal-protection-act-comparability-finding-determinations>.

Dated: March 6, 2026.

**Samuel D. Rauch III**,  
Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.

[FR Doc. 2026-04747 Filed 3-10-26; 8:45 am]

**BILLING CODE 3510-22-P**

## **DEPARTMENT OF COMMERCE**

### **National Telecommunications and Information Administration**

#### **NTIA Innovation Fund AI RAN Listening Session**

**AGENCY:** National Telecommunications and Information Administration, Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The National Telecommunications and Information

Administration (NTIA) will convene a hybrid industry listening session on the Public Wireless Supply Chain Innovation Fund (“Innovation Fund”). The session will discuss Innovation Fund progress to date and solicit industry input to help inform a future funding opportunity.

**DATES:** The listening session will be held on March 23, 2026, from 9:00 a.m. to 12 p.m. Eastern Daylight Time.

**ADDRESSES:** The session will be held hybrid, with participation available both via Microsoft Teams and in-person at The MITRE Corporation’s location in McLean, Virginia. Online slide share and dial-in information to be posted at [www.ntia.gov/program/innovation-fund](http://www.ntia.gov/program/innovation-fund).

**FOR FURTHER INFORMATION CONTACT:** Please direct questions regarding this Notice to Richard Upchurch at [innovationfund@ntia.gov](mailto:innovationfund@ntia.gov), indicating “Innovation Fund Listening Session 2026” in the subject line, or if by mail, addressed to National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202-482-3806. Please direct media inquiries to NTIA’s Office of Public Affairs, [press@ntia.gov](mailto:press@ntia.gov).

**SUPPLEMENTARY INFORMATION:**

**Background and Authority**

The Innovation Fund is authorized under section 9202(a)(1) of the *William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021* (Pub. L. 116-283; 47 U.S.C. 906(a)(1)). It supports U.S. leadership in the global telecommunications ecosystem, fosters competition, and strengthens our supply chain. The Secretary of Commerce, acting through the NTIA Administrator, shall establish criteria for grants awarded to support the following:

(i) Promoting and deploying technology, including software, hardware, and microprocessing technology, that will enhance competitiveness in the fifth-generation (commonly known as “5G”) and successor wireless technology supply chains that use open and interoperable interface radio access networks.

(ii) Accelerating commercial deployments of open interface standards-based compatible, interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the O-RAN Alliance, the Telecom Infra Project, 3GPP, the Open-RAN Software Community, or any successor organizations.

(iii) Promoting and deploying compatibility of new 5G equipment

with future open standards-based, interoperable equipment.

(iv) Managing integration of multi-vendor network environments.

(v) Identifying objective criteria to define equipment as compliant with open standards for multi-vendor network equipment interoperability.

(vi) Promoting and deploying security features enhancing the integrity and availability of equipment in multi-vendor networks.

(vii) Promoting and deploying network function virtualization to facilitate multi-vendor interoperability and a more diverse vendor market.

*Listening Session Focus:* This listening session will focus on advancing AI-native telecommunications networks through the Innovation Fund. This effort is aligned with the Administration’s July 2025 AI Action Plan and the Executive Order on Promoting the Export of the American AI Technology Stack with the goal of establishing U.S. leadership in secure AI technologies.

*Time and Date:* NTIA will convene the public listening session on Monday, March 23, 2026, from 9:00 a.m. to 12 p.m. Eastern Daylight Time. Please refer to NTIA’s website, [www.ntia.gov/program/innovation-fund](http://www.ntia.gov/program/innovation-fund) for the most current information.

*Place:* For those attending in-person, the listening session will be held at The MITRE Corporation located at 7525 Colshire Drive, McLean, VA 22102. For those attending virtually, online slide share and dial-in information will be posted at <https://www.ntia.gov/program/innovation-fund>. Please refer to NTIA’s website, for the most current information.

*Other Information:* The meeting is open to the public and the press on a first-come, first-serve basis. The hybrid meeting is accessible to people with disabilities and/or individuals requiring accommodations such as real-time captioning. Those individuals who need other ancillary aids should notify the Department at [innovationfund@ntia.gov](mailto:innovationfund@ntia.gov) at least seven (7) business days prior to the listening session. Access details for the meeting are subject to change. Please refer to NTIA’s website, <https://www.ntia.gov/program/innovation-fund> for the most current information.

Dated: March 6, 2026.

**David Brodian,**

*Chief Counsel, National Telecommunications and Information Administration.*

[FR Doc. 2026-04704 Filed 3-10-26; 8:45 am]

**BILLING CODE 3510-60-P**

**DEPARTMENT OF DEFENSE**

**Department of the Army**

[Docket ID: USA-2026-HQ-0199]

**Proposed Collection; Comment Request**

**AGENCY:** U.S. Army Corps of Engineers (USACE), Department of the Army, Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the U.S. Army Corps of Engineers announces the proposed extension of an approved 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 11, 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 email the Corps Water Infrastructure Financing Program (CWIFP), 441 G Street NW, CECW-I, Attn: Aaron Snyder, Washington, DC 20314; telephone number (612) 518-0355; [CWIFP@usace.army.mil](mailto:CWIFP@usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Corps Water Infrastructure Financing Program (CWIFP) Applications; ENG Form 6176 and ENG Form 6177; OMB Control Number 0710-0026.

*Needs and Uses:* The U.S. Army Corps of Engineers (USACE) is collecting this information to administer the Corps Water Infrastructure Financing Program (CWIFP), which provides federal credit assistance for water infrastructure projects as authorized by the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA). The information collection is a two-step process. The Preliminary Application (ENG Form 6176) is necessary to validate the eligibility of the prospective borrower and project, perform preliminary creditworthiness and feasibility assessments, and evaluate the project against the selection criteria to identify which projects USACE will invite to submit a final application.

Based on evaluation of the Preliminary Application, USACE will invite prospective borrowers to submit a Final Application (ENG Form 6177). The Final Application provides USACE with the detailed information necessary to assess the creditworthiness of both the applicant and project, identify the project's engineering and financial risk, negotiate the terms and conditions of the credit assistance, and calculate the amount of budget authority needed to fund the project.

The respondents are eligible entities seeking federal credit, including corporations, partnerships, and state, local, or tribal governments. Without this information collection, USACE would be unable to evaluate projects, manage financial risk, or execute its mission to provide credit assistance for the nation's water infrastructure.

*Affected Public:* Corporations, partnerships, joint ventures, trusts, federal, state, or local government entities, tribal governments or a consortium of tribal governments, and state infrastructure finance authorities.

**Preliminary Application (ENG Form 6176)**

*Annual Burden Hours:* 1,250.  
*Number of Respondents:* 25.  
*Responses per Respondent:* 1.  
*Annual Responses:* 25.

*Average Burden per Response:* 50 hours.

**Final Application (ENG Form 6177)**

*Annual Burden Hours:* 1,500.  
*Number of Respondents:* 15.  
*Responses per Respondent:* 1.  
*Annual Responses:* 15.  
*Average Burden per Response:* 100 hours.

**Total**

*Annual Burden Hours:* 2,750.  
*Number of Respondents:* 40.  
*Annual Responses:* 40.  
*Frequency:* On occasion.

Dated: March 6, 2026.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2026-04703 Filed 3-10-26; 8:45 am]

**BILLING CODE 6001-FR-P**

**DEPARTMENT OF EDUCATION**

[Docket No.: ED-2026-SCC-0464]

**Agency Information Collection Activities; Comment Request; Measuring Educational Gain in the National Reporting System for Adult Education**

**AGENCY:** Office of Career, Technical, and Adult Education (OCTAE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

**DATES:** Interested persons are invited to submit comments on or before May 11, 2026.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2026-SCC-0464. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted

after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the U.S. Department of Education, Office of Career, Technical, and Adult Education, Attention: John LeMaster, 400 Maryland Ave. SW, LBJ, Room 4A113, Washington, DC 20202-1200.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact John LeMaster, 202-987-0903.

**SUPPLEMENTARY INFORMATION:** The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Measuring Educational Gain in the National Reporting System for Adult Education.

*OMB Control Number:* 1830-0567.

*Type of Review:* An extension without change of a currently approved ICR.

*Respondents/Affected Public:* Private Sector.

*Total Estimated Number of Annual Responses:* 15.

*Total Estimated Number of Annual Burden Hours:* 600.

*Abstract:* Title 34 of the Code of Federal Regulations part 462 establishes procedures the Secretary uses to consider literacy tests for use in the National Reporting System (NRS) for adult education. This information is used by the Secretary to determine the

suitability of published literacy tests to measure and report educational gain under the NRS.

**Brian Fu,**

*Program and Management Analyst, Office of the Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2026-04774 Filed 3-10-26; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

[Docket No.: ED-2026-SCC-0496]

### Agency Information Collection Activities; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

**AGENCY:** Office of Management (OM), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

**DATES:** Interested persons are invited to submit comments on or before May 11, 2026.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2026-SCC-0496. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Office of the Chief Data Officer, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4C294, Washington, DC 20202-1200.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact [data@ed.gov](mailto:data@ed.gov).

**SUPPLEMENTARY INFORMATION:** The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA)

(44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

*OMB Control Number:* 1880-0542.

*Type of Review:* An extension without change of a currently approved ICR.

*Respondents/Affected Public:* Individuals and Households.

*Total Estimated Number of Annual Responses:* 450,000.

*Total Estimated Number of Annual Burden Hours:* 225,000.

*Abstract:* This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs.

**Ross Santy,**

*Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2026-04746 Filed 3-10-26; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

[Docket No.: ED-2025-SCC-0976]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; State and Local Educational Agency Record and Reporting Requirements Under Part B of the Individuals With Disabilities Education Act

**AGENCY:** Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a reinstatement without change of a previously approved information collection request (ICR).

**DATES:** Interested persons are invited to submit comments on or before April 10, 2026.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) to access the site. Find this information collection request (ICR) by selecting "Department of Education" under "Currently Under Review," then check the "Only Show ICR for Public Comment" checkbox. [Reginfo.gov](http://www.reginfo.gov) provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the "View Information Collection (IC) List" link. Supporting statements and other supporting documentation may be found by clicking on the "View Supporting Statement and Other Documents" link.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Diana Yu, (202) 245-6371.

**SUPPLEMENTARY INFORMATION:** The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in

response to this notice will be considered public records.

*Title of Collection:* State and Local Educational Agency Record and Reporting Requirements under Part B of the Individuals with Disabilities Education Act.

*OMB Control Number:* 1820–0600.

*Type of Review:* Reinstatement without change of a previously approved ICR.

*Respondents/Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 73,503.

*Total Estimated Number of Annual Burden Hours:* 353,169.

*Abstract:* OMB Information Collection 1820–0600 reflects the provisions in the Act and the Part B regulations requiring States and/or local educational agencies (LEAs) to collect and maintain information or data and, in some cases, report information or data to other public agencies or to the public. However, such information or data are not reported to the Secretary. Data are collected in the areas of private schools, parentally placed private school students, State high cost fund, notification of free and low cost legal services, early intervening services, notification of hearing officers and mediators, State complaint procedures, and the LEA application under Part B.

Information Collection 1820–0600 is being extended as is.

**Ross Santy,**

*Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2026–04736 Filed 3–10–26; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Agency Information Collection Extension

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of request for comments.

**SUMMARY:** The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). The information collection requests a three-year extension of its collection, titled “Assistance to Foreign Atomic Energy Activities,” OMB Control Number 1901–0263.

**DATES:** Comments regarding this proposed information collection must be received on or before April 10, 2026. If you anticipate that you will be

submitting comments but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 881–9493.

**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](http://www.reginfo.gov/public/do/PRAMain). Find this information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Additional information on DOE’s regulation of assistance to foreign atomic energy activities pursuant to 10 CFR part 810 is available at [www.energy.gov/nnsa/10-cfr-part-810](http://www.energy.gov/nnsa/10-cfr-part-810). For other questions, email to [part810@nnsa.doe.gov](mailto:part810@nnsa.doe.gov) or contact Andrew Lyman, Senior Policy Advisor, Office of Nonproliferation and Arms Control, NA–24, National Nuclear Security Administration, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, telephone (202) 287–1025.

**SUPPLEMENTARY INFORMATION:**

*Comments are invited on:* (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* 1901–0263;

(2) *Information Collection Request Titled:* Assistance to Foreign Atomic Energy Activities;

(3) *Type of Review:* Extension;

(4) *Purpose:* This collection of information from U.S. exporters is necessary in order to provide the Secretary of Energy with the appropriate information needed to make informed determinations regarding requests to directly or indirectly engage or participate in the development or production of special nuclear material outside the United States.

(5) *Annual Estimated Number of Respondents:* 101;

(6) *Annual Estimated Number of Total Responses:* 681;

(7) *Annual Estimated Number of Burden Hours:* 1127;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* \$127,686

*Statutory Authority:* Sections 57 b.(2) and 161p. of the Atomic Energy Act of 1954, as amended (AEA), 10 CFR part 810.

### Signing Authority

This document of the Department of Energy was signed on March 6, 2026, by Matthew Napoli, Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 9, 2026.

**Jennifer Hartzell,**

*Alternate Federal Register Liaison Officer, U.S. Department of Energy.*

[FR Doc. 2026–04744 Filed 3–10–26; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Portsmouth

**AGENCY:** Office of Environmental Management, Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces an in-person meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Tuesday, April 21, 2026; 6–8 p.m. EDT.

**ADDRESSES:** The Ohio State University, Endeavor Center, 1862 Shyville Road, Room 165, Piketon, Ohio 45661.

**FOR FURTHER INFORMATION CONTACT:** Greg Simonton, Deputy Designated Federal

Officer, Phone: (740) 897-3737 or Email: [greg.simonton@pppo.gov](mailto:greg.simonton@pppo.gov).

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on other EM program components. The Board also provides an avenue to fulfill public participation requirements outlined in the National Environmental Policy Act (NEPA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERLA), the Resource Conservation and Recovery Act (RCRA), Federal Facility Agreements, Consent Orders, Consent Decrees and Settlement Agreements.

*Tentative Agenda:* (agenda topics are subject to change; please contact Greg Simonton for the most current agenda).

- Presentation to the Board
- Administrative Activities
- Public Comments

*Public Participation:* The meeting is open to the public and public comment can be given orally or in writing. Fifteen minutes are allocated during the meeting for public comment and those wishing to make oral comment will be given a minimum of two minutes to speak. Written comments received at least two working days prior to the meeting will be provided to the members and included in the meeting minutes. Written comments received within two working days after the meeting will be included in the minutes. For additional information on public comment and to submit written comment, please contact Greg Simonton. The EM SSAB, Portsmouth, welcomes the attendance of the public at its meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting.

*Meeting Conduct:* The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Questioning of board members or presenters by the public is not permitted.

*Minutes:* Minutes will be available at the following website: <https://www.energy.gov/pppo/ports-ssab/listings/meeting-materials>.

*Signing Authority:* This document of the Department of Energy was signed on March 9, 2026, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 9, 2026.

**Jennifer Hartzell,**

*Alternate Federal Register Liaison Officer,  
U.S. Department of Energy.*

[FR Doc. 2026-04755 Filed 3-10-26; 8:45 am]

**BILLING CODE 6450-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory  
Commission**

[Docket No. CP26-103-000]

**Southern Star Central Gas Pipeline,  
Inc.; Notice of Request Under Blanket  
Authorization and Establishing  
Intervention and Protest Deadline**

Take notice that on February 25, 2026, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 State Route 56, Owensboro, Kentucky 42301, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA), and Southern Star's blanket certificate issued in Docket No. CP82-479-000, for authorization to replace approximately 0.75 miles of 26-inch-diameter pipeline on each of Lines TL and N, remove the existing receiver, measurement, and associated yard facilities at the Transwestern and Guymon sites, and install new receiver, filtration, and ultrasonic measurement facilities at relocated sites east of the existing yards. All of the above facilities are located in Kay County, Oklahoma (Blackwell Yard Reconfiguration Project). The project will allow Southern Star to modernize and relocate aging facilities, address black-powder accumulation, enable in-line inspection of non-piggable pipeline segments, and improve reliability and measurement capabilities. The

estimated cost for the project is \$16.7 million, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

Any questions concerning this request should be directed to Jennifer Matthews, Manager Regulatory, Southern Star Central Gas Pipeline, Inc., 4700 State Route 56, Owensboro, Kentucky 42301, by phone at (270) 316-2972, or by email at [jennifer.matthews@southernstar.com](mailto:jennifer.matthews@southernstar.com).

**Public Participation**

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on May 5, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

*Protests*

Pursuant to section 157.205 of the Commission's regulations under the

NGA,<sup>1</sup> any person<sup>2</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>3</sup> and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on May 5, 2026. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

#### Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>4</sup> and the regulations under the NGA<sup>5</sup> by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on May 5, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for

being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

#### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on May 5, 2026. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

#### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26–103–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or<sup>6</sup>

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26–103–000.

*To file via USPS:* Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

*To file via any other method:* Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option

1 above) and has eFiling staff available to assist you at (202) 502–8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either by mail at: Jennifer Matthews, Manager Regulatory, Southern Star Central Gas Pipeline, Inc., 4700 State Route 56, Owensboro, Kentucky 42301, or by email (with a link to the document) at [jennifer.matthews@southernstar.com](mailto:jennifer.matthews@southernstar.com). Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

#### Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

(Authority: 18 CFR 2.1)

Dated: March 6, 2026.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2026–04756 Filed 3–10–26; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP26–99–000]

#### Spire Storage West LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on February 24, 2026, Spire Storage West LLC (Spire Storage), 3773 Richmond Avenue, Suite 300, Houston, Texas 77046, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.214 of the Commission's

<sup>1</sup> 18 CFR 157.205.

<sup>2</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>3</sup> 18 CFR 157.205(e).

<sup>4</sup> 18 CFR 385.214.

<sup>5</sup> 18 CFR 157.10.

<sup>6</sup> Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

regulations under the Natural Gas Act (NGA), and Spire Storage's blanket certificate issued in Docket No. CP11-24-000,<sup>1</sup> for authorization to increase the total gas capacity from 53 Bcf to 58 Bcf at its Belle Butte Storage Field (Belle Butte) located in Uinta County, Wyoming (Belle Butte Capacity Increase Project). The project will allow Spire Storage to provide flexibility and optimize the integrated operation of its Belle Butte and Clear Creek<sup>2</sup> storage facilities, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

Any questions concerning this request should be directed to Sean P. Jamieson, General Counsel and Vice President, Federal Affairs, Spire Storage West LLC, 3773 Richmond Ave. Suite 300, Houston, Texas, 77046, by phone at (346) 308-7555, or by email at [StorageLegal@spireenergy.com](mailto:StorageLegal@spireenergy.com).

### Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to

intervene, and comments is 5:00 p.m. Eastern Time on May 5, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

### Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,<sup>3</sup> any person<sup>4</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>5</sup> and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on May 5, 2026. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

### Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>6</sup> and the regulations under the NGA<sup>7</sup> by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on May 5, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an

impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on May 5, 2026. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26-99-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing";<sup>8</sup> or

(2) You can file a paper copy of your submission by mailing it to the address

<sup>1</sup> *Ryckman Creek Resources, LLC*, 136 FERC ¶ 61,061 (2011), *reh'g denied & clarification granted*, 138 FERC ¶ 61,097 (2012) (*Ryckman*).

<sup>2</sup> Spire Storage operates Belle Butte and the Clear Creek Storage Field (Clear Creek) on an integrated basis.

<sup>3</sup> 18 CFR 157.205.

<sup>4</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>5</sup> 18 CFR 157.205(e).

<sup>6</sup> 18 CFR 385.214.

<sup>7</sup> 18 CFR 157.10.

<sup>8</sup> Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

below. Your submission must reference the Project docket number CP26–99–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either by mail at: Sean P. Jamieson, General Counsel and Vice President, Federal Affairs, Spire Storage West LLC, 3773 Richmond Ave. Suite 300, Houston, Texas, 77046, or by email (with a link to the document) at [StorageLegal@spireenergy.com](mailto:StorageLegal@spireenergy.com). Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

### Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the “eLibrary” link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

(Authority: 18 CFR 2.1)

Dated: March 6, 2026.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2026–04758 Filed 3–10–26; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC25–43; Docket No. EC25–148; Docket No. EL24–149; Docket Nos. EL25–49; AD24–11; EL25–20; Docket No. EL26–30; Docket No. ER26–247; Docket No. ER26–838; Docket No. ER26–839; Docket No. ER26–841; Docket No. ER26–853; Docket No. ER26–989; Docket No. ER26–990; Docket No. ER26–1031; Docket No. ER26–1032; Docket No. ER26–1088; Docket No. ER26–1323; Docket No. RD26–1; Docket No. RD26–2; Docket No. RD26–3]

### Notice of Staff Attendance at North American Electric Reliability Corporation Reliability and Security Technical Committee Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission and/or Commission staff may attend the following meetings:

#### North American Electric Reliability Corporation Reliability and Security Technical Committee (RSTC) Meetings

March 11, 2026 | 10:30 a.m.–6:30 p.m.  
Mountain Standard Time (RSTC Meeting)

March 12, 2026 | 10:30 a.m.–2:30 p.m.  
Mountain Standard Time (RSTC Informational Session Meeting)

Further information regarding these meetings and how to join remotely may be found here:

#### Registration:

<https://nerc.webex.com/webappng/sites/nerc/webinar/webinarSeries/register/20cb02c9fc3f4ece979d643e2725c19d>

#### Agendas:

[https://www.nerc.com/globalassets/who-we-are/standing-committees/rstc/rstc\\_agenda-package\\_march\\_11\\_2026.pdf](https://www.nerc.com/globalassets/who-we-are/standing-committees/rstc/rstc_agenda-package_march_11_2026.pdf)

[https://www.nerc.com/globalassets/who-we-are/standing-committees/rstc/rstc\\_agenda-package\\_march\\_12\\_2026.pdf](https://www.nerc.com/globalassets/who-we-are/standing-committees/rstc/rstc_agenda-package_march_12_2026.pdf)

The discussions at these meetings, which are open to the public, may address matters at issue in the following Commission proceedings:

Docket No. EC25–43—Constellation Energy Corporation, Constellation Energy Generation, LLC, Calpine Corporation  
Docket No. EC25–148—Hill Top Energy Center, LLC, Hill Top Energy LLC  
Docket No. EL24–149—Baltimore Gas & Electric Company and PECO Energy Company  
Docket Nos. EL25–49—PJM Interconnection, L.L.C., et al.

AD24–11—Large Loads Co-Located at Generating Facilities  
EL25–20—Constellation Energy Generation, LLC v. PJM Interconnection, L.L.C.  
Docket No. EL26–30—Independent Market Monitor for PJM v. PJM Interconnection, L.L.C.  
Docket No. ER26–247—Southwest Power Pool, Inc.  
Docket No. ER26–838—Commonwealth Edison Company  
Docket No. ER26–839—Commonwealth Edison Company  
Docket No. ER26–841—Commonwealth Edison Company  
Docket No. ER26–853—Commonwealth Edison Company  
Docket No. ER26–989—Commonwealth Edison Company  
Docket No. ER26–990—Commonwealth Edison Company  
Docket No. ER26–1031—Commonwealth Edison Company  
Docket No. ER26–1032—Commonwealth Edison Company  
Docket No. ER26–1088—PJM Interconnection, L.L.C.  
Docket No. ER26–1323—Southwest Power Pool, Inc.  
Docket No. RD26–1—North American Electric Reliability Corporation  
Docket No. RD26–2—North American Electric Reliability Corporation  
Docket No. RD26–3—North American Electric Reliability Corporation  
For further information, please contact Neil Yallabandi at (202) 502–8260 or [Neil.Yallabandi@ferc.gov](mailto:Neil.Yallabandi@ferc.gov).

(Authority: 18 CFR 2.1)

Dated: March 6, 2026.

**Carlos D. Clay,**  
Deputy Secretary.

[FR Doc. 2026–04752 Filed 3–10–26; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP26–102–000]

### Equitrans, L.P.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on February 25, 2026, Equitrans, L.P. (Equitrans), 2200 Energy Drive, Canonsburg, Pennsylvania 15317, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216(b) of the Commission’s regulations under the Natural Gas Act (NGA), and Equitrans’ blanket certificate issued in Docket No. CP96–532–000, for authorization to

abandon in place a single 300-horsepower Clark RA32 natural gas-fueled reciprocating compressor unit (Unit 9) at Equitrans' Comet Compressor Station located in Taylor County, West Virginia (Comet Compressor Station Unit 9 Abandonment Project). Equitrans states that Unit 9 is not necessary for service and the operational capabilities of the Comet and Maple Lake Storage Fields. Therefore, the proposed abandonment will allow Equitrans to eliminate unnecessary expenditures associated with maintaining Unit 9. There is no cost associated with the proposed abandonment, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

Any questions concerning this request should be directed to Sarah A. Shaffer, Rates & Regulatory Director, Equitrans, L.P., 2200 Energy Drive, Canonsburg, Pennsylvania 15317, by phone at (412) 395-2580, or by email to [sarah.shaffer@eqt.com](mailto:sarah.shaffer@eqt.com).

### Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on May 5, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

### Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,<sup>1</sup> any person<sup>2</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>3</sup> and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on May 5, 2026. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

### Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>4</sup> and the regulations under the NGA<sup>5</sup> by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on May 5, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information

about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on May 5, 2026. *The filing of a comment alone will not serve to make the filer a party to the proceeding.* To become a party, you must intervene in the proceeding.

### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP26-102-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing";<sup>6</sup> or

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP26-102-000.

<sup>1</sup> 18 CFR 157.205.

<sup>2</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>3</sup> 18 CFR 157.205(e).

<sup>4</sup> 18 CFR 385.214.

<sup>5</sup> 18 CFR 157.10.

<sup>6</sup> Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either by mail at: Sarah A. Shaffer, Rates & Regulatory Director, Equitrans, L.P., 2200 Energy Drive, Canonsburg, Pennsylvania 15317, or by email (with a link to the document) at [sarah.shaffer@eqt.com](mailto:sarah.shaffer@eqt.com). Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

#### Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502-6595 or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the “eLibrary” link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings. In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

(Authority: 18 CFR 2.1)

Dated: March 6, 2026.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2026-04757 Filed 3-10-26; 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:* PR26-42-000.  
*Applicants:* Louisiana River Market, LLC.  
*Description:* Blanket Certificate Filing: Application for a Blanket Certificate to be effective 6/1/2026.  
*Filed Date:* 3/4/26.  
*Accession Number:* 20260304-5218.  
*Comment Date:* 5 p.m. ET 3/25/26.  
*Docket Numbers:* RP26-609-000.  
*Applicants:* Panhandle Eastern Pipe Line Company, LP.  
*Description:* Petition for Declaratory Order of Panhandle Eastern Pipe Line Company, LP.  
*Filed Date:* 2/27/26.  
*Accession Number:* 20260227-5462.  
*Comment Date:* 5 p.m. ET 3/30/26.  
*Docket Numbers:* RP26-619-000.  
*Applicants:* El Paso Natural Gas Company, L.L.C.  
*Description:* § 4(d) Rate Filing: Negotiated Rate Agreement Update (Exxon Permanent Mar 26) to be effective 3/5/2026.  
*Filed Date:* 3/4/26.  
*Accession Number:* 20260304-5146.  
*Comment Date:* 5 p.m. ET 3/16/26.  
*Docket Numbers:* RP26-620-000.  
*Applicants:* Millennium Pipeline Company, LLC.  
*Description:* § 4(d) Rate Filing: Negotiated Rate Agreement No. 151457-8—Coterra to be effective 4/1/2026.  
*Filed Date:* 3/5/26.  
*Accession Number:* 20260305-5097.  
*Comment Date:* 5 p.m. ET 3/17/26.  
*Docket Numbers:* RP26-621-000.  
*Applicants:* Iroquois Gas Transmission System, L.P.  
*Description:* § 4(d) Rate Filing: 3.5.26 Negotiated Rates—Emera Energy Services, Inc. R-2715-114 to be effective 4/1/2026.  
*Filed Date:* 3/5/26.  
*Accession Number:* 20260305-5181.  
*Comment Date:* 5 p.m. ET 3/17/26.  
*Docket Numbers:* RP26-622-000.  
*Applicants:* Iroquois Gas Transmission System, L.P.  
*Description:* § 4(d) Rate Filing: 3.5.26 Negotiated Rates—Emera Energy Services, Inc. R-2715-115 to be effective 4/1/2026.  
*Filed Date:* 3/5/26.  
*Accession Number:* 20260305-5186.

- Comment Date:* 5 p.m. ET 3/17/26.  
*Docket Numbers:* RP26-623-000.  
*Applicants:* Iroquois Gas Transmission System, L.P.  
*Description:* § 4(d) Rate Filing: 3.5.26 Negotiated Rates—Emera Energy Services, Inc. R-2715-116 to be effective 4/1/2026.  
*Filed Date:* 3/5/26.  
*Accession Number:* 20260305-5190.  
*Comment Date:* 5 p.m. ET 3/17/26.  
*Docket Numbers:* RP26-624-000.  
*Applicants:* Iroquois Gas Transmission System, L.P.  
*Description:* § 4(d) Rate Filing: 3.5.26 Negotiated Rates—Emera Energy Services, Inc. R-2715-117 to be effective 4/1/2026.  
*Filed Date:* 3/5/26.  
*Accession Number:* 20260305-5198.  
*Comment Date:* 5 p.m. ET 3/17/26.  
*Docket Numbers:* RP26-625-000.  
*Applicants:* Iroquois Gas Transmission System, L.P.  
*Description:* § 4(d) Rate Filing: 3.5.26 Negotiated Rates—Emera Energy Services, Inc. R-2715-118 to be effective 4/1/2026.  
*Filed Date:* 3/5/26.  
*Accession Number:* 20260305-5205.  
*Comment Date:* 5 p.m. ET 3/17/26.  
*Docket Numbers:* RP26-626-000.  
*Applicants:* Enable Gas Transmission, LLC.  
*Description:* § 4(d) Rate Filing: Amended NRA Filing—Summit Utilities 2 to be effective 4/1/2026.  
*Filed Date:* 3/6/26.  
*Accession Number:* 20260306-5051.  
*Comment Date:* 5 p.m. ET 3/18/26.  
*Docket Numbers:* RP26-627-000.  
*Applicants:* Gillis Hub Pipeline, LLC.  
*Description:* § 4(d) Rate Filing: Filing of Negotiated Rate, Conforming IW Agmt 3.10.2026 to be effective 3/10/2026.  
*Filed Date:* 3/6/26.  
*Accession Number:* 20260306-5125.  
*Comment Date:* 5 p.m. ET 3/18/26.
- 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:* RP24-1103-006.  
*Applicants:* Columbia Gas Transmission, LLC.  
*Description:* Compliance filing: Period II Settlement Rate Implementation to be effective 4/1/2026.

*Filed Date:* 3/6/26.  
*Accession Number:* 20260306–5065.  
*Comment Date:* 5 p.m. ET 3/18/26.  
*Docket Numbers:* RP26–509–001.  
*Applicants:* Black Hills Shoshone Pipeline, LLC.

*Description:* Tariff Amendment: Black Hills Shoshone Amended 2026 LAUF Filing to be effective 4/1/2026.

*Filed Date:* 3/5/26.

*Accession Number:* 20260305–5162.

*Comment Date:* 5 p.m. ET 3/17/26.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: March 6, 2026.

**Carlos D. Clay,**

*Deputy Secretary.*

[FR Doc. 2026–04751 Filed 3–10–26; 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:* ER26–846–001.  
*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Response to Feb. 13, 2026 Deficiency Notice to be effective 4/1/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5185.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–926–001.

*Applicants:* Mammoth One LLC.

*Description:* Tariff Amendment: Response to Deficiency Letter to be effective 3/2/2026.

*Filed Date:* 3/6/26.  
*Accession Number:* 20260306–5167.  
*Comment Date:* 5 p.m. ET 3/27/26.  
*Docket Numbers:* ER26–966–001.  
*Applicants:* NSTAR Electric Company.

*Description:* Tariff Amendment: Amended Notice of Cancellation of Preliminary Engineering and Design Agreement to be effective 1/8/2026.

*Filed Date:* 3/5/26.

*Accession Number:* 20260305–5255.

*Comment Date:* 5 p.m. ET 3/26/26.

*Docket Numbers:* ER26–1012–001.

*Applicants:* Pastoria Power, LLC.

*Description:* Tariff Amendment: Response to Request for Add'l Information and Req. for Shortened Comment Period to be effective 1/13/2026.

*Filed Date:* 3/5/26.

*Accession Number:* 20260305–5240.

*Comment Date:* 5 p.m. ET 3/26/26.

*Docket Numbers:* ER26–1013–001.

*Applicants:* Pastoria Solar Energy Company, LLC.

*Description:* Tariff Amendment: Response to Request for Add'l Information and Req. for Shortened Comment Period to be effective 1/13/2026.

*Filed Date:* 3/5/26.

*Accession Number:* 20260305–5241.

*Comment Date:* 5 p.m. ET 3/26/26.

*Docket Numbers:* ER26–1290–001.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Limited Amendment to Pending Filing of GIA, SA No. 7825; PI No. AG1–433 to be effective 1/9/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5145.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1317–001.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Limited Amendment to Pending GIA, SA No. 7858; Project Identifier No. AF2–388 to be effective 1/14/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5096.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1609–001.

*Applicants:* Split Rail Solar Energy LLC.

*Description:* Tariff Amendment: Amendment to Notice of Cancellation to be effective 3/5/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5211.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1635–000.

*Applicants:* Cubico Crooked Run Lessee, LLC.

*Description:* Tariff Amendment: Notice of Cancellation of Market-Based Rate Tariff to be effective 3/6/2026.

*Filed Date:* 3/5/26.  
*Accession Number:* 20260305–5250.  
*Comment Date:* 5 p.m. ET 3/26/26.  
*Docket Numbers:* ER26–1636–000.  
*Applicants:* SunZia Transmission, LLC.

*Description:* § 205(d) Rate Filing: Amended & Restated TSA with SunZia Wind South LLC to be effective 5/6/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5060.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1637–000.

*Applicants:* SunZia Transmission, LLC.

*Description:* § 205(d) Rate Filing: Amended & Restated TSA with SunZia Wind North LLC to be effective 5/6/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5064.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1638–000.

*Applicants:* AEP Texas Inc.

*Description:* § 205(d) Rate Filing: AEPTX–WETT IA Amendment No. 1 to be effective 2/5/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5069.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1639–000.

*Applicants:* Cordova Energy Company LLC.

*Description:* § 205(d) Rate Filing: Revised Market-Based Rate Filing to be effective 2/17/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5077.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1640–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Amendment to ISA No. 4723; Queue No. AA2–173/AB1–112/AC2–142 to be effective 5/6/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5079.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1641–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 5067; Queue No. AF2–436 to be effective 5/6/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5086.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1642–000.

*Applicants:* Flat Ridge 5 Wind Energy LLC.

*Description:* Tariff Amendment: Notice of Termination to be effective 3/7/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5094.  
*Comment Date:* 5 p.m. ET 3/27/26.  
*Docket Numbers:* ER26–1643–000.  
*Applicants:* Public Service Company of New Hampshire.

*Description:* § 205(d) Rate Filing: Amendment to NECEC Transmission LLC Related Facilities Agreement to be effective 5/5/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5095.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1644–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Notice of Cancellation of Service Agreement No. 4422; Queue No. T131 to be effective 5/6/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5098.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1645–000.

*Applicants:* Public Service Company of Oklahoma.

*Description:* Tariff Amendment: Notice of Termination to be effective 3/7/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5112.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1646–000.

*Applicants:* Grid Guard Power LLC.

*Description:* § 205(d) Rate Filing: Grid Guard Power LLC Application For Market Based Rate Authority to be effective 5/15/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5118.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1648–000.

*Applicants:* CHPE LLC.

*Description:* § 205(d) Rate Filing: Interconnection AOA between CHPE LLC and Hydro-Quebec to be effective 3/6/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5158.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1649–000.

*Applicants:* Tucson Electric Power Company.

*Description:* § 205(d) Rate Filing: Service Agreement No. 628 to be effective 3/9/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5160.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1650–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original GIA, SA No. 7908; Project Identifier No. AF1–280/AF2–182 to be effective 2/4/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5163.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1652–000.

*Applicants:* Glencore Energy USA LLC.

*Description:* Initial Rate Filing: Baseline new to be effective 5/6/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5172.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1653–000.

*Applicants:* Midcontinent Independent System Operator, Inc., AEP Indiana Michigan Transmission Company, Inc.

*Description:* § 205(d) Rate Filing: AEP Indiana Michigan Transmission Company, Inc. submits tariff filing per 35.13(a)(2)(iii): 2026–03–06\_AEP Revisions Related to Order 898 to be effective 1/1/2025.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5175.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1654–000.

*Applicants:* Gaskell West Storage I LLC.

*Description:* Initial Rate Filing: Application for Market Based Rate Tariff to be effective 5/6/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5180.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1655–000.

*Applicants:* Grid Growth Ohio EHV, LLC, Grid Growth Ohio, LLC.

*Description:* § 205(d) Rate Filing: Grid Growth Ohio, LLC submits tariff filing per 35.13(a)(2)(iii): Grid Growth OH & GGO EHV Formula Rate Filing and Transmission Rate Incentives to be effective 5/6/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5189.

*Comment Date:* 5 p.m. ET 3/27/26.

*Docket Numbers:* ER26–1656–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original GIA, Service Agreement No. 7910; Project Identifier No. AG1–462 to be effective 2/4/2026.

*Filed Date:* 3/6/26.

*Accession Number:* 20260306–5216.

*Comment Date:* 5 p.m. ET 3/27/26.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fergensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be

considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: March 6, 2026.

**Carlos D. Clay,**

*Deputy Secretary.*

[FR Doc. 2026–04750 Filed 3–10–26; 8:45 am]

**BILLING CODE 6717–01–P**

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## FEDERAL MARITIME COMMISSION

[Docket No. CC–002]

### Hapag-Lloyd AG—Investigation for Compliance With 46 U.S.C. 41104(a) Under the Charge Complaint Procedures of 46 U.S.C. 41310

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of availability.

**DATES:** The Order Directing Hapag-Lloyd to Show Cause was issued on March 6, 2026.

**SUPPLEMENTARY INFORMATION:** On March 6, 2026, the Federal Maritime Commission issued an Order Directing Hapag-Lloyd AG to Show Cause in Docket No. CC–002, *Hapag-Lloyd AG—Investigation for Compliance with 46 U.S.C. 41104(a) under the Charge Complaint Procedures of 46 U.S.C. 41310*. Acting pursuant 46 U.S.C. 41310 and 46 CFR 502.91, this investigation is instituted to determine why Hapag-Lloyd AG should not be ordered to refund or waive charges assessed or paid for failure to comply with 46 U.S.C. 41104(a)(14) and 41104(a)(15)(B).

The Order may be viewed in its entirety at <https://www2.fmc.gov/readingroom/proceeding/CC-002/>.

(Authority: 46 U.S.C. 41310; 46 CFR 502.91)

By the Commission.

**David Eng,**

*Secretary.*

[FR Doc. 2026–04739 Filed 3–10–26; 8:45 am]

**BILLING CODE 6730–02–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 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 26, 2026.

A. *Federal Reserve Bank of St. Louis* (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to

[Comments.applications@stls.frb.org](mailto:Comments.applications@stls.frb.org):

1. *Heath O'Brien Jenkins, Madison, Mississippi*; to acquire voting shares of Genesis Bancorp, Inc., and thereby indirectly acquire voting shares of Genesis Bank, both of Benoit, Mississippi.

Board of Governors of the Federal Reserve System.

**Michele Taylor Fennell,**

*Associate Secretary of the Board.*

[FR Doc. 2026–04741 Filed 3–10–26; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Agency for Healthcare Research and Quality****Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** Agency for Healthcare Research and Quality, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the extension without change of the previously approved information collection project “AHRQ Consumer Assessment of Healthcare Providers and Systems (CAHPS) Home and Community-Based Services Survey (HCBS) Database” (OMB Control number 0935–0245, last approved on January 3, 2023, for three years). This information collection was previously published in the **Federal Register** on November 28, 2025, and allowed 60 days for public comment. No comments were received by AHRQ.

The purpose of this notice is to allow an additional 30 days for public comment.

**DATES:** Comments on this notice must be received by April 10, 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](http://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.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

**FOR FURTHER INFORMATION CONTACT:** Margie Shofer, AHRQ Reports Clearance Officer, 301–427–1696 or by email at [REPORTSCLEARANCEOFFICER@ahrq.hhs.gov](mailto:REPORTSCLEARANCEOFFICER@ahrq.hhs.gov).

**SUPPLEMENTARY INFORMATION:****Proposed Project**

The CAHPS Home and Community-Based Services Survey (HCBS–CAHPS Survey) is the first cross-disability survey of home and community-based service beneficiaries' experience receiving long-term services and supports. It is designed to facilitate comparisons across state Medicaid

HCBS programs throughout the country that target adults with disabilities, *e.g.*, including older adults, individuals with physical disabilities, persons with developmental or intellectual disabilities, those with acquired brain injury and persons with severe mental illness.

The HCBS–CAHPS Database serves as a primary source of data available to states, agency programs and researchers to help answer important questions related to beneficiary experiences. AHRQ, through its contractor, collects and makes available de-identified survey data, enabling HCBS programs to identify areas where quality can be improved.

The HCBS–CAHPS Database supports AHRQ's goals of promoting improvements in the quality and patient-centeredness of health care in home or community-based care settings.

The HCBS–CAHPS Survey was developed by the Centers for Medicare & Medicaid Services (CMS) for voluntary use by state Medicaid programs, including both fee-for-service HCBS programs as well as managed long-term services and supports (MLTSS) programs. States with adequate sample sizes may consider using survey metrics in value-based purchasing initiatives.

This research seeks to answer the following questions:

1. What are the key drivers of patient experience in HCBS programs?
2. How do beneficiary experiences with HCBS vary across states and program types?
3. What are the highest and lowest scoring measures in specific domains of HCBS delivery of care?

This research has the following goals:

1. Produce aggregated results from HCBS–CAHPS survey users that voluntarily submit their data; and
2. Provide feedback reports to HCBS–CAHPS survey users that voluntarily submit their data to help them identify their strengths and areas for improvement in patient care.

This study is being conducted by AHRQ through its contractor, Westat, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement [42 U.S.C 299a(a)(1), (2) and (8)].

The development and operation of the HCBS–CAHPS Database will include the following major components undertaken by AHRQ through its contractor.

1. *Program Recruitment.* Outreach will be conducted with the HCBS–CAHPS user community (including state agencies, managed long-term services and supports (MLTSS) programs, centers for independent living, improvement collaborative organizations, survey vendors, etc.) to promote the database and its benefits and encourage voluntary contributions of survey data. A variety of communications will be used (e.g., GovDelivery announcements, personal email messages, conference and meeting presentations, etc.) to present the value case for the database and key dates and details about submitting data.

2. *Data Submission Platform.* AHRQ’s contractor currently provides a web-based user-friendly submission platform for both the CAHPS Health Plan and CAHPS Child Hospital survey data. This platform was used as a model to develop the HCBS–CAHPS Database submission system, including data submission specifications; technical assistance and step-by-step instructions for participation; analysis programs for data cleaning and reporting; and data use agreements to protect the confidentiality of the participating organizations and their data.

3. *Submission Notifications and Instructions.* Clear instructions and notifications are of paramount importance for successful submission of valid data, seamless report dissemination, and streamlined communication with survey vendors, state programs, or other submitters.

**Method of Collection**

The development and operation of the HCBS–CAHPS Database will include the following data collection activities:

- Registration with the site to obtain an account with a secure username and password;
- Submission of DUAs and survey questionnaires;
- Submission of program information form;
- Submission of de-identified survey data files
- Generation of status reports indicating that submitted files are either accepted or rejected; and
- Follow-up with submitters in the event of a rejected file, to assist in making corrections and resubmitting the file.

**Estimated Annual Respondent Burden**

Exhibit 1 shows the estimated burden hours for the respondents to participate in the database. The 51 POCs in Exhibit 1 represent the 51 states or agencies that will administer the Adult HCBS survey. An estimated thirteen survey vendors will assist them.

Each POC will:

1. Register online for submission. The online registration form will require about five minutes to complete.
2. Complete a program information form of information about each program such as the name of the program, program size, state, etc. The online program information form takes on average 5 minutes to complete.
3. Complete a DUA. The DUA requires about 3 minutes to sign and return by fax or mail.

Each submitter, which in most cases will be the survey vendor performing the data collection, will provide a copy of their questionnaire and the survey data file in the required file format. Survey data files must conform to the data file layout specifications provided by the HCBS–CAHPS Database. Since the unit of analysis is at the program level, submitters will upload one data file per program. Once a data file is uploaded the file will be automatically checked to ensure it conforms to the specifications and a data file status report will be produced and made available to the submitter. Submitters will review each report and will be expected to correct any errors in their data file and resubmit if necessary. It will take about one hour to submit the data for each program.

The total burden is estimated to be 63 hours annually.

**EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS**

Form name	Number of respondents/ POCs*	Number of responses per POC	Hours per response	Total burden hours
Registration Form .....	51	1	5/60	4.25
Program Information Form .....	51	1	5/60	4.25
Data Use Agreement .....	51	1	3/60	2.5
Data Files Submission .....	13	4	1	52
Total .....	NA	NA	NA	63

\*The 51 POC’s for the registration form, program information form and the DUA are the estimated POC’s from the estimated participating programs.

Exhibit 2 shows the estimated annualized cost burden based on the respondents’ time to complete one

submission process. The cost burden is estimated to be \$6,940 annually.

**EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN**

Form name	Total burden hours	Average hourly wage rate*	Adjusted hourly wage rate**	Total cost burden
Registration Form .....	4.25	<sup>a</sup> 66.22	132.44	\$563
Program Information Form .....	4.25	<sup>a</sup> 66.22	132.44	563
Data Use Agreement .....	2.5	<sup>b</sup> 126.41	252.82	632
Data Files Submission .....	52	<sup>c</sup> 49.83	99.66	5,182
Total .....	63	NA	NA	6,940

\* National Compensation Survey: Occupational wages in the United States May 2024, “U.S. Department of Labor, Bureau of Labor Statistics.”

\*\* The Adjusted Hourly Rate was estimated at 200% of the hourly wage.

- (a) Based on the mean hourly wage for Medical and Health Services Managers (11–9111).  
 (b) Based on the mean hourly wage for Chief Executives (11–1011).  
 (c) Based on the mean hourly wages for Computer Programmers (15–1251).

### Request for Comments

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ’s information collection are requested with regard to any of the following: (a) whether the proposed collection of information is necessary for the proper performance of AHRQ’s health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ’s estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency’s subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: February 6, 2026.

**Jeffrey Toven,**

*Executive Officer.*

[FR Doc. 2026–04738 Filed 3–10–26; 8:45 am]

BILLING CODE 4160–90–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10949]

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS’ intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing

collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency’s functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by May 11, 2026.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for “Comment or Submission” or “More Search Options” to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier: \_\_/OMB Control Number: \_\_, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

**FOR FURTHER INFORMATION CONTACT:** William N. Parham at (410) 786–4669.

#### SUPPLEMENTARY INFORMATION:

##### Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection’s supporting statement and associated materials (see

**ADDRESSES**).

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

#### Information Collection

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Rural Health Transformation Program Reporting; *Use:* On July 4, 2025, President Trump signed Public Law 119–21, also known as the “One Big Beautiful Bill Act,” which the Centers for Medicare & Medicaid Services (CMS) refers to as the “Working Families Tax Cut” (WFTC) legislation, into law. The legislation authorized the Rural Health Transformation (RHT) Program, marking a significant federal investment of up to \$50 billion over five years and is designed to empower as many as 50 State awardees to catalyze transformative improvements within their rural healthcare ecosystems. The principal objective is to enhance healthcare access, quality, and outcomes through innovative, system-wide change, thereby investing in the health of rural communities for future generations.

Funding for approved State awardees is determined through a formal scoring and allocation process. The financial architecture of the program is composed of two primary streams: baseline funding, distributed equally among all awardees, and performance-based workload funding, which is allocated based on the scoring of specific rural and technical score factors within each State’s application and their subsequent annual performance.

To ensure continued eligibility and funding, State awardees must adhere to

key program requirements, including the submission of annual and quarterly reports. CMS will re-calculate each approved State's technical score and corresponding Workload funding amount for each subsequent budget period based on the information and data the approved State provides in the required annual reporting each year. In these reports, States will provide updates on programmatic milestones, report on performance and evaluation metrics, and detail the expenditure of funds. *Form Number:* CMS-10949 (OMB control number: 0938-TBD); *Frequency:* Quarterly and yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 50; *Total Annual Responses:* 200; *Total Annual Hours:* 1,950. (For policy questions regarding this collection contact Anthony (Tony) DiFondi at 215-861-4318.)

**William N. Parham, III,**  
 Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.  
 [FR Doc. 2026-04745 Filed 3-10-26; 8:45 am]  
**BILLING CODE 4120-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

[Office of Management and Budget #: 0970-0154]

**Proposed Information Collection Activity; Income Withholding for Support**

**AGENCY:** Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services.

**ACTION:** Request for public comments.

**SUMMARY:** The Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF), is requesting the Office of Management and Budget (OMB) to extend approval of the Income Withholding for Support (IWO), with changes, for an additional three years. The current OMB approval expires August 31, 2026.

**DATES:** *Comments due* May 11, 2026.

**ADDRESSES:** In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing [InfoCollection@acf.hhs.gov](mailto:InfoCollection@acf.hhs.gov). All requests should be identified by the title of the information collection.

**SUPPLEMENTARY INFORMATION:**

*Description:* The IWO is the required, standard form used to order, and notify, employers and income providers to

withhold child support payments from an obligor's income. It is also used to notify employers and other income providers where to remit the payments, as well as other information needed to correctly withhold payments so that children and families receive the support to which they are entitled.

OCSE revised the IWO form to add checkboxes pertaining to detail for the respondent to check, if applicable; revised links; clarified language and definitions; changed Office of Child Support Services (OCSS) to OCSE; and added fields, such as a daily pay amount, to the record specifications.

*Respondents:* Courts, private attorneys, custodial parties, or their representatives, employers, and other entities that provide income to noncustodial parents.

*Annual Burden Estimates:* The burden estimates were updated to reflect current estimates for the annual number of respondents and responses over the next three years. The burden reduction accounts for decreases in the number of new hire reports submitted and decreases in the number of proactive matches generated from the Federal Case Registry for participants in child support cases. Additionally, more employers using electronic IWO (e-IWO) has decreased the burden with processing paper documents. Response times also reflect clearer instructions. Estimated burden was added to account for the time states will need to update programming as a result of proposed changes, but overall, the ongoing total estimated annual burden associated with this information collection has been reduced by 30 percent.

Information collection title	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Annual burden hours
Income withholding for Support (Courts, private attorneys, custodial parties or their representatives).	3,439,580	1	5 minutes .....	286,632
Income withholding for Support of employment/income status (Employers and other income withholders).	1,214,289	5.23	2 minutes .....	211,691
Electronic income withholding for Support/termination of employment/income status (Employers and other income withholders).	48,978	41.56	30 seconds ..	16,963
State Programming .....	18	1	534 .....	9,612
Estimated Total Annual Burden Hours .....	.....	.....	.....	524,898

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility,

and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

*Authority:* 42 U.S.C. 666(a)(1), (a)(8), and (b)(6).

**Mary C. Jones,**  
 ACF/OPRE Certifying Officer.  
 [FR Doc. 2026-04740 Filed 3-10-26; 8:45 am]  
**BILLING CODE 4184-41-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2026-D-1817]

**Flavored Electronic Nicotine Delivery Systems (ENDS) Premarket Applications—Considerations Related to Youth Risk; Draft Guidance for Industry; Availability**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability; request for comment.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft document entitled “Flavored Electronic Nicotine Delivery Systems (ENDS) Premarket Applications—Considerations Related to Youth Risk; Draft Guidance for Industry.” The draft document describes FDA’s current thinking and provides recommendations regarding evidentiary considerations for premarket tobacco product applications (PMTAs) for flavored ENDS submitted under section 910 of the Federal Food, Drug, and Cosmetic Act (FD&C Act).

**DATES:** Submit either electronic or written comments on the draft guidance by May 11, 2026 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

**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-2026-D-1817 for “Flavored Electronic Nicotine Delivery Systems (ENDS) Premarket Applications—Considerations Related to Youth Risk; Draft Guidance for Industry.” 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 Center for Tobacco Products, Food and Drug Administration, Document Control Center, 10903 New Hampshire Ave., Bldg. 71, Rm. G335, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the guidance document may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

**FOR FURTHER INFORMATION CONTACT:**

Samantha Rivera, Food and Drug Administration, Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 877-287-1373, [CTPRregulations@fda.hhs.gov](mailto:CTPRregulations@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

FDA is announcing the availability of a draft document entitled “Flavored Electronic Nicotine Delivery Systems (ENDS) Premarket Applications—Considerations Related to Youth Risk; Draft Guidance for Industry.”

This draft guidance, when final, is intended to assist persons submitting premarket tobacco product applications (PMTAs) for electronic nicotine delivery systems (ENDS) under section 910 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 387j). The draft guidance, when final, will describe FDA’s current thinking on evidentiary considerations relevant to determining whether the marketing of a flavored ENDS product would be “appropriate for the protection of the public health” (APPH), including how FDA generally evaluates the risks and benefits of flavored ENDS to the population as a whole, with particular attention to youth initiation and use.

The draft guidance reflects FDA’s concerns regarding the known and substantial risk of youth initiation and use associated with certain flavored ENDS products, especially fruit and candy/dessert/other sweet flavored

products, and it is intended to provide additional clarity regarding FDA's risk-proportionate, product-specific approach to assessing non-tobacco flavors. FDA recognizes that ENDS products with flavors other than tobacco may, in certain circumstances, provide benefits to adults who smoke combusted cigarettes, including by facilitating switching away from combusted tobacco products, increasing quit attempts, supporting sustained smoking abstinence, and reducing cigarette consumption among adults who would otherwise continue smoking. Emerging evidence indicates that many adult smokers who use ENDS products to transition away from combusted cigarettes report a preference for non-tobacco flavors. The draft guidance discusses the scientific evidence FDA may consider regarding differential youth appeal and initiation risks across flavor categories and the types of evidence that may be relevant to demonstrating adult benefit (e.g., complete switching or substantial reduction in combusted cigarette use), including examples of study designs and methods that may help characterize youth appeal and adult orientation of flavors. As FDA gains experience that would be broadly applicable, FDA will consider issuing further guidance in this area, which may include generating scientifically valid evidence characterizing the relative appeal of non-tobacco flavors.

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 "Flavored Electronic Nicotine Delivery Systems (ENDS) Premarket Applications—Considerations Related to Youth Risk." 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 any 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

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 in 21 CFR 1114 relating to

the submission of Premarket Tobacco Product Applications have been approved under OMB control number 0910–0879.

## III. Electronic Access

Persons with access to the internet may obtain the draft guidance at <https://www.regulations.gov>, <https://www.fda.gov/tobacco-products/rules-regulations-and-guidance/guidance>, or <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>.

### Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–04732 Filed 3–9–26; 11:15 am]

BILLING CODE 4164–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Biomarker Studies in Neuroscience.

*Date:* April 10, 2026.

*Time:* 9:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Aleksey G. Kazantsev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5201, Bethesda, MD 20892, (301) 435–1042, [aleksey.kazantsev@nih.gov](mailto:aleksey.kazantsev@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Institutional Research Training Grants & Research Education Programs in the Behavioral and Social Sciences.

*Date:* April 13, 2026.

*Time:* 9:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Kimberly L. Houston, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–4902, [Kimberly.Houston@nih.gov](mailto:Kimberly.Houston@nih.gov).

*Name of Committee:* Vascular and Hematology Integrated Review Group; Basic Biology of Blood, Heart and Vasculature Study Section.

*Date:* April 14, 2026.

*Time:* 8:30 a.m. to 7:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Aisha Lanette Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3527, [aisha.walker@nih.gov](mailto:aisha.walker@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Oncological Sciences (R15 and R16).

*Date:* April 14, 2026.

*Time:* 9:00 a.m. to 6:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Elisaveta Ninova Voynova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (202) 934–2336, [voynovae@mail.nih.gov](mailto:voynovae@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Biomedical Imaging Approaches in Health Research.

*Date:* April 14, 2026.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Vera A. Cherkasova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–7093, [vera.cherkasova@nih.gov](mailto:vera.cherkasova@nih.gov).

*Name of Committee:* Digestive, Kidney and Urological Systems Integrated Review Group; Digestive and Nutrient Physiology and Diseases Study Section.

*Date:* April 14–15, 2026.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.  
*Contact Person:* Aster Juan, Ph.D.,  
 Scientific Review Officer, Center for  
 Scientific Review, National Institutes of  
 Health, 6701 Rockledge Drive, Bethesda, MD  
 20817, 301-435-5000, [juana2@mail.nih.gov](mailto:juana2@mail.nih.gov).

*Name of Committee:* Aging and  
 Neurodegeneration Integrated Review Group;  
 Chronic Dysfunction and Integrative  
 Neurodegeneration Study Section.

*Date:* April 14–15, 2026.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant  
 applications.

*Address:* National Institutes of Health,  
 Rockledge II, 6701 Rockledge Drive,  
 Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Bernard Rajeev Srmbical  
 Wilfred, Ph.D., Scientific Review Officer,  
 Center for Scientific Review, National  
 Institutes of Health, 6701 Rockledge Drive,  
 Bethesda, MD 20892, (301) 435-1042,  
[bernard.srmbicalwilfred@nih.gov](mailto:bernard.srmbicalwilfred@nih.gov).

*Name of Committee:* Infectious Diseases  
 and Immunology B Integrated Review Group;  
 Immune Mechanisms of Hypersensitivity and  
 Allergy Study Section.

*Date:* April 14–15, 2026.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant  
 applications.

*Address:* National Institutes of Health,  
 Rockledge II, 6701 Rockledge Drive,  
 Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Deanna C. Publitz, Ph.D.,  
 Scientific Review Officer, Center for  
 Scientific Review, National Institutes of  
 Health, 6701 Rockledge Drive, Bethesda, MD  
 20892, (301) 594-4005, [deanna.publitz@nih.gov](mailto:deanna.publitz@nih.gov).

(Catalogue of Federal Domestic Assistance  
 Program Nos. 93.306, Comparative Medicine;  
 93.333, Clinical Research, 93.306, 93.333,  
 93.337, 93.393–93.396, 93.837–93.844,  
 93.846–93.878, 93.892, 93.893, National  
 Institutes of Health, HHS)

Dated: March 9, 2026.

**Sterlyn H. Gibson,**

*Program Specialist, Office of Federal Advisory  
 Committee Policy.*

[FR Doc. 2026-04776 Filed 3-10-26; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. FWS-R2-ES-2026-N001;  
 FXES11130200000-267-FF02ENEH00]

#### Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews of 14 Species in the Southwest

**AGENCY:** Fish and Wildlife Service,  
 Interior.

**ACTION:** Notice of initiation of reviews;  
 request for information.

**SUMMARY:** We, the U.S. Fish and  
 Wildlife Service, are conducting 5-year  
 status reviews of 14 animal and plant  
 species under the Endangered Species  
 Act. A 5-year status review is based on  
 the best scientific and commercial data  
 available at the time of the review;  
 therefore, we are requesting submission  
 of any such information that has become  
 available since the last reviews for the  
 species.

**DATES:** To ensure consideration, we are  
 requesting submission of new  
 information no later than April 10,  
 2026. However, we will continue to  
 accept new information about any listed  
 species at any time.

**ADDRESSES:** For details on how to  
 request or submit information, see  
 Request for Information and How Do I  
 Ask Questions or Provide Information?  
 in the **SUPPLEMENTARY INFORMATION**  
 section.

**FOR FURTHER INFORMATION CONTACT:** For  
 information on a particular species,  
 contact the appropriate person or office  
 listed in the table in the **SUPPLEMENTARY**  
**INFORMATION** section. For general  
 information, contact Beth Forbus, by  
 telephone at 505-318-8972 or by email  
 at [Beth\\_Forbus@fws.gov](mailto:Beth_Forbus@fws.gov).

Individuals in the United States who  
 are deaf, deafblind, hard of hearing, or  
 have a speech disability may dial 711  
 (TTY, TDD, or TeleBraille) to access  
 telecommunications relay services.  
 Individuals outside the United States  
 should use the relay services offered  
 within their country to make  
 international calls to the point-of-  
 contact in the United States.

**SUPPLEMENTARY INFORMATION:**

#### Why do we conduct 5-year reviews?

Under the Endangered Species Act of  
 1973, as amended (ESA; 16 U.S.C. 1531  
*et seq.*), we maintain Lists of  
 Endangered and Threatened Wildlife  
 and Plants (which we collectively refer  
 to as the List) in the Code of Federal  
 Regulations (CFR) at 50 CFR 17.11 (for  
 animals) and 17.12 (for plants). Section  
 4(c)(2)(A) of the ESA requires us to  
 review each listed species' status at least  
 once every 5 years. Our regulations at 50  
 CFR 424.21 require that we publish a  
 notice in the **Federal Register**  
 announcing those species under active  
 review. For additional information  
 about 5-year status reviews, refer to our  
 factsheet at [https://www.fws.gov/  
 project/five-year-status-reviews](https://www.fws.gov/project/five-year-status-reviews).

#### What information do we consider in our review?

A 5-year status review considers all  
 new information available at the time of  
 the review. In conducting these reviews,  
 we consider the best scientific and  
 commercial data that have become  
 available since the listing determination  
 or most recent status review, such as:

A. Species biology, including but not  
 limited to population trends,  
 distribution, abundance, demographics,  
 and genetics;

B. Habitat conditions, including but  
 not limited to amount, distribution, and  
 suitability;

C. Conservation measures that have  
 been implemented that benefit the  
 species;

D. Threat status and trends in relation  
 to the five listing factors (as defined in  
 section 4(a)(1) of the ESA); and

E. Other new information, data, or  
 corrections, including but not limited to  
 taxonomic or nomenclatural changes,  
 identification of erroneous information  
 contained in the List, and improved  
 analytical methods.

Any new information will be  
 considered during the 5-year status  
 review and will also be useful in  
 evaluating the ongoing recovery  
 programs for the species.

#### Which species are under review?

The species in table 1 are under active  
 5-year status review.

TABLE 1—SPECIES UNDER ACTIVE 5-YEAR STATUS REVIEW

Common name	Scientific name	Listing status	Lead state	Final listing rule (Federal Register citation and publication date)	Contact person, phone, email	Contact person's U.S. mail address
<b>ANIMALS</b>						
Georgetown salamander.	<i>Eurycea naufragia</i> .....	Threatened ....	Texas .....	79 FR 10236; 02/24/2014.	Field Supervisor, 512–937–7371 (phone) or <a href="mailto:esaustinininfo@fws.gov">esaustinininfo@fws.gov</a> (email).	U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 1505 Ferguson Lane, Austin, TX 78754.
Jollyville Plateau salamander.	<i>Eurycea tonkawae</i> .....	Threatened ....	Texas .....	78 FR 51278; 08/20/2013.		
Salado salamander .....	<i>Eurycea chisholmensis</i>	Threatened ....	Texas .....	79 FR 10236; 02/24/2014.		
Sharpnose shiner .....	<i>Notropis oxyrhynchus</i>	Endangered ...	Texas .....	79 FR 45273; 08/04/2014.	Field Supervisor, 281–286–8282 (phone) or <a href="mailto:houstonesfo@fws.gov">houstonesfo@fws.gov</a> (email).	U.S. Fish and Wildlife Service, Texas Coastal and Central Plains Ecological Services Field Office, 17629 El Camino Real, Suite 211, Houston, TX 77058.
Smalleye shiner .....	<i>Notropis buccula</i> .....	Endangered ...	Texas .....	79 FR 45273; 08/04/2014.		
New Mexican ridge-nosed rattlesnake.	<i>Crotalus willardi obscurus</i> .	Threatened ....	New Mexico	43 FR 34476; 08/04/1978.	Field Supervisor, 505–346–2525 (phone) or <a href="mailto:nmesfo@fws.gov">nmesfo@fws.gov</a> (email).	U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, NM 87113.
<b>PLANTS</b>						
Fickeisen Plains cactus	<i>Pediocactus peeblesianus fickeiseniae</i> .	Endangered ...	Arizona .....	78 FR 60607; 10/01/2013.	Field Supervisor, 602–242–0210 (phone) or <a href="mailto:incomingazcorr@fws.gov">incomingazcorr@fws.gov</a> (email).	U.S. Fish and Wildlife Service, Arizona Ecological Services Office, 9828 North 31st Avenue, #C3, Phoenix, AZ 85051–2517.
Texas wild-rice .....	<i>Zizania texana</i> .....	Endangered ...	Texas .....	43 FR 17910; 04/26/1978.	Field Supervisor, 512–937–7371 (phone) or <a href="mailto:esaustinininfo@fws.gov">esaustinininfo@fws.gov</a> (email).	U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 1505 Ferguson Lane, Austin, TX 78754.
Black lace cactus .....	<i>Echinocereus reichenbach</i> .	Endangered ...	Texas .....	44 FR 61918; 10/26/1979.	Field Supervisor, 281–286–8282 (phone) or <a href="mailto:houstonesfo@fws.gov">houstonesfo@fws.gov</a> (email).	U.S. Fish and Wildlife Service, Texas Coastal and Central Plains Ecological Services Field Office, 17629 El Camino Real, Suite 211, Houston, TX 77058.
Star cactus .....	<i>Astrophytum asterias</i> ..	Endangered ...	Texas .....	58 FR 53804; 10/18/1993.		
Walker's manioc .....	<i>Manihot walkerae</i> .....	Endangered ...	Texas .....	56 FR 49850; 10/02/1991.	Field Supervisor, 505–346–2525 (phone) or <a href="mailto:nmesfo@fws.gov">nmesfo@fws.gov</a> (email).	U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, NM 87113.
Neches River rose-mallow.	<i>Hibiscus dasycalyx</i> .....	Threatened ....	Texas .....	78 FR 56025; 09/11/2013.		
Zuni fleabane .....	<i>Erigeron rhizomatus</i> ...	Threatened ....	New Mexico	50 FR 16680; 04/26/1985.		
Holy Ghost ipomopsis ..	<i>Ipomopsis sancti-spiritus</i> .	Endangered ...	New Mexico	59 FR 13836; 03/23/1994.		

**Request for Information**

To ensure that a 5-year status review is complete and based on the best available scientific and commercial information, we request new information from all sources. See What Information Do We Consider in Our Review? for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

**How do I ask questions or provide information?**

If you wish to provide information for any species under review, please submit your comments and materials to the appropriate contact in table 1. You may also direct questions to those contacts. For general questions, contact the

person under **FOR FURTHER INFORMATION CONTACT**.

**Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Completed and Active Reviews**

A list of all completed and currently active 5-year status reviews can be found at <https://ecos.fws.gov/ecp/report/species-five-year-review>.

**Authority**

This document is published under the authority of the Endangered Species Act

of 1973, as amended (16 U.S.C. 1531 *et seq.*).

**Leston Jacks,**

*Acting Regional Director, Southwest Region, U.S. Fish and Wildlife Service.*

[FR Doc. 2026–04748 Filed 3–10–26; 8:45 am]

**BILLING CODE 4333–15–P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[A2407–014–004–065516, #O2509–014–004–125222; NVNV105861510]

**Direct Sale of the Reversionary Interest in a Recreation and Public Purposes Act Patent of Public Land in Jean, NV (NVNV105861510, Legacy N–101356)**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action.

**SUMMARY:** The Bureau of Land Management (BLM), Las Vegas Field Office (LVFO) has determined that the reversionary interest held by the United States in a 480-acre parcel of land previously patented under the Recreation and Public Purposes (R&PP) Act in Jean, Nevada, is acceptable for direct sale (without competition) to the State of Nevada (State), pursuant to section 203 of the Federal Land Policy and Management Act of 1976, as amended (FLPMA). Selling the reversionary interest would allow the State to repurpose the lands for economic development through the construction of commercial facilities and potential future leases to private commercial enterprises. The appraised fair market value (FMV) of the reversionary interest is \$50,600,000.

**DATES:** Submit written comments regarding the sale until April 27, 2026. The BLM will publish this notice once a week for 3 consecutive weeks in the *Las Vegas Review-Journal* newspaper.

**ADDRESSES:** Mail written comments to the BLM Las Vegas Field Office (LVFO), Assistant Field Manager, Division of Lands, 4701 North Torrey Pines Drive, Las Vegas, NV 89130, or via email at [blm\\_nv\\_lvfo\\_landtenureteam@blm.gov](mailto:blm_nv_lvfo_landtenureteam@blm.gov). The BLM will not consider comments submitted via telephone calls.

**FOR FURTHER INFORMATION CONTACT:** Realty Specialist Eric Benavides, email: [ebenavides@blm.gov](mailto:ebenavides@blm.gov), or by telephone: 702-515-5144. Information concerning the sale parcel, including encumbrances of record, appraisals, reservations, procedures and conditions, Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9620(h), and other environmental documents that may appear in the BLM public files for the sale parcel, are available for review by appointment only during business hours from 8 a.m. to 4 p.m. Pacific Time, Monday through Friday, at the BLM LVFO, except during Federal holidays.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The State has requested to purchase, through direct sale, the reversionary interest on a 480-acre parcel of land located in Jean, Nevada, which the State acquired in

1979 under the authority of the R&PP Act. The State is authorized to use the land for an undeveloped buffer around private land where the Jean Prison Facility, a minimum-custody correctional facility, is currently in operation. The patent was issued on December 13, 1979, under patent number 27-80-0056, and specifies that if the patentee or any successor in interest attempts to transfer title to or control over the land to another or the land is devoted to a use other than a correctional institution and related facilities without the consent of the Secretary of the Interior or their delegate, title shall revert to the United States. A non-competitive sale of the reversionary interest reserved by the United States would remove the associated restrictions on the use of the land, allowing for commercial use to occur. The 480-acre parcel proposed for direct sale of the reversionary interest is located approximately 30-miles south of Las Vegas, Nevada, east of Interstate 15 on 1 Prison Road in Jean, Nevada, and is legally described as:

**Mount Diablo Meridian, Nevada**

T. 25 S., R. 59 E.,  
Sec. 12, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 13, E $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ .

The area described contains 480 acres, according to the official plats of the surveys of said land on file with the BLM.

The reversionary interest proposed for direct sale under section 203 of FLPMA meets the definition of "public land" as described in section 103(e) of FLPMA in that it is an interest in land owned by the United States and is administered by the Secretary of the Interior through the BLM. Further, the reversionary interest meets the criteria for disposal set forth in section 203(a)(3) of FLPMA and 43 CFR 2710.0-3(a)(2). The disposal will serve important public objectives, including, but not limited to, community expansion and economic development, which cannot be achieved prudently or feasibly with the development restrictions on the lands that outweigh other public objectives and values, including, but not limited to, recreation and public purpose uses, which would be served by maintaining such lands under Federal management. Consistent with FLPMA, the BLM has determined that the public interest would be best served by a direct sale of the Federal reversionary interest to the State pursuant to 43 CFR 2711.3-3.

The proposed direct sale of the reversionary interest has been analyzed in an Environmental Assessment (EA), document number DOI-BLM-NV-S010-2023-0031-EA, prepared pursuant to the National Environmental

Policy Act (NEPA). It can be viewed online at <https://eplanning.blm.gov/eplanning-ui/project/2023414/510>. The proposed sale will follow the procedures for a direct sale described in 43 CFR 2711.3-3. Selling the reversionary interest is in conformance with the BLM Las Vegas Resource Management Plan and the Record of Decision approved October 5, 1998. Authority for the sale is in conformance with section 202 and section 203 of FLPMA.

The BLM is offering to sell this interest through a direct sale for not less than its appraised FMV. To determine the FMV through appraisal, the Department of the Interior may make certain extraordinary assumptions and hypothetical conditions concerning the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this notice, the BLM advises that these assumptions of the appraised FMV may not be endorsed or approved by units of local government.

Upon conveyance of the reversionary interest, the 480-acre parcel will no longer be subject to the reservations, terms, and conditions of the R&PP Act. The direct sale of the reversionary interest of the 480-acre parcel will be subject to the provisions of FLPMA, and the applicable regulations of the Secretary of the Interior.

The reversionary interest will not be sold until at least May 11, 2026. The conveyance document will only convey the reversionary interest retained by the United States in United States Patent No. 27-80-0056, and will contain the following terms, conditions, and reservations:

1. A condition that the conveyance be subject to all valid existing rights of record;

2. A condition that the conveyance will be subject to all reservations, conditions and restrictions in patent 27-80-0056, except the Federal reversionary interest, which is being conveyed;

3. An appropriate indemnification clause protecting the U.S. from claims arising out of the patentee's use, occupancy, or operations on the patented lands;

4. The terms and conditions of the United States Patent No. 27-80-0056, including but not limited to the reservation of all mineral deposits in the land so patented, and the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior; and

5. Additional terms and conditions that the authorized officer deems appropriate.

In accordance with 43 CFR 2711.3–3(b), payment must be in certified funds in the form of a cashier's check, certified check, U.S. postal money order, or bank draft, and made payable in U.S. dollars to the "Department of the Interior—Bureau of Land Management." Personal or company checks will not be accepted. The BLM will send the State an offer letter with detailed information for full payment of the 480-acre parcel. Final payment of the full purchase price shall be made within 1 year from the sale offer date. At the discretion of the authorized officer, the final payment date of the full purchase price may be extended, subject to section 203(d) of FLPMA. Failure to meet the conditions for this sale will void the sale offer.

No warranty of any kind, express or implied, is given by the United States in connection with the sale of the reversionary interest. Detailed information concerning the sale, including the appraisal report, documentation for land use conformance, NEPA procedures, a map, and the EA was prepared in conjunction with this Notice of Realty Action and is available for review at the LVFO at the address in the **ADDRESSES** section. No warranty of any kind, express or implied, is given by the United States as to the title, whether or to what extent the land may be developed, its physical condition, future uses, or any other circumstance or condition.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any comments regarding the proposed sale will be reviewed by the BLM Nevada State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in response to such comments. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

(Authority: 43 CFR 2711.3–3)

**Bruce Sillitoe,**

*Field Manager, Las Vegas Field Office.*

[FR Doc. 2026–04724 Filed 3–10–26; 8:45 am]

**BILLING CODE 4331–21–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management (BLM)

[A2407–014–004–065516, #O2509–014–004–125222; LLHQ/State#####]

#### Public Hearing and Request for Comment on the Maximum Economic Recovery, Fair Market Value, and Review of Environmental Analysis (EA), for the Ramaco Resources, LLC (Ramaco) Proposed Federal Coal Lease-by-Application WVES106738235, Mingo and Wyoming Counties, West Virginia

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability; notice of public hearing.

**SUMMARY:** The Bureau of Land Management (BLM) and the Office of Surface Mining Reclamation and Enforcement (OSMRE) announce the availability of an Environmental Assessment (EA) for public review for the proposed coal lease-by-application (LBA) for Ramaco Resources, LLC (Ramaco) application WVES106738235, in Mingo and Wyoming Counties, West Virginia. The BLM and OSMRE also announce that a public hearing will be held to discuss the EA analysis, and to receive comments on Fair Market Value (FMV) and the maximum economic recovery (MER) of the tracts proposed to be offered for lease, as well as on factors that may affect the FMV and MER determinations. At the hearing, the BLM will provide information on how the government determines the FMV and MER of the coal resources contained in the proposed LBA lease tracts.

The BLM and OSMRE take these actions in compliance with the National Environmental Policy Act of 1969, as amended; the Mineral Leasing Act, as amended; and the Federal Land Policy and Management Act of 1976, as amended, and the Department's implementing coal leasing regulations.

**DATES:** A public hearing will be held and announced via the BLM website and the project's e-Planning page (<https://eplanning.blm.gov/eplanning-ui/project/2041028/510>), at a future time. The public hearing will also be announced at least 14 days prior, in the newspaper(s).

**ADDRESSES:** The public hearing will be held at the Larry Joe Harless Community Center, 202 Larry Joe Harless Drive, Gilbert, WV 25621. Any updates to the public hearing will be provided through the e-Planning project website, newspaper notices and a news release.

The EA and associated documents are available for review on the BLM project

website at <https://eplanning.blm.gov/eplanning-ui/project/2041028/510>.

Written and oral comments related to FMV and MER will be accepted at the public hearing. The EA will also be available for review.

#### FOR FURTHER INFORMATION CONTACT:

Pamela Mathis, BLM Northeastern States District Manager, telephone: 414–297–4401; address: 250 E Wisconsin Avenue, Milwaukee, WI 53202; email: [blm\\_es\\_ramacoinput@blm.gov](mailto:blm_es_ramacoinput@blm.gov).

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Ms. Mathis. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** Ramaco Resources, LLC is a subsidiary of Ramaco Resources, Inc, a publicly traded company (NASDAQ).

The BLM Northeastern States District Office received a Federal coal LBA to expand current underground mining operations located on private property in Mingo and Wyoming Counties, West Virginia. Ramaco proposes to expand both its Michael Powellton Deep Mine and Eagle Mine (Ramaco existing operations) from privately-owned mineral into federal minerals to produce clean coal, metallurgical, used for steelmaking.

The LBA project boundary includes up to and not more than 4,382 acres for the expansion of the Ramaco existing operations, containing approximately 4.55 million saleable Federal coal tons, underlying surface lands managed by the U.S. Army Corps of Engineers (USACE) as part of the R.D. Bailey Lake Project, which encompasses the R.D. Bailey Lake Wildlife Management Area (WMA) managed by the West Virginia Department of Natural Resources (WVDNR). The coal seams to be mined are the Powellton, Eagle, and 2-Gas coal seams, with the nearest proposed mining at 14,600 feet (2.77 miles) horizontally from and 640 feet vertically above the R.D. Bailey Lake pool.

The proposed mining area will be accessed from Ramaco's existing, adjacent operations, limiting the surface disturbances from the proposed LBA to the use of existing access roads inside the R.D. Bailey Lake Project and the construction of eight (8) new horizontal ventilation punchouts. Each of the 8 ventilation punchouts would constitute approximately 0.25 acres of surface

disturbance, with a combined total of 2 acres of surface disturbance.

The BLM has determined that an EA is warranted for this proposed LBA.

The tracts for the proposed LBA, underlying USACE managed Federal surface property in Mingo & Wyoming Counties, WV, described from deeds included in the U.S. Army Corps of Engineers R.D. Bailey Lake Project are included in the proposed lease as follows:

Tract ID	Deed acres	Proposed lease acres
714 .....	373.05	242.27
734 .....	177.61	21.20
736 .....	190.25	80.40
737 .....	127.66	94.06
775-2 .....	146.84	13.44
834 .....	82.05	82.05
875-1 .....	352.73	98.35
1600 .....	1,418.57	1,349.83
1601 .....	604.88	604.88
1675 .....	1,747.26	1,613.02

The proposed lease areas described aggregate 4,199.5 acres, according to the official plats of the surveys, on file with the BLM.

A detailed Metes and Bounds description of the lease boundary is shown on the project map found at the BLM ePlanning website, located at: <https://eplanning.blm.gov/eplanning-ui/project/2041028/510>.

**Purpose and Need for the Proposed Action**

The purpose of this action is to support the responsible development of coal resources of metallurgical grade in southern West Virginia by responding to a federal coal lease application submitted by Ramaco to access a total of up to 4,382 project acres of federal lands with surface lands managed by the USACE in Mingo and Wyoming Counties, West Virginia. The approval of the lease application would enable the recovery of an estimated 4.55 million tons of saleable federal metallurgical coal and meet the intent of Executive Order 14241, “Immediate Measures to Increase American Mineral Production,” issued on March 20, 2025.

The need is established by the BLM’s responsibility under the Mineral Leasing Act of 1920, as amended (MLA), the Mineral Leasing Act for Acquired Lands of 1947, as amended, and the Federal Coal Leasing Amendments Act of 1976, as amended. These laws and their implementing regulations require the BLM to respond to federal coal lease applications, including the one submitted by Ramaco (WVES106738235), which would

provide access to federal coal reserves via adjacent to existing private facilities.

**Conformance With the Land Use Plan (LUP)**

The USACE R.D. Bailey Lake West Virginia Master Plan approved August 2011, resource use objective 7 allows the extraction of minerals within the Project with a project design that would avoid or minimize impacts to sensitive environmental, natural, and recreational resources.

**Proposed Action and Alternatives**

The Proposed Action is to offer a competitive lease sale for approximately 4,199.5 subsurface acres of Federal minerals for the expansion of Ramaco’s existing underground mining operations. This differs from the surface acreage of 4,382 acres due to the environmental analysis assessing the maximum acreage that was eligible to lease, although the decision has been made to lease less than the maximum number of acres. The lands would be offered for lease under lease number WVES106738235 and would be made available for coal mining by underground mining methods; room and pillar mining with limited secondary extraction. The proposed mining would result in the extraction of 4.55 million tons of saleable, Federal metallurgical coal, a fuel source for steelmaking.

The subject coal would be offered for lease with the BLM’s standard terms and conditions, special coal lease stipulations identified by the BLM, and any stipulations accepted by the BLM from other federal and non-federal groups for the protection of other surface facilities or natural resources, consistent with applicable laws, policies, and the USACE R.D. Bailey Lake West Virginia Master Plan, August 2011.

The BLM also evaluated the No Action Alternative under which the BLM would deny the LBA and the land would not be offered for lease. Without access to the minerals, Ramaco would be forced to halt operations of their existing facilities.

**Resources Evaluated**

The EA analyzes environmental impacts of several key resources, including air quality, geology and minerals (including subsidence), socioeconomics, water resources, and wildlife resources. The analysis evaluates the potential impacts of the proposed action and the no action alternative on these resources. Additional resources were considered, and rationales are provided in the EA.

**Public Involvement Process**

The notice of intent meets the regulatory requirements of 43 CFR 3425.3, 43 CFR 3425.4, and 43 CFR 3422.1 regarding required public hearings for the EA, FMV, and MER.

The meeting location will be at the Larry Joe Harless Community Center, 202 Larry Joe Harless Drive, Gilbert, WV 25621.

**Cooperating Agencies**

The U.S. Army Corps of Engineers, the Office of Surface Mining and Reclamation and Enforcement, the West Virginia Department of Environmental Protection, and the West Virginia Department of Natural Resources are cooperating agencies. BLM is the lead agency for this project.

**Additional Information**

The BLM will continue to consult with Indian Tribal Nations on a government-to-government basis in accordance with Executive Order 13175, BLM Manual Section 1780 and other Departmental policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with Indian Tribal Nations and other stakeholders that may be interested in or affected by the proposed lease for Federal coal that the BLM is evaluating, are invited to participate in the comment period.

Any proprietary information or data that you submit to the BLM must be marked as confidential and mailed directly to the Northeastern States District Office, Attention: Pamela Mathis (see **FOR FURTHER INFORMATION CONTACT** section) to assure the data will be treated in accordance with the applicable laws and regulations governing the confidentiality of such information or data. A copy of the comments submitted by the public on the EA, fair market value, and maximum economic recovery for the tracts, except those portions identified as proprietary and that meet one of the exemptions in the Freedom of Information Act, will be available for public inspection at the Northeastern States District Office (see **FOR FURTHER INFORMATION CONTACT** section) during regular business hours (8:00 a.m. to 4:30 p.m. Central Time), Monday through Friday, except on Federal holidays.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may

be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR 46.435, 43 CFR 3425.3 and 3425.4)

**Mitchell Leverette,**

*Eastern States State Director.*

[FR Doc. 2026-04731 Filed 3-10-26; 8:45 am]

**BILLING CODE 4331-18-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[A2407-014-004-065516, #O2509-014-004-125222]

#### Establishment of New Recreation Fee Areas on Public Lands Managed by the Shoshone Field Office, Idaho

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of new fee areas.

**SUMMARY:** Pursuant to the Federal Lands Recreation Enhancement Act (FLREA), the Bureau of Land Management (BLM) Shoshone Field Office will establish a new expanded amenity-fee program for overnight camping at Silver Creek and Wilson Lake campgrounds; a future expanded-amenity fee at all Magic Reservoir Campgrounds (Moonstone, Lava Creek, Lava Cove, Myrtle Point, and Richfield Diversion) once they have been upgraded to meet the expanded-amenity fee requirements under FLREA; and a daily or annual expanded-amenity fee for use of BLM highly developed boat ramps associated with Magic Reservoir (Moonstone and West Magic, and East Magic once repaired to meet the expanded amenity-fee requirements under FLREA).

**DATES:** The new fees at Silver Creek and Wilson Lake campgrounds will take effect on September 11, 2026 and the new fees at the other campgrounds and East Magic boat ramp will take effect when the upgrades listed in this notice are complete or on September 11, 2026, whichever is later.

**ADDRESSES:** Copies of relevant supporting documents can be found at the BLM Shoshone Field Office, 400 West F Street, Shoshone, ID 83352, or by email at [BLM\\_ID\\_ShoshoneOffice@blm.gov](mailto:BLM_ID_ShoshoneOffice@blm.gov).

**FOR FURTHER INFORMATION CONTACT:** Public Affairs Officer Heather Tiel-Nelson, telephone: 208-736-2352; email: [hnelson@blm.gov](mailto:hnelson@blm.gov). Individuals in the United States who are deaf,

deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to contact Ms. Tiel-Nelson in the United States.

**SUPPLEMENTARY INFORMATION:** Fees help ensure that those who recreate on public lands make a greater, but reasonable, contribution toward protecting and enhancing those opportunities than those who do not use recreation opportunities.

The BLM will implement a new \$20 per site per night fee for overnight camping at Silver Creek and Wilson Lake campgrounds, located near Carey and Hazelton, Idaho, respectively. These campgrounds include the following amenities: tent and trailer spaces, picnic tables, access roads, visitor protection, toilets, and fire rings. These amenities help reduce environmental impacts and improve the experience for those using the site. Fees will begin 6 months after this notice is published.

The Shoshone Field Office has five other semi-developed campgrounds at Magic Reservoir and, according to FLREA requirements, do not currently have sufficient amenities to charge fees. These sites are Moonstone, Lava Creek, Lava Cove, Myrtle Point, and Richfield Diversion. Once a semi-developed campground has been upgraded and meets FLREA's requirements of expanded amenities, fees will be charged at those sites. The fees will begin when all the amenities are available in the campground or 6 months after this notice is published, whichever is later.

Magic Reservoir is located 30 miles north of Shoshone, Idaho. The BLM will implement a \$10 per day or \$75 annual fee for using the BLM boat ramps located at Magic Reservoir, Moonstone, and West Magic, and, once repaired, East Magic.

The FLREA directs the Secretary of the Interior and the Secretary of Agriculture to publish an advance notice in the **Federal Register** whenever new recreation fee areas are established under their respective jurisdictions. In accordance with the BLM recreation-fee-program policy, the Shoshone Field Office finalized a business plan in 2024 to establish future management goals and priorities for the recreation-fee program. As discussed in the business plan, the overnight camping fees for Silver Creek and Wilson Lake campgrounds and the fees for the Magic Reservoir boat ramps are consistent with

other established fee sites for similar areas and services. The BLM has notified and involved the public throughout this process and released the draft business plan for a public comment period from July 25 to August 24, 2024. The BLM presented the proposed project and the results of the public comment period to the Idaho Resource Advisory Council (RAC) on October 10, 2024. The RAC recommended approval of the Shoshone Field Office business plan to the BLM Idaho State Director.

(Authority: 16 U.S.C. 6803(b))

**Meagan Conry,**

*BLM Idaho State Director (acting).*

[FR Doc. 2026-04733 Filed 3-10-26; 8:45 am]

**BILLING CODE 4331-19-P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 221S180110; S2D2S SS08011000 SX064A000 22XS501520; OMB Control Number 1029-0113]

#### Agency Information Collection Activities; General Reclamation Requirements

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is proposing to renew an information collection titled "General Reclamation Requirements" under OMB Control Number 1029-0113. This information collection supports compliance with the Surface Mining Control and Reclamation Act (SMCRA) and its implementing regulations. These regulations apply to abandoned mine land (AML) reclamation projects that involve incidental coal extraction and receive less than 50 percent government funding. The information collected helps ensure that reclamation projects remain focused on addressing abandoned mine hazards, do not become commercial mining operations, and protect public health, safety, and the environment.

**DATES:** Interested persons are invited to submit comments on or before May 11, 2026.

**ADDRESSES:** Send your comments on this information collection request (ICR) by mail to William L. Frankel, Office of Surface Mining Reclamation and

Enforcement, 1849 C St. NW—MS 4512, Washington, DC 20240, or by email to [wfrankel@osmre.gov](mailto:wfrankel@osmre.gov). Please reference OMB Control Number 1029–0113 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:**

William L. Frankel by email at [wfrankel@osmre.gov](mailto:wfrankel@osmre.gov) or by phone at (202) 208–0121. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), OSM provides the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps OSM assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand OSM's information collection requirements and provide the requested data in the desired format.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* Part 874 establishes land and water eligibility requirements, reclamation objectives and priorities and reclamation contractor responsibility. 30 CFR 874.17 requires consultation between the AML agency and the appropriate Title V regulatory authority of the likelihood of removing the coal under a Title V permit and concurrences between the AML agency and the appropriate Title V regulatory authority on the AML project boundary and the amount of coal that would be extracted under the AML reclamation project.

*Title of Collection:* General Reclamation Requirements.

*OMB Control Number:* 1029–0113.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* State and Tribal governments.

*Total Estimated Number of Annual Respondents (unique entities responding):* 1.

*Total Estimated Number of Annual Responses (total number of submissions received from all respondents):* 1.

*Estimated Completion Time per Response:* 90 hours.

*Total Estimated Number of Annual Burden Hours:* 90 hours.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* One time.

*Total Estimated Annual Non-hour Burden Cost:* \$0.

An agency may not conduct, or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**William L. Frankel,**

*Information Collection Clearance Officer,  
Office of Surface Mining Reclamation and  
Enforcement, Department of the Interior.*

[FR Doc. 2026–04754 Filed 3–10–26; 8:45 am]

**BILLING CODE 4310–05–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–757 and 731–TA–1737 (Final)]**

### Polypropylene Corrugated Boxes From China; Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of polypropylene corrugated boxes (“PC Boxes”) from China, provided for in subheading 3923.10.90 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”), and subsidized by the government of China.<sup>2</sup>

#### Background

The Commission instituted these investigations effective March 18, 2025, following receipt of petitions filed with the Commission and Commerce by CoolSeal USA Inc., Perrysburg, Ohio; Intoplast Group Corporation, Livingston, New Jersey; SeaCa Plastic Packaging, Kent, Washington; and Technology Container Corp., DeSoto, Texas. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of PC Boxes from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the

<sup>1</sup> The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> 91 FR 2734 and 2739. (January 22, 2026).

notice in the **Federal Register** on August 26, 2025 (90 FR 41595).<sup>3</sup> The public hearing in connection with the investigations, scheduled for January 21, 2026, was cancelled.<sup>4</sup>

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on March 9, 2026. The views of the Commission are contained in USITC Publication 5709 (March 2026), entitled *Polypropylene Corrugated Boxes from China: Investigation Nos. 701-TA-757 and 731-TA-1737 (Final)*.

By order of the Commission.

Issued: March 9, 2026.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2026-04762 Filed 3-10-26; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1444]

### Certain Nasal Devices and Components Thereof; Notice of a Commission Determination To Reconsider an Earlier Decision; Issue a Limited Exclusion Order and Cease and Desist Orders; Termination of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to reconsider in part its prior affirmation of an initial determination (“ID”) (Order No. 27) of the presiding administrative law judge (“ALJ”). The Commission has also determined to issue: (1) a limited exclusion order (“LEO”) barring entry of certain nasal devices and components thereof by or on behalf of the defaulting respondents; and (2) cease and desist orders (“CDOs”) against each of the defaulting respondents. The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Ronald A. Traud, Esq., Office of the General Counsel, U.S. International

Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on March 26, 2025, based on a complaint filed by Aardvark Medical Inc. of Denton, Texas. 90 FR 13781-82 (Mar. 26, 2025). The complaint, as later amended and supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain nasal devices and components thereof by reason of infringement of claims 1-5, 7-14, and 16-19 of U.S. Patent No. 9,750,856 (“the ‘856 patent”); claims 1-4, 6, 8-12, 14-17, 21-24, 27, and 28 of U.S. Patent No. 11,318,234 (“the ‘234 patent”); claims 1-3, 6-8, 10-12, 16-18, 21-22, and 28 of U.S. Patent No. 11,883,009 (“the ‘009 patent”); claims 1-7, 10-14, and 17-21 of U.S. Patent No. 11,883,010 (“the ‘010 patent”); and claims 13-21 and 26 of U.S. Patent No. 11,889,995 (“the ‘995 patent”) (collectively, the “Asserted Patents”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named as respondents: (1) Xiamenximier Electronic Commerce Co., Ltd (d/b/a Cenny) of Fujian, China (“Cenny”); (2) Xia Men Deng Jia E-Commerce Co., Ltd. (d/b/a Ronfnea) of Fujian, China (“Ronfnea”); (3) Chongqing Moffy Innovation Technology Co., Ltd. of Chongqing City, China (“Moffy”); (4) Guangdong XINRUNTAO Technology Co., Ltd. of Shenzhen, China (“Xinruntao”); and (5) Shenzhen Jun&Liang Media Tech Limited of Shenzhen, China (“Jun&Liang,” and together with the aforementioned respondents, “Defaulting Respondents”), as well as RhinoSystems of Brooklyn, Ohio; and Spa Sciences LP of Port St. Lucie, Florida. *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On June 17, 2025, the Commission determined not to review an initial determination (“ID”) (Order No. 9) granting Complainant’s motion for leave to amend the Complaint and Notice of Investigation to substitute and correct the appropriate entity from named respondent “Spa Sciences LP” to “Michael Todd Beauty LP d/b/a Spa Sciences.” Order No. 9 (May 22, 2025), *unreviewed by* Comm’n Notice (June 17, 2025).

The following respondents have been terminated from the investigation: RhinoSystems and Michael Todd Beauty LP d/b/a Spa Sciences. Order No. 14 (July 14, 2025), *unreviewed by* Comm’n Notice (Aug. 6, 2025); Order No. 28 (Dec. 4, 2025), *unreviewed by* Comm’n Notice (Dec. 22, 2025).

The Commission previously found Defaulting Respondents to be in default. Order No. 27 (Sept. 22, 2025), *reviewed in part and aff’d by* Comm’n Notice (Dec. 4, 2025) (affirming the ALJ’s finding of Cenny, Ronfnea, Moffy, and Jun&Liang in default under Commission Rule 210.16(a)(1) (19 CFR 210.16(a)(1)) for failing to respond to the complaint and notice of investigation; and modifying the ALJ’s finding that Xinruntao was in default under Commission Rule 210.16(a)(1) with a finding that Xinruntao was in default under Commission Rule 210.16(a)(2) (19 CFR 210.16(a)(2)) for failing to cooperate with discovery).

The Commission hereby reconsiders its decision affirming Order No. 27 as to Xinruntao. *See* Commission Rule 210.47 (19 CFR 210.47). Xinruntao’s answer to the complaint and notice of investigation was untimely, and Xinruntao failed to show cause justifying its late response (*see* Order No. 2 (Mar. 24, 2025) (ALJ’s Ground Rules)) or otherwise respond to the ALJ’s order instructing it to show good cause why it should not be found in default (*see* Order No. 25 (Sept. 8, 2025)). In reconsideration, the Commission now finds Xinruntao to be in default under Commission Rule 210.16(a)(1). An unexcused, untimely response to the complaint and notice of investigation is insufficient to avoid a finding of default under the Commission Rule 210.16(a)(1), and accordingly, a finding of default under that rule is appropriate. In sum, all remaining respondents have been found in default under Commission Rule 210.16(a)(1).

On January 15, 2026, the Commission issued a notice asking the parties to the investigation, interested government agencies, and any other interested parties to file written submissions on the issues of remedy, the public interest,

<sup>3</sup> Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission tolled its schedule for this proceeding. The schedule was revised in subsequent notices published in the **Federal Register** on November 26, 2025 (90 FR 54369) and December 18, 2025 (90 FR 59202).

<sup>4</sup> 91 FR 2800 (January 22, 2026).

and bonding. 91 FR 2367 (Jan. 20, 2026) (“the Remedy Notice”).

On January 29, 2026, Complainant filed a submission to the Remedy Notice. No other responses were received.

When the conditions in section 337(g)(1)(A)–(E) (19 U.S.C. 1337(g)(1)(A)–(E)) have been satisfied, section 337(g)(1) and Commission Rule 210.16(c) (19 CFR 210.16(c)) direct the Commission, upon request, to issue a limited exclusion order or a cease and desist order or both against a respondent found in default, based on the allegations regarding a violation of section 337 in the complaint, which are presumed to be true, unless after consideration of the public interest factors in section 337(g)(1), it finds that such relief should not issue.

Having examined the record of this investigation, including Complainant’s submission in response to the Remedy Notice, the Commission has determined, pursuant to section 337(g)(1) (19 U.S.C. 1337(g)(1)), that the appropriate remedy in this investigation is: (1) an LEO prohibiting the unlicensed entry of certain nasal devices and components thereof by reason of infringement of certain claims of claims 1–5, 7–14, and 16–19 of the ’856 patent; claims 1–4, 6, 8–12, 14–17, 21–24, 27, and 28 of the ’234 patent; claims 1–3, 6–8, 10–12, 16–18, 21–22, and 28 of the ’009 patent; claims 1–7, 10–14, and 17–21 of the ’010 patent; and claims 13–21 and 26 of the ’995 patent by Defaulting Respondents and (2) CDOs directed to Defaulting Respondents. The Commission has determined that the public interest factors enumerated in subsection 337(g)(1) do not preclude the issuance of the LEO and CDOs. The Commission has further determined that the bond during the period of Presidential review pursuant to section 337(j) (19 U.S.C. 1337(j)) shall be in the amount of one hundred percent (100%) of the entered value of the imported articles that are subject to the LEO.

The investigation is hereby terminated.

The Commission vote for this determination took place on March 9, 2026.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 9, 2026.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2026–04769 Filed 3–10–26; 8:45 am]

**BILLING CODE 7020–02–P**

## **INTERNATIONAL TRADE COMMISSION**

**[Investigation No. 337–TA–883 (Rescission)]**

### **Certain Opaque Polymers; Notice of Institution of Rescission Proceeding; Rescission of Remedial Orders; Termination of Rescission Proceeding**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to institute a rescission proceeding and rescind a limited exclusion order (“LEO”) directed to Organik Kimya San. ve Tic. A.Ş of Istanbul, Turkey; Organik Kimya Netherlands B.V. of Rotterdam-Botlek, Netherlands; and Organik Kimya US, Inc. of Burlington, Massachusetts (collectively, “Organik Kimya”) and a cease and desist order directed to Organik Kimya US, Inc (collectively, “the remedial orders”). The remedial orders are rescinded, and the rescission proceeding is terminated.

#### **FOR FURTHER INFORMATION CONTACT:**

Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted the underlying investigation on June 21, 2013, based on a complaint filed by the Dow Chemical Company of Midland, Michigan, and by Rohm and Haas Company and Rohm and Haas Chemicals LLC, both of Philadelphia, Pennsylvania (collectively, “Dow”). 78 FR 37571 (June 21, 2013). The complaint alleged violations of section 337 of the Tariff

Act of 1930, as amended (19 U.S.C. 1337) (“section 337”), by reason of the importation into the United States, the sale for importation, and the sale within the United States after importation of certain opaque polymers that infringe certain claims of U.S. Patent Nos. 6,020,435, 6,252,004, 7,435,783, and 7,803,878. *Id.* The notice of investigation named Organik Kimya as the respondent. *Id.* The Office of Unfair Import Investigations did not participate in the investigation. *Id.* The complaint and notice of investigation were later amended to add allegations of misappropriation of trade secrets. *See* 78 FR 71643 (Nov. 29, 2013). The Commission later terminated the investigation as to the four asserted patents. *See* Order No. 11 (Nov. 21, 2013), *unreviewed by Comm’n Notice* (Dec. 13, 2013); Order No. 29 (Nov. 3, 2014), *unreviewed by Comm’n Notice* (Dec. 1, 2014).

On April 17, 2015, the Commission found Organik Kimya in default as a sanction for discovery abuse pursuant to section 337(h) (19 U.S.C. 1337(h)) and Commission Rules 210.16 and 210.33 (19 CFR 210.16 & 210.33). *See* 80 FR 22548–49 (Apr. 22, 2015). The Commission thereby determined that Organic Kimya violated section 337 based on the misappropriation of trade secrets and issued the remedial orders. *See id.*

On February 9, 2026, Dow and Organic Kimya filed a joint petition requesting that the Commission rescind the remedial orders based on a settlement reached between the parties. The petition includes a copy of the settlement agreement and the required statement that there are “no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” The petition asserts that rescission is warranted based on changed conditions of fact and law stemming from the parties’ settlement agreement that fully resolves the dispute between them concerning the subject matter of the underlying investigation. On February 10, 2026, the parties filed a redacted version of the petition and settlement agreement, and on February 20, 2026, the parties filed a revised redacted version. The Commission received no responses to the petition.

Having reviewed the petition, the Commission finds that the conditions which led to the issuance of the remedial orders no longer exist, and therefore, that granting the petition to rescind is warranted under section 337(k) (19 U.S.C. 1337(k)) and Commission Rule 210.76(a) (19 CFR 210.76(a)). Consistent with an order

issued herewith, the Commission has determined to rescind the remedial orders issued in this investigation. The Commission finds that the settlement agreement constitutes changed circumstances pursuant to section 337(k)(1) and Commission Rule 210.76(a)(1) (19 CFR 210.76(a)(1)) warranting rescission as it fully resolves the dispute between Dow and Organik Kimya concerning the subject matter of this investigation. The Commission further finds that the petition complies with the procedural requirements of Commission Rule 210.76(a)(3) (19 CFR 210.76(a)(3)), and that granting the rescission is in the public interest.

The rescission proceeding is terminated.

The Commission vote for this determination took place on March 6, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 6, 2026.

**Susan Orndoff,**

*Supervisory Attorney.*

[FR Doc. 2026-04707 Filed 3-10-26; 8:45 am]

**BILLING CODE 7020-02-P**

## JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

### Meeting of the Advisory Committee; Cancellation

**AGENCY:** Joint Board for the Enrollment of Actuaries.

**ACTION:** Notice of Federal Advisory Committee meeting; cancellation.

Notice is hereby provided that the closed teleconference meeting of the Advisory Committee on Actuarial Examinations scheduled for October 24, 2025, and announced in the **Federal Register** on October 2, 2025, 90 FR 47823, was canceled due to the lapse in appropriations. The meeting was not rescheduled.

Dated: March 9, 2026.

**Thomas V. Curtin, Jr.,**

*Executive Director, Joint Board for the Enrollment of Actuaries.*

[FR Doc. 2026-04759 Filed 3-10-26; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Request for State or Federal Workers' Compensation Information

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before April 10, 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](http://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.

*Comments are invited on:* (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Nicole Bouchet by telephone at 202-693-0213, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The OWCP Division of Coal Mine Workers' Compensation must collect information regarding the status of any worker's compensation inquiry for Federal or State claims regarding benefits received attributable to black lung disability. The OWCP Form CM-905 requests the amount of those workers' compensation benefits and is submitted from Federal or state agencies when the beneficiary has filed a claim for workers' compensation benefits due to

pneumoconiosis or is receiving benefits that may need to be offset. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 31, 2025 (90 FR 61420).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL-OWCP.

*Title of Collection:* Request for State or Federal Workers' Compensation Information.

*OMB Control Number:* 1240-0032.

*Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Respondents:* 3,980.

*Total Estimated Number of Responses:* 3,980.

*Total Estimated Annual Time Burden:* 995 hours.

*Total Estimated Annual Other Costs Burden:* \$2,973.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Nicole Bouchet,**

*Senior PRA Analyst.*

[FR Doc. 2026-04718 Filed 3-10-26; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Certification by School Official

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with

the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before April 10, 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](http://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.

*Comments are invited on:* (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Nicole Bouchet by telephone at 202–693–0213, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Office of Workers Compensation Programs Form CM–981 is completed by a school official to verify whether a Black Lung beneficiary’s dependent, aged 18 to 23, qualifies as a full-time student. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 31, 2025 (90 FR 61421).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs

receive a month-to-month extension while they undergo review.

*Agency:* DOL–OWCP.

*Title of Collection:* Certification by School Official.

*OMB Control Number:* 1240–0031.

*Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Respondents:* 195.

*Total Estimated Number of Responses:* 195.

*Total Estimated Annual Time Burden:* 33 hours.

*Total Estimated Annual Other Costs Burden:* \$146.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Nicole Bouchet,**

*Senior PRA Analyst.*

[FR Doc. 2026–04723 Filed 3–10–26; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Employee Retirement Income Security Act Summary Annual Report Requirement

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before April 10, 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](http://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:** Michael Howell by telephone at 202–693–6782, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** ERISA Section 104(b)(3) and the regulation published at 29 CFR 2520.104b–10 require, with certain exceptions, that administrators of employee benefit plans furnish annually to each participant and certain beneficiaries a

summary annual report (SAR) meeting the requirements of the statute and regulation. The regulation prescribes the content and format of the SAR and the timing of its delivery. The SAR provides current information about the plan and assists those who receive it in understanding the plan’s current financial operation and condition. It also explains participants’ and beneficiaries’ rights to receive further information on these issues. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 11, 2025 (90 FR 30984).

*Comments are invited on:* (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–EBSA.

*Title of Collection:* Employee Retirement Income Security Act Summary Annual Report Requirement.

*OMB Control Number:* 1210–0040.

*Affected Public:* Private sector.

*Total Estimated Number of Respondents:* 839,758.

*Total Estimated Number of Responses:* 209,869,516.

*Total Estimated Annual Time Burden:* 15,209,906 hours.

*Total Estimated Annual Other Costs Burden:* \$46,945,095.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Michael Howell,**

*Senior Paperwork Reduction Act Analyst.*

[FR Doc. 2026-04717 Filed 3-10-26; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2016-0022]

#### Bay Area Compliance Laboratories: Grant of Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the final decision to expand the scope of recognition for Bay Area Compliance Laboratories as a Nationally Recognized Testing Laboratory (NRTL).

**DATES:** The expansion of the scope of recognition becomes effective March 11, 2026.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693-1999 or email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693-1911 or email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Notice of Final Decision

OSHA is providing notice of the expansion of the scope of recognition of Bay Area Compliance Laboratories (BACL) as a NRTL. BACL's expansion covers the addition of three test standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the

NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including BACL, which details the NRTL's scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

BACL submitted an application to OSHA for expansion of the NRTL scope of recognition on June 9, 2025 (OSHA-2016-0022-0017), requesting the addition of three standards to the NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform an on-site review in response to this application. OSHA staff has preliminarily determined that OSHA should grant the application for test standard expansion.

OSHA published the preliminary notice announcing BACL's expansion application in the **Federal Register** on February 3, 2026 (91 FR 4957). The agency requested comments by February 18, 2026, however no comments were received in response to this notice. OSHA is now proceeding with this expansion of BACL's NRTL scope of recognition.

To obtain or review copies of all public documents pertaining to the BACL expansion application, go to [www.regulations.gov](http://www.regulations.gov) or contact the Docket Office at (202) 693-2350 (TTY (877) 889-5627. Docket No. OSHA-2016-0022 contains all materials in the record containing BACL's recognition.

##### II. Final Decision and Order

OSHA staff examined BACL's expansion application and examined

other pertinent information. Based on a review of this evidence, OSHA finds that BACL meets the requirements of 29 CFR 1910.7 for expansion of recognition, subject to the specified limitations and conditions. OSHA, therefore, is proceeding with this final notice to grant expansion of BACL's scope of recognition. OSHA limits the expansion of BACL's recognition to testing and certification of products for demonstration of compliance to the test standards listed below in Table 1.

**TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN BACL'S NRTL SCOPE OF RECOGNITION**

Test standard	Test standard Title
UL 61010-2-010.	Electrical Equipment for Measurement, Control and Laboratory Use—Part 2-010: Particular Requirements for Laboratory Equipment for the Heating of Materials.
UL 61010-2-81.	Standard for Safety Requirements for Electrical Equipment for Measurement, Control, and Laboratory Use—Part 2-081: Particular Requirements for Automatic and Semi-Automatic Laboratory Equipment for Analysis and Other Purposes.
UL 61010-2-101.	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2-101: Particular Requirements for In Vitro Diagnostic (IVD) Medical Equipment.

##### A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, BACL also must abide by the following conditions of the recognition:

1. BACL must inform OSHA as soon as possible, in writing, of any change in ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. BACL must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. BACL must continue to meet the requirements for recognition, including all previously published conditions on BACL's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expand the scope of recognition of BACL as a NRTL,

subject to the limitations and conditions specified above.

**III. Authority and Signature**

Amanda Laihow, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor’s Order No. 7–2025 (90 FR 27878, June 30, 2025), and 29 CFR 1910.7.

Signed at Washington, DC, on March 5, 2026.

**Amanda Laihow,**

*Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026–04722 Filed 3–10–26; 8:45 am]

**BILLING CODE 4510–26–P**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

[Docket No. OSHA–2019–0009]

**DEKRA Certification Inc.: Grant of Expansion of Recognition and Modification to the NRTL Program’s List of Appropriate Test Standards**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the final decision to expand the scope of recognition for DEKRA Certification Inc., as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the final decision to add one test standard to the NRTL Program’s List of Appropriate Test Standards.

**DATES:** The expansion of the scope of recognition becomes effective on March 11, 2026.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693–1999 or email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director,

Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693–1911 or email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Notice of Final Decision**

OSHA hereby gives notice of the expansion of the scope of recognition of DEKRA Certification Inc. (DEKRA) as a NRTL. DEKRA’s expansion covers the addition of nine test standards to the NRTL scope of recognition.

OSHA’s recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL’s scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL’s scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL’s scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including DEKRA, which details the NRTL’s scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

DEKRA submitted an application to OSHA for expansion of the NRTL scope of recognition on February 4, 2025 (OSHA–2019–0009–0022), requesting the addition of nine test standards. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA staff performed an on-site review of DEKRA’s testing facility at DEKRA Dresden, Enderstrasse 92b, 02177 Dresden, Germany associated with this application on March 3–4, 2025, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. DEKRA has addressed these issues sufficiently, and OSHA staff preliminarily determined that OSHA should grant the application.

OSHA published the preliminary notice announcing DEKRA’s expansion application in the **Federal Register** on February 3, 2026 (91 FR 4959). The agency requested comments by February 18, 2026, but it received no comments in response to this notice.

To obtain or review copies of all public documents pertaining to the DEKRA’s application, go to <http://www.regulations.gov> or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. Docket No. OSHA–2019–0009 contains all materials in the record concerning DEKRA’s recognition. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

**II. Final Decision and Order**

OSHA staff examined DEKRA’s expansion application, conducted a detailed on-site assessment, and examined other pertinent information. Based on its review of this evidence, OSHA finds that DEKRA meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant DEKRA’s expanded scope of recognition. OSHA limits the expansion of DEKRA’s recognition to include the nine additional testing standards. OSHA grants DEKRA expansion of the NRTL scope of recognition to include the test standards listed below in Table 1.

**TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN DEKRA’S NRTL SCOPE OF RECOGNITION**

Test standard	Test standard title
UL 60335–2–29 **	Household and Similar Electrical Appliances: Particular Requirements for Battery Chargers.
UL 62841–2–3	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–3: Particular Requirements for Hand-Held Grinders, Disc-Type Polishers and Disc-Type Sanders.
UL 62841–3–7	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–7: Particular Requirements for Transportable Wall Saws.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN DEKRA’S NRTL SCOPE OF RECOGNITION—Continued

Test standard	Test standard title
UL 62841–3–12 .....	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–12: Particular Requirements for Transportable Threading Machines.
UL 62841–3–13 .....	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–13: Particular Requirements for Transportable Drills.
UL 62841–3–14 .....	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–14: Particular Requirements for Transportable Drain Cleaners.
UL 62841–4–3* .....	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 4–3: Particular Requirements for Pedestrian Controlled Walk-Behind Lawnmowers.
UL 62841–4–4 .....	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 4–4: Particular Requirements for Lawn Trimmers, Lawn Edge Trimmers, Grass Trimmers, Brush Cutters and Brush Saws.
UL 1740** .....	Industrial Robots and Robotic Equipment.

\* Represents the standard that OSHA is adding to the NRTL Program’s List of Appropriate Test Standards.

\*\* OSHA notes that the title to this standard in the table is taken from OSHA’s List of Appropriate Test Standards (see <https://www.osha.gov/nationally-recognized-testing-laboratory-program/list-standards>). This title is not the same as the title currently used by the Standards Developing Organization that issued the test standard. OSHA intends to update the List of Appropriate Test Standards to reflect the currently used title in the near future.

OSHA’s recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for

which OSHA does not require such testing and certification, a NRTL’s scope of recognition does not include these products.

In this notice, OSHA also announces the final decision to add one new test standard to the NRTL Program’s List of

Appropriate Test Standards. Table 2 below lists the standard that is new to the NRTL Program. OSHA has determined that this test standard is an appropriate test standard and will add it to the NRTL Program’s List of Appropriate Test Standards.

TABLE 2—STANDARD OSHA IS ADDING TO THE NRTL PROGRAM’S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 62841–4–3 .....	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 4–3: Particular Requirements for Pedestrian Controlled Walk-Behind Lawnmowers.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program’s policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

**A. Conditions**

In addition to those conditions already required by 29 CFR 1910.7, DEKRA must abide by the following conditions of the NRTL recognition:

1. DEKRA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);
2. DEKRA must meet all the terms of its recognition and comply with all

OSHA policies pertaining to this recognition; and

3. DEKRA must continue to meet the requirements for recognition, including all previously published conditions on DEKRA’s scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of DEKRA as a NRTL, subject to the limitations and conditions specified above. Additionally, OSHA will add one standard to the NRTL Program’s List of Appropriate Test Standards.

**III. Authority and Signature**

Amanda Laihow, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor’s Order No. 7–2025 (90 FR 27878, June 30, 2025), and 29 CFR 1910.7.

Signed at Washington, DC, on March 5, 2026.

**Amanda Laihow,**  
Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.  
[FR Doc. 2026–04729 Filed 3–10–26; 8:45 am]  
**BILLING CODE 4510–26–P**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

[Docket No. OSHA–2007–0042]

**TUV Rheinland of North America, Inc.: Grant of Expansion of Recognition**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the final decision to expand the scope of recognition of TUV Rheinland of North America, Inc. as a Nationally Recognized Testing Laboratory (NRTL).

**DATES:** The expansion of the scope of recognition becomes effective on March 11, 2026.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693-1999 or email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693-1911 or email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Notice of Final Decision**

OSHA hereby gives notice of the expansion of the scope of recognition of TUV Rheinland of North America, Inc. (TUVRNA) as a NRTL. TUVRNA expansion covers the addition of one test standard to the NRTL scope of recognition.

OSHA's recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVRNA, which details the NRTL's scope of recognition. These pages are available from the

OSHA website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

TUVRNA submitted an application to OSHA for expansion of the NRTL scope of recognition on May 7, 2024 (OSHA-2007-0042-0090), requesting the addition of one standard to the NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform an on-site review in response to this application.

OSHA published the preliminary notice announcing TUVRNA's expansion application in the **Federal Register** on February 10, 2026 (91 FR 5962). The agency requested comments by February 25, 2026, but it received no comments in response to this notice. OSHA is now proceeding with this final notice to grant expansion of TUVRNA's NRTL scope of recognition.

To obtain or review copies of all public documents pertaining to the TUVRNA's application, go to <http://www.regulations.gov> or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. Docket No. OSHA-2007-0042 contains all materials in the record concerning TUVRNA's recognition. Contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for assistance in locating docket submissions.

**II. Final Decision and Order**

OSHA staff examined TUVRNA's expansion application and examined other pertinent information. Based on its review of this evidence, OSHA finds that TUVRNA meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant TUVRNA's expanded scope of recognition. OSHA limits the expansion of TUVRNA's recognition to include the one additional testing standard. OSHA grants TUVRNA expansion of the NRTL scope of recognition to include the test standard listed below in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARD FOR INCLUSION IN TUVRNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 3100 .....	Automated Mobile Platforms.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA

standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

**A. Conditions**

In addition to those conditions already required by 29 CFR 1910.7, TUVRNA must abide by the following conditions of the NRTL recognition:

1. TUVRNA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. TUVRNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. TUVRNA must continue to meet the requirements for recognition, including all previously published conditions on TUVRNA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of TUVRNA, subject to the limitations and conditions specified above.

**III. Authority and Signature**

Amanda Laihow, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 7-2025 (90 FR 27878, June 30, 2025), and 29 CFR 1910.7.

Signed at Washington, DC, on March 5, 2026.

**Amanda Laihow,**

*Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026-04721 Filed 3-10-26; 8:45 am]

**BILLING CODE 4510-26-P**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

[Docket No. OSHA-2007-0041]

**FM Approvals LLC: Grant of Expansion of Recognition and Modification to the NRTL Program's List of Appropriate Test Standards**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the final decision to expand the scope of recognition for FM Approvals LLC as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the final decision to add one test standard to the NRTL Program’s List of Appropriate Test Standards.

**DATES:** The expansion of the scope of recognition becomes effective on March 11, 2026.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor by phone: (202) 693–1999 or email: [meilinger.francis@dol.gov](mailto:meilinger.francis@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor by phone: (202) 693–1911 or email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Notice of Final Decision**

OSHA hereby gives notice of the expansion of the scope of recognition of FM Approvals LLC (FM) as a NRTL. FM’s expansion covers the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL’s scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL’s scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency

publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL’s scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including FM, which details the NRTL’s scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

FM submitted an application to OSHA to expand recognition as a NRTL on June 13, 2024 (OSHA–2007–0041–0027), to include six test standards (application was signed May 20, 2024). The application was amended on May 27, 2025 (OSHA–2007–0041–0026), to remove five standards from the original submission. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA performed an on-site review in relation to this application on December 3–5, 2024.

OSHA published the preliminary notice announcing FM’s expansion application in the **Federal Register** on February 10, 2026 (91 FR 5960). The agency requested comments by February 25, 2026, but it received no comments in response to this notice. OSHA is now proceeding with this final notice to grant expansion of FM’s NRTL scope of recognition.

To obtain or review copies of all public documents pertaining to the FM’s application, go to <http://www.regulations.gov> or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. Docket No. OSHA–2007–0041 contains all materials in the record concerning FM’s recognition. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

**II. Final Decision and Order**

OSHA staff examined FM’s expansion application, conducted a detailed on-site assessment, and examined other pertinent information. Based on its review of this evidence, OSHA finds that FM meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant FM’s expanded scope of recognition. OSHA limits the expansion of FM’s recognition to include one additional testing standard. OSHA grants FM expansion of the

NRTL scope of recognition to include the test standard listed below in Table 1.

**TABLE 1—LIST OF APPROPRIATE TEST STANDARD FOR INCLUSION IN FM’S NRTL SCOPE OF RECOGNITION**

Test standard	Test standard title
* FM 1035 .....	Nitrogen Generators.

\* Represents the standard that OSHA is adding to the NRTL Program’s List of Appropriate Test Standards.

OSHA’s recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL’s scope of recognition does not include these products.

In this notice, OSHA also announces the final decision to add one new test standard to the NRTL Program’s List of Appropriate Test Standards. Table 2 below lists the standard that is new to the NRTL Program. OSHA has determined that this test standard is an appropriate test standard and will add it to the NRTL Program’s List of Appropriate Test Standards.

**TABLE 2—STANDARD OSHA IS ADDING TO THE NRTL PROGRAM’S LIST OF APPROPRIATE TEST STANDARDS**

Test standard	Test standard title
FM 1035 .....	Nitrogen Generators.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program’s policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

*A. Conditions*

In addition to those conditions already required by 29 CFR 1910.7, FM must abide by the following conditions of the NRTL recognition:

1. FM must inform OSHA as soon as possible, in writing, of any change of

ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. FM must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. FM must continue to meet the requirements for recognition, including all previously published conditions on FM's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of FM, subject to the limitations and conditions specified above. Additionally, OSHA will add one standard to the NRTL Program's List of Appropriate Test Standards.

### III. Authority and Signature

Amanda Laihow, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 7-2025 (90 FR 27878, June 30, 2025), and 29 CFR 1910.7.

Signed at Washington, DC, on March 5, 2026.

**Amanda Laihow,**

*Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2026-04720 Filed 3-10-26; 8:45 am]

**BILLING CODE 4510-26-P**

## OFFICE OF MANAGEMENT AND BUDGET

### Discount Rates for Cost-Effectiveness Analysis of Federal Programs

**AGENCY:** Office of Management and Budget.

**ACTION:** Revisions to Appendix C of OMB Circular No. A-94.

**SUMMARY:** Office of Management and Budget (OMB) Circular No. A-94 specifies certain discount rates to be updated annually when the interest rate and inflation assumptions used to prepare the Budget of the United States Government are changed. These updated discount rates are found in Appendix C of the Circular and are to be used for cost-effectiveness analysis, including lease-purchase analysis, as specified in the Circular. These rates do not apply to regulatory analysis or benefit-cost analysis of public investment.

**DATES:** The revised discount rates will be in effect through December 2026.

**ADDRESSES:** The revised Appendix C of Circular No. A-94 can be accessed at <https://www.whitehouse.gov/wp-content/uploads/2026/03/CircularA-94Appendix-C.pdf>.

**FOR FURTHER INFORMATION CONTACT:** Rachel Hernández, Economic Policy Division, Office of Management and Budget, 202-881-9405, [a94@omb.eop.gov](mailto:a94@omb.eop.gov).

**Michael Stumo,**

*Associate Director for Economic Policy and Made in America Office, Office of Management and Budget.*

[FR Doc. 2026-04726 Filed 3-10-26; 8:45 am]

**BILLING CODE 3110-01-P**

## NATIONAL TRANSPORTATION SAFETY BOARD

### Sunshine Act Meeting

**TIME AND DATE:** 9:30 a.m. ET, Tuesday, March 31, 2026.

**PLACE:** NTSB Conference Center, 429 L'Enfant Plaza SW, Washington, DC 20594.

**STATUS:** The one item is open to the public.

#### MATTERS TO BE CONSIDERED:

75057 *Investigation Report—Fatal Crashes Involving Vehicles Operated in Hands-Free Partial Automation Mode and Stationary Vehicles in San Antonio, Texas, and Philadelphia, Pennsylvania.*

**CONTACT PERSON FOR MORE INFORMATION:** Candi Bing at (202) 590-8384 or by email at [bingc@ntsb.gov](mailto:bingc@ntsb.gov).

*Media Information Contact:* Sarah Sulick by email at [Sarah.Sulick@ntsb.gov](mailto:Sarah.Sulick@ntsb.gov) or at (202) 314-6100.

The public may view it through a live or archived webcast by accessing a link under "Upcoming Events" on the NTSB home page at [www.ntsb.gov](http://www.ntsb.gov).

Schedule updates, including weather-related cancellations, are also available at [www.ntsb.gov](http://www.ntsb.gov).

The National Transportation Safety Board is holding this meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b).

Dated: Friday, March 6, 2026.

**LaSean R. McCray,**

*Assistant Federal Register Liaison Officer.*

[FR Doc. 2026-04727 Filed 3-9-26; 11:15 am]

**BILLING CODE 7533-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-602; NRC-2025-2195]

### University of Texas at Austin; Nuclear Engineering Teaching Laboratory Training, Research, Isotopes, General Atomics Mark II Research Reactor; Environmental Assessment and Finding of No Significant Impact

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is considering renewal of Facility Operating License No. R-129, held by the University of Texas at Austin (UTA or the licensee), for the continued operation of its Nuclear Engineering Teaching Laboratory (NETL) Training, Research, Isotopes, General Atomics (TRIGA) Mark II research reactor located in the City of Austin, Travis County, Texas. The NRC staff is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) associated with the proposed action (*i.e.*, renewal of the operating license).

**DATES:** The EA and FONSI are available on March 11, 2026.

**ADDRESSES:** Please refer to Docket ID NRC-2025-2195 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-2195. Address questions about Docket IDs to Bridget Curran; telephone: 301-415-1003; email: [Bridget.Curran@nrc.gov](mailto:Bridget.Curran@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The ADAMS accession number for each document referenced (if that document is available in ADAMS) is provided in a table in the "Availability of Documents" section of this document.

• *NRC's PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Angela Sabet, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-287-1162; email: [Angela.Sabet@nrc.gov](mailto:Angela.Sabet@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

The NRC is considering renewal of Facility Operating License No. R-129, held by UTA, which would authorize continued operation of its 1.1 megawatt thermal (MW(t)) TRIGA Mark II research reactor with no fixed license term, located on UTA's J.J. Pickle Research Campus (PRC), in the NETL building in the City of Austin, Travis County, Texas.

As required by section 51.21 of title 10 of the *Code of Federal Regulations* (10 CFR), "Criteria for and identification of licensing and regulatory actions requiring environmental assessments," the NRC staff prepared an EA documenting its environmental review. Based on the results of the NRC staff's environmental review as documented in the EA that follows, the NRC has determined not to prepare an environmental impact statement (EIS) for the proposed renewed license and is issuing a FONSI in accordance with 10 CFR 51.32, "Finding of no significant impact."

### II. Environmental Assessment

#### *Facility Site and Environs*

The NETL TRIGA Mark II research reactor is an aluminum-lined pool-type non-power reactor that has been licensed to operate since January 17, 1992, for teaching and research purposes. The research reactor is licensed to operate at a steady state of 1.1 MW(t) or in pulsing mode with maximum power levels up to about 1500 MW(t) (with a trip setpoint at 1750 MW(t)) for durations of about 10 milliseconds. The reactor is in the NETL building on UTA's PRC, which lies approximately 10 miles (16 kilometers) north of the main UTA campus. Most of the land adjacent to the UTA PRC is developed for mixed commercial and industrial activities and includes warehouses, manufacturing facilities, and small business parks. The

remainder of adjacent land contains apartment complexes and other residences.

Within the NETL building, a concrete, vault-type enclosure serves as the confinement volume for the TRIGA reactor. The TRIGA reactor is housed within an open pool, which serves as part of the cooling system as well as moderator, coolant, and shielding. The reactor is fueled with a metallic alloy of low-enriched uranium in a zirconium hydride matrix. Waste heat is dissipated through the cooling system, which is composed of three subsystems: the reactor pool, pool cooling system, and pool cleanup system. The reactor pool removes waste heat passively by natural circulation. The pool cooling system then removes excess heat from the pool by transferring heat from the pool water to a campus chill water system through a heat exchanger. Finally, the pool cleanup system recirculates pool water through a filter and ion exchanger to remove suspended solids and chemical impurities. Makeup water for the cooling system is provided through Austin Water, the City of Austin's water utility.

During normal operation of the TRIGA reactor, gaseous (airborne) radioactive effluent is almost exclusively Argon-41 (Ar-41). The primary liquid radioactive effluents produced during normal operation include miscellaneous neutron activation products in the primary coolant, many of which are deposited in the mechanical filter and demineralizer resins and, therefore, disposed of as solid radioactive waste. Non-routine liquid radioactive wastes can result from decontamination or maintenance activities, such as filter or resin replacements. Solid radioactive waste includes waste generated from reactor maintenance operations and irradiation of various experiments. Much of the solid radioactive waste generated at the NETL TRIGA facility is held in a restricted area and allowed to decay to background levels and then disposed of as non-radioactive waste. Solid radioactive waste that is not decayed in storage is transmitted to the UTA Radiation Safety Office for appropriate disposal. No solid radioactive waste is permanently stored on site.

UTA maintains a Radiation Monitoring Program, which involves regular monitoring of airborne, liquid, and solid gamma and beta radiation to ensure that any effluent releases are within the limits of 10 CFR part 20, "Standards for Protection Against Radiation." The current monitoring program consists of: monthly direct gamma radiation measurements around

the perimeter of the facility; quarterly integrated gamma dose measurements using dosimeters located at the perimeter and in the general area of the facility, which are exchanged quarterly; quarterly groundwater samples from under the reactor structure; monthly contamination monitoring on the roof of the reactor building; and quarterly contamination monitoring at the perimeter and in the general area of the facility.

A detailed description of the reactor and its operations can be found in UTA's Updated Safety Analysis Report (SAR) dated August 4, 2023, and in UTA's license renewal application dated December 12, 2011.

#### *Description of the Proposed Action*

The proposed action would renew Facility Operating License No. R-129 with no fixed license term, in accordance with 10 CFR 50.51(c), "Continuation of license." The proposed action would authorize UTA to operate its TRIGA reactor at a steady state of 1.1 MW(t) or in pulsing mode with maximum power levels up to about 1500 MW(t) (with a trip setpoint at 1750 MW(t)) for durations of about 10 milliseconds. The proposed action is in accordance with UTA's application dated December 12, 2011, as supplemented by letters dated January 17, September 17, and December 19, 2012; March 22, June 24, and August 21, 2013; July 15, August 26, and December 22, 2015; February 5, May 2, and December 1, 2016; and August 4 and September 15, 2023 (collectively referred to as "the license renewal application"). The notice of opportunity to request a hearing was published in the **Federal Register** on November 28, 2016 (81 FR 85646). The current license was set to expire at midnight on January 17, 2012. However, the NRC's timely renewal provision contained in 10 CFR 2.109(a) permits the licensee to continue to operate the TRIGA reactor under the terms and conditions of its existing license, and that license will not be deemed to have expired until the license renewal application before the NRC has been finally determined.

#### *Need for the Proposed Action*

The proposed action is needed to allow the continued operation of the TRIGA reactor, which is used for education, research, and public service activities. The current reactor research program includes neutron activation analysis, cryogenic irradiation facility neutron depth profiling, prompt gamma activation analysis, fast neutron beam, neutron radiography, and isotope production. The NETL serves a

multipurpose role, with the primary function as a “user facility” for faculty, staff, and students from the College of Engineering. The facility supports the UTA Cockrell School of Engineering, Department of Mechanical Engineering’s Nuclear and Radiation Engineering Program with laboratory exercises in UTA courses, undergraduate research, and graduate research. The facility also supports development and application of nuclear methods for researchers from other universities, industry, and government organizations. The NETL provides nuclear analytic services to researchers, industry, and other research and industrial laboratories for testing and evaluation of materials. The NETL provides public education through tours and demonstrations.

#### *Environmental Impacts of the Proposed Action*

The environmental impacts of the proposed action are described in this notice. As discussed further, the proposed action will not have a significant effect on the quality of the human environment. The proposed action will not require any physical changes to the facility, and the impacts are similar to those occurring during past operations. Separate from this EA, the NRC staff is performing a safety evaluation. The results of this safety evaluation will be documented in the NRC staff’s safety evaluation report.

#### *Radiological Impacts*

##### Environmental Effects of Reactor Operations

Gaseous radioactive effluents resulting from the routine operation of the TRIGA reactor are nitrogen-16 (N-16) and Ar-41. These nuclides are released to the environment from the reactor building through an exhaust stack on the roof that combines the ventilation exhaust from both the main and the purge systems. The NETL TRIGA facility’s exhaust stack discharge length is 63 feet (19.2 meters) and has a normal air flow rate of approximately 1,100 cubic feet per minute (31 cubic meters per minute). Because the half-life of N-16 is approximately 7 seconds, the release from the exhaust stack is insignificant considering most of the N-16 produced in the reactor coolant would decay before reaching the stack. Ar-41 is by far the most significant radionuclide released as a gaseous effluent during normal reactor operations. The maximum release of Ar-41 would occur from continuous operation at full power. Assuming maximum full power operation release of Ar-41, the licensee calculated the

dose to a member of the public using the Environmental Protection Agency’s Clean Air Assessment Package—1988 computer code conservatively to be 66 millirem/year (mrem/yr), which is less than the 100 mrem/yr limit specified in 10 CFR 20.1301, “Dose limits for individual members of the public.” UTA’s calculation is conservative because operations are not continuous and are not always at full power. The NRC staff finds the UTA results to be reasonable and conservative. The NETL as low as reasonably achievable (ALARA) program annual reports for the 5 years of operation from 2020 through 2024 show that the annual release of Ar-41 is no greater than 6.8 curies, which would result in a dose of about .01 mrem/yr to a member of the public, which is less than one percent of the 100 mrem/yr limit specified in 10 CFR 20.1301. This radiation dose of 0.0094 mrem/year also demonstrates compliance with the ALARA air emissions dose constraint of 10 millirem (mrem) specified in paragraph (d) of 10 CFR 20.1101, “Radiation protection programs.”

Liquid radioactive waste produced as part of routine operation of the TRIGA reactor typically consists of miscellaneous neutron activation products in the primary coolant. Since most of these activation products can be deposited on mechanical filters and the demineralizer resins, these materials are dealt with as solid sources. UTA minimizes the release of liquid radioactive waste and, when possible, liquid radioactive waste that is generated is normally converted into solid waste for offsite disposal. Rarely, the NETL may have need to release liquid radioactive effluent to the sanitary sewer in compliance with limits specified in 10 CFR 20.2003, “Disposal by release into sanitary sewerage.” The NETL ALARA program annual reports for the 5 years of operation from 2020 through 2024 show that the NETL TRIGA facility had two liquid radioactive waste disposals via the sanitary sewer system, in 2023 and 2024. Liquid waste disposed in 2023 and 2024 originated from contaminated water from storage wells and from cleaning rotary specimen rack rabbits, respectively. No other liquid radioactive waste was generated, disposed of or transported off-site between 2020 and 2024.

Low-level solid radioactive waste generated from reactor operations typically includes laboratory waste such as plastic bags, gloves, absorbent material, and disposable lab coats, as well as reactor demineralizer resins and particulate filters. The maximum

average annual solid radioactive waste volume produced by the NETL TRIGA reactor is approximately 25 cubic feet (0.7 cubic meters), though historically the volume of solid radioactive waste produced is much less. One transfer of solid radioactive waste containing activated experimental components occurred in 2023. There was no other transfer of solid radioactive waste in the remaining 5-year period from 2020 to 2024. Much of this waste contains radioactive material with a relatively short half-life and is held in a restricted area until it has decayed to background levels of radioactivity. Once that waste is decayed in storage and surveyed to confirm that radioactivity levels are at background, the waste can be disposed of as non-radioactive. The remaining solid waste, containing radioactive materials with a relatively long half-life, can average approximately 2 cubic feet (0.06 cubic meters) per year. Radioactive wastes are packaged according to U.S. Department of Transportation waste processor and disposal site requirements, as applicable, and are temporarily stored in a restricted area until transferred for disposal.

No solid radioactive waste is intended to be retained or permanently stored on site. The U.S. Department of Energy (DOE) retains title to the fuel used in the NETL TRIGA reactor, and DOE is required to take spent fuel from the site for final disposition in accordance with its contractual obligations under Standard Research Subcontract No. 00078206.

According to Section 1.2 of the SAR, the NETL TRIGA reactor’s shielding was designed to limit personnel exposure rates from radiation generated during reactor operation in accessible areas of the pool and shield structure at 1.5 MW(t) to less than 1 millirem/hour, while the reactor operates to a maximum steady-state license limit of 1.1 MW(t). Current experimental programs at the beam ports limit routine access to the biological shielding surface near the core. Reactor staff members of the NETL TRIGA reactor and other NETL TRIGA personnel who work in restricted areas are assigned personal dosimeters, which assess whole body and extremity doses.

As described in Chapter 11 of the SAR, and as verified through NRC staff review of the licensee’s NETL ALARA program annual reports for the 5 years of operation from 2020 through 2024, personnel exposures are well within the limits set by 10 CFR 20.1201, “Occupational dose limits for adults,” and are ALARA in accordance with 10 CFR 20.1101(b). The licensee tracks exposures of personnel monitored with

dosimeters, and the NETL ALARA program annual reports for the 5 years of operation from 2020 through 2024 show that personnel exposures (measured in terms of total effective dose equivalent) ranged from 4 to 14 percent of the occupational limit of 5,000 mrem. The greatest individual annual exposure over the last 5 years was 306 mrem in 2022.

Personnel exposures are within the limits set forth by 10 CFR 20.1201. There are no changes proposed in reactor operation associated with license renewal that would lead to an increase in occupational dose.

The radiation monitoring systems associated with operation of the NETL TRIGA reactor are provided and maintained as a means of ensuring compliance with radiation limits established under 10 CFR part 20, "Standards for Protection Against Radiation." The NETL TRIGA facility's monitoring systems consist of remote area monitors, continuous air monitors, cooling water monitors, portable radiation survey instruments, personnel monitors, and stack gas and particulate monitors, as described in Section 11.1.5 of the SAR. The stack particulate and gas monitoring systems measure the beta-gamma activity emitted by radioactive particulates and the activity of gaseous radioactive nuclides, respectively, that are exhausted through the NETL TRIGA facility's exhaust stack. Perimeter monitoring at the NETL TRIGA facility consists of thermoluminescent dosimeters, which detect X-ray and gamma radiation.

The licensee conducts an environmental monitoring program to record and track the radiological impact of the operation of the NETL TRIGA reactor on the surrounding unrestricted area. The dosimeters are located at six sites in and around the NETL building. UTA staff analyzes the results to ensure that the reported doses are below the dose limits specified in 10 CFR 20.1301, "Dose limits for individual members of the public," and to monitor for trends that would indicate unusual or elevated exposures. A review of the NETL ALARA program annual reports for the 5 years of operation from 2020 through 2024 shows that the measured doses at six exterior locations around the NETL building ranged from 1 mrem to 5 mrem (excluding natural background exposure), which are well below the 100 mrem annual limit for dose to the general public specified in 10 CFR 20.1301. The Texas Department of State Health Services (TDSHS) also monitors five exterior locations near the NETL building with reported measurements ranging from 1 mrem to 28 mrem, which

are also well below the 100 mrem annual limit.

Based on the NRC staff's review, as previously discussed, of data from the NETL ALARA program annual reports for the 5 most recent years of operation from 2020 to 2024, the NRC staff concludes that operation of the NETL TRIGA reactor does not have any significant radiological impact on the surrounding environment. No changes in reactor operation that would affect off-site radiation levels are expected or proposed as a result of the proposed license renewal. Therefore, the NRC staff concludes that the proposed action would not have a significant radiological impact.

#### Environmental Effects of Accidents

Accident scenarios are discussed in Chapter 13 of the SAR. The accidents analyzed in Chapter 13 range from anticipated events to a postulated fission product release with radiological consequences that exceed those of any accident considered to be credible. The latter limiting accident is referred to as the maximum hypothetical accident (MHA). UTA considers a fuel handling accident in air to be its MHA. Calculations have been performed by the licensee that estimate the maximum concentration of fission products that might be present in the reactor room air following the MHA. UTA concluded from its calculations that individual worker exposures from the MHA would not exceed 10 CFR 20.1101 dose limits, and that all effluent releases to the environment would also meet 10 CFR part 20 dose limits.

Separate from the NRC staff's EA herein, the NRC staff is evaluating the UTA MHA analyses of the potential radiological consequences that may result from the proposed license renewal. The results of the NRC staff's safety evaluation and conclusion will be documented in a safety evaluation report that will be made publicly available. If the NRC concludes that the radiological consequences of the MHA are within 10 CFR part 20 dose limits, then the MHA and the proposed action would not have a significant impact with respect to the radiological consequences of the MHA.

#### Conclusion—Radiological Impacts

In the license renewal application, the licensee has not proposed any physical changes to the reactor facility design, or adverse changes to facility operating conditions, that would significantly affect facility operation; therefore, there would be no changes in the types or quantities of routine effluents that may be released off site. The licensee has

systems in place for controlling the release of radiological effluents and implements a radiation protection program to monitor personnel exposures and releases of radioactive effluents. Accordingly, there would be no increase in routine occupational or public radiation exposure as a result of the proposed action. Based on the information previously discussed, the NRC staff finds that the proposed action will not significantly increase the probability and consequences of accidents.

License renewal would not significantly change reactor operations. As previously discussed, information in the license renewal application and data reported to the NRC by the licensee for the last five years of reactor operation were evaluated to determine the radiological impact. The NRC staff found that releases of radioactive material and personnel exposures were all well within applicable regulatory limits. Based on this evaluation, the continued operation of the reactor would have no significant radiological impacts. A separate safety evaluation is being drafted by NRC staff to determine the probability and consequence of accidents of the proposed action. If the NRC staff concludes in its safety evaluation report that the probability and consequences of accidents are within NRC regulatory requirements, then the proposed license renewal will not have a significant environmental impact with respect to accidents.

#### Non-Radiological Impacts

The proposed action does not involve any change in the operation of the reactor, any change in the emissions, or any change in the heat load dissipated to the environment. No new construction or other land disturbing activities are proposed. The proposed action would not result in any land use changes or increase in noise or air emissions and would not have a significant impact on air quality, noise, visual resources, or ecological resources. Water is supplied through the City of Austin and no changes in facility operations are proposed. Data from the National Flood Insurance Program indicates that no portion of the research campus site is within the 100- or 500-year flood zone. The proposed license renewal would have no direct impacts on surface water or groundwater resources because water would continue to be supplied from Austin Water, the City of Austin's water utility, which has adequate capacity. Heat produced by reactor operations is ultimately released to the environment through the secondary cooling system and the

facility's cooling tower. No increased thermal effects on the environment would result from the proposed action. Therefore, the NRC staff concludes that the proposed action would have no significant non-radiological impacts.

#### *Other Applicable Environmental Laws and Policies*

In addition to the National Environmental Policy Act of 1969, as amended (NEPA), the NRC has responsibilities that are derived from other environmental laws, which include the Endangered Species Act of 1973, as amended (ESA), the Coastal Zone Management Act of 1972, as amended (CZMA), the Fish and Wildlife Coordination Act, as amended (FWCA), and the National Historic Preservation Act, as amended (NHPA). The following presents a brief discussion of impacts associated with resources protected by these laws and related requirements.

#### Endangered Species Act

The ESA was enacted to prevent further decline of endangered and threatened species and to restore those species and their critical habitat. Section 7 of the ESA requires Federal agencies to consult with the U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS) regarding actions that may affect listed species or designated critical habitats.

On December 15, 2025, the NRC staff conducted a search of Federally listed species and critical habitats that have the potential to occur in the vicinity of the NETL TRIGA facility using FWS's Environmental Conservation Online System Information for Planning and Conservation system. Seventeen Federally listed species occur in Travis County, Texas, where the NETL TRIGA reactor is located: the Austin Blind Salamander (*Eurycea waterloensis*), Bone Cave Harvestman (*Texella reyesi*), Bracted Twistflower (*Streptanthus bracteatus*), Golden-cheeked Warbler (*Dendroica chrysoparia*), Barton Springs Salamander (*Eurycea sosorum*), Jollyville Plateau Salamander (*Eurycea tonkawae*), Piping Plover (*Charadrius melodus*), Rufa Red Knot (*Calidris canutus rufa*), tricolored bat (*Perimyotis subflavus*), Texas Fatmucket (*Lampsilis bracteata*), Monarch Butterfly (*Danaus plexippus*), Tooth Cave Ground Beetle (*Rhadine persephone*), Bee Creek Cave Harvestman (*Texella reddelli*), Kretschmarr Cabe Mold Beetle (*Texamaurops reddelli*), Tooth Cave Spider (*Neoleptoneta myopica*), Tooth Cave Pseudoscorpion (*Tartarcreagis texana*) and Whooping Crane (*Grus americana*). However, none of these species are likely to occur near the

NETL TRIGA reactor because the reactor is located on the UTA campus, which does not provide suitable habitat for Federally listed species. This is because the UTA campus has been developed and in use for research and educational purposes for many decades.

Additionally, operation of the NETL TRIGA reactor has no direct nexus to the natural environment that could otherwise affect Federally listed species. No critical habitats occur in the area. Accordingly, the NRC staff concludes that the proposed license renewal of the NETL TRIGA reactor would have no effect on Federally listed species or critical habitats. Federal agencies are not required to consult with FWS if they determine that an action will not affect listed species or critical habitats. Thus, the ESA does not require consultation for the proposed NETL TRIGA reactor license renewal, and the NRC staff considers its obligations under ESA Section 7 to be fulfilled for the proposed action.

#### Coastal Zone Management Act

The CZMA, in part, encourages States to preserve, protect, develop, and, where possible, restore coastal resources. Individual States are responsible for developing a Federally approved Coastal Zone Management Plan and implementing a Coastal Zone Management Program in accordance with such a plan. Section 307(c)(3)(A) of the CZMA requires that applicants for Federal licenses whose proposed action could reasonably affect coastal zones of a State must provide a certification that the proposed activity complies with the enforceable policies of the State's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program.

Travis County, Texas, in which the NETL TRIGA reactor is located, does not contain any coastal zones. Because the reactor is not located within or near any managed coastal zones, the proposed action would not affect any coastal zones and the requirement to provide a certification of compliance with the State's Coastal Zone Management Program does not apply. Therefore, consistency determination is not required for the proposed action.

#### Fish and Wildlife Coordination Act

The FWCA requires Federal agencies that license water resource development projects to consult with the FWS (or NMFS, when applicable) and the State wildlife resource agencies regarding the potential impacts of the project on fish and wildlife resources.

The proposed action does not involve any water resource development

projects, including any of the modifications relating to impounding a body of water, damming, diverting a stream or river, deepening a channel, irrigation, or altering a body of water for navigation or drainage. Therefore, no coordination with other agencies pursuant to the FWCA is required for the proposed action.

#### National Historic Preservation Act

The NHPA requires Federal agencies to consider the effects of their undertakings on historic properties. As stated in the NHPA, historic properties are any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). In accordance with 36 CFR 800.8(c), "Use of the NEPA process for Section 106 purposes," the NRC staff will comply with NHPA Section 106 through the NEPA process, in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. The Area of Potential Effects (APE) has been identified as the 226-acre J.J. Pickle Research Campus.

The NRC staff initiated NHPA Section 106 consultation with the Texas Historical Commission (THC) and Advisory Council on Historic Preservation (ACHP), on May 1, 2024, and with seven Tribes on April 30, 2024, and twelve Tribes on May 10, 2024.

The NRC staff received a response from ACHP on May 17, 2024, confirming notification pursuant to 36 CFR 800.8(c). Responses were received from three Tribes stating that no properties are present; that there would be no impact to properties of significance to the Tribe; and that the APE is outside the Tribe's area of interest. No response to Section 106 initiation was received from the THC.

The NRC staff conducted a confirmatory review for the presence of historic and cultural resources within and adjacent to the APE through the Texas Archaeological Sites Atlas online database and NRHP online database. No previously recorded historic or cultural resources have been previously identified in or adjacent to the APE. Based on this information and the fact that the proposed license renewal would entail no land disturbance, structure or building modifications, or other changes or refurbishments, the NRC staff has determined that the proposed action and the continued operation of the NETL TRIGA reactor would have no adverse effect on historic properties.

The draft historic and cultural resources section of this EA was submitted to consulting Tribes and the

THC, and made publicly available in January 2026. One Tribe responded with their concurrence with the NRC staff's determination and no interest in further consultation. Concurrence with the NRC staff's determination from the THC was received on February 14, 2024.

*Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to license renewal, the NRC considered denying the proposed action (i.e., the "no-action" alternative). If the NRC denied the request for license renewal, reactor operations would cease and decommissioning would be required. The NRC notes that, even with a renewed license, the NETL TRIGA reactor would eventually be decommissioned, at which time the environmental effects of decommissioning would occur. Decommissioning would be conducted in accordance with an NRC-reviewed and -approved decommissioning plan, which would require a separate environmental review under 10 CFR 51.21. Cessation of reactor operations would reduce or eliminate radioactive effluents. However, as previously discussed in this EA, radioactive effluents from reactor operations are well below the applicable regulatory limits. Therefore, the environmental impacts of license renewal and of the denial of the request for license renewal would be similar. In addition, denying the request for license renewal would eliminate the benefits of education, research, and public services provided by the NETL TRIGA reactor.

*Alternative Use of Resources*

The proposed license renewal does not involve the use of any different

resources or significant quantities of resources beyond those associated with current facility operations and previously considered in the issuance of Facility Operating License No. R-129 for the reactor on January 17, 1992.

*Agencies and Persons Consulted*

The staff did not enter into consultation with any other Federal agencies or with the State of Texas regarding the environmental impact of the proposed action. However, on December 22, 2025, the NRC notified the Texas State officials, TDSHS, and Texas Advance Nuclear Energy Office, Office of the Texas Governor (OTG) of the proposed action. By email dated December 27 and 29, 2025, both TDSHS and OTG indicated that the State of Texas had no comments.

**III. Finding of No Significant Impact**

The NRC is considering renewal of Facility Operating License No. R-129, held by UTA, which would authorize the continued operation of the NETL TRIGA reactor with no fixed license term in accordance with 10 CFR 50.51(c).

On the basis of the EA included in Section II of this notice and incorporated by reference in this finding, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment. This is because the proposed action will result in no significant radiological impacts from continued operations, as the types or quantities of effluents that may be released off site would not change. No changes in land use would occur or increases in noise or air emissions. Continued operations under the proposed action would have no

significant impacts on air quality, noise, visual resources, surface water or groundwater resources, terrestrial or aquatic resources, or on any other environmental resource conditions. Additionally, the proposed action would have no effect on Federally listed species or designated critical habitats and would not affect historic properties. Therefore, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC staff has determined that a FONSI is appropriate and that there is no need to prepare an EIS for the proposed action.

The NRC staff's evaluation considered information provided in the license renewal application as supplemented, and the NRC staff's review of related environmental documents. Section IV of this notice lists the environmental documents related to the proposed action and includes information on the availability of these documents.

This EA and FONSI and other related environmental documents are accessible online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. This EA and FONSI can be tracked with identification number NEPA ID EAXX-429-00-000-1771999899. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR reference staff by telephone at 1-800-397-4209 or at 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

**IV. Availability of Documents**

The documents in the following table are available to interested persons through ADAMS, as indicated.

Document Description	Adams Accession No.
<i>License Renewal Request</i>	
University of Texas at Austin, Request for Renewal of Facility Operating License R-129, dated December 12, 2011 (redacted) .....	ML12156A097
University of Texas at Austin, Supplemental Information for Renewal of Facility Operating License R-129, Part 1, dated January 17, 2012 (redacted) .....	ML12156A196
University of Texas at Austin, Supplemental Information for Renewal of Facility Operating License R-129, Part 2, dated January 17, 2012 (redacted) .....	ML12030A102
University of Texas at Austin, Supplemental Information Relative to Proposed Safety Analysis Report, Appendix 15.4, Facility Operating License R-129 (TAC ME 7694), dated February 21, 2012 .....	ML12061A009
University of Texas at Austin—Renewal of Facility Operating License No. R-129, Docket 50-602, dated January 21, 2011 ..	ML110040316
University of Texas at Austin, Response to Request for Additional Information, dated September 17, 2012 .....	ML12307A071
University of Texas at Austin, Response to Request for Additional Information, dated December 19, 2012 .....	ML13002A015
University of Texas at Austin, Response to Request for Additional Information, dated March 22, 2013 .....	ML13091A006
University of Texas at Austin, Response to Request for Additional Information, dated June 24, 2013 .....	ML13190A356
University of Texas at Austin, Response to Request for Additional Information, dated August 21, 2013 .....	ML13246A014
University of Texas at Austin, Response to Request for Additional Information, dated July 15, 2015 (redacted) .....	ML15211A638
University of Texas at Austin, Response to Request for Additional Information, dated August 26, 2015 .....	ML15251A234
University of Texas at Austin, Response to Request for Additional Information, dated October 23, 2015 .....	ML15313A027
University of Texas at Austin, Response to Request for Additional Information, dated December 22, 2015 .....	ML16015A052
University of Texas at Austin, Response to Request for Additional Information, dated February 5, 2016 .....	ML16053A094

Document Description	Adams Accession No.
University of Texas at Austin, Response to Request for Additional Information, dated May 2, 2016 .....	ML16132A239
University of Texas at Austin, Response to Request for Additional Information, dated December 1, 2016 .....	ML16347A112
University of Texas at Austin, Updated Safety Analysis Report, dated August 4, 2023 (redacted) .....	ML23279A146
University of Texas at Austin, Submission of Environmental Report, dated September 15, 2023 .....	ML23258A162
UTA NETL TRIGA ALARA 2020–2024 .....	ML25352A069 (Package)
<i>Other Referenced Documents</i>	
U.S. Fish and Wildlife Service, Endangered Species Consultations Frequently Asked Questions, dated July 15, 2013 .....	ML16120A505
Letter to SHPO; Re UTA Section 106 Initiation, dated May 1, 2024 .....	ML24096A043
Letter to ACHP, Re: UTA Section 106 Notification, dated May 1, 2024 .....	ML24096A042
Letters to seven tribes, Re: UTA Section 106 Initiation, dated April 30, 2024 .....	ML24096A057 (Package)
Letters to twelve tribes, Re: UTA Section 106 Initiation, dated May 10, 2024 .....	ML24127A107 (Package)
Letter from ACHP, Section 106, confirming notification, dated May 17, 2024 .....	ML25346A204
Letter from Comanche Nation, no properties of interest, dated May 16, 2024 .....	ML26055A177
Letter from Kickapoo Traditional Tribe of Texas, no properties of interest, dated May 13, 2024 .....	ML26055A180
Email from non-public Tribe, project outside area of interest, dated June 17, 2024 .....	ML26055A171 (non-public, withheld pursuant to 10 CFR 2.390)
Letter from non-public Tribe, no properties of interest, decline to consult further, dated February 17, 2026 .....	ML26050A026 (non-public, withheld pursuant to 10 CFR 2.390)
Letter from Texas SHPO, concurrence, dated February 14, 2026 .....	ML26048A064
UTA NETL TRIGA EA Response from TDSHS, dated December 27, 2025 .....	ML26055A054
UTA NETL TRIGA EA Response from TANENO OTG, dated December 29, 2025 .....	ML26055A048

Dated: March 6, 2026.

For the Nuclear Regulatory Commission.

**Stephen Koenick,**

*Chief, Environmental Project Management  
Branch 1, Division of Rulemaking,  
Environmental, and Financial Support, Office  
of Nuclear Materials Safety and Safeguards.*

[FR Doc. 2026–04702 Filed 3–10–26; 8:45 am]

**BILLING CODE 7590–01–P**

**NUCLEAR REGULATORY  
COMMISSION**

**734th Meeting of the Advisory  
Committee on Reactor Safeguards  
(ACRS)**

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the U.S. Nuclear Regulatory Commission’s (NRC) Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on April 8 through 10, 2026. In addition, the ACRS is implementing Section 4.(b) of Executive Order (E.O.) 14300, “Ordering the Reform of the Nuclear Regulatory Commission,” dated May 23, 2025, which states, in part, that the functions of the ACRS shall be reduced to the minimum necessary to fulfill ACRS’s statutory obligations and that review by ACRS of permitting and licensing issues shall focus on issues that are truly novel

and noteworthy. The ACRS will only undertake other work as directed by the Commission in accordance with Sections 29 and 182b of the Atomic Energy Act.

The Committee will be conducting meetings that will include some Members being physically present at the headquarters of the NRC while other Members participate remotely. Interested members of the public are encouraged to participate remotely in any open sessions via Microsoft Teams or via phone at 301–576–2978, passcode 442 904 396#. A more detailed agenda, including the Microsoft Teams link, may be found at the ACRS public website at <https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html>. If you would like the Microsoft Teams link forwarded to you, please contact: [Quynh.Nguyen@nrc.gov](mailto:Quynh.Nguyen@nrc.gov) or [Lawrence.Burkhart@nrc.gov](mailto:Lawrence.Burkhart@nrc.gov).

**Wednesday, April 8, 2026**

8:30 a.m.–8:35 a.m.: *Opening Remarks by the ACRS Chairman (Open)*—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: *EPRI Topical Report on Loss-of-Coolant-Accident-Induced Fuel Fragmentation, Relocation and Dispersal with Leak-Before-Break Credit (Alternative Licensing Strategy)*

(Open/Closed)—The Committee will hear presentations from and have discussions with NRC staff and applicant representatives, if necessary, regarding the subject topic. [Note: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

10:30 a.m.–1:00 p.m.: *Committee deliberation on the EPRI Topical Report on Loss-of-Coolant-Accident-Induced Fuel Fragmentation, Relocation and Dispersal with Leak-Before-Break Credit (Alternative Licensing Strategy)* (Open/Closed)—The Committee will deliberate regarding the subject topic. [Note: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

1:00 p.m.–6:00 p.m.: *Draft Rule on Licensing Requirements for Microreactors and Low-Consequence Reactors* (Open/Closed)—The Committee will have discussions with NRC staff regarding the subject topic. [Note: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

**Thursday, April 9, 2026**

8:30 a.m.–11:00 a.m.: *Planning and Procedures Session/Future ACRS*

*Activities/Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)*—The Committee will discuss planning and procedures topics including items proposed for consideration by the Full Committee during future ACRS meetings; deliberate; and proceed to preparation of reports. [Note: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[Note: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

11:00 a.m.–6:00 p.m.: *Continuation of Discussion and Deliberation on Draft Rule on Licensing Requirements for Microreactors and Low-Consequence Reactors/Preparation of Reports (Open)*—The Committee will continue discussions and deliberate with NRC staff regarding the subject topic and/or proceed with preparation of reports.

#### Friday, April 10, 2026

8:30 a.m.–5:00 p.m.: *Preparation of Reports and Continuation of Discussions on Previous Meeting Topics (Open/Closed)*—The Committee will proceed with preparation of reports and continue discussions with NRC staff regarding the subject topic. [Note: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on July 22, 2025 (90 FR 34522). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the Designated Federal Officer (Telephone: 301–415–5844, Email: [Quynh.Nguyen@nrc.gov](mailto:Quynh.Nguyen@nrc.gov)), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the ACRS Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the cognizant ACRS staff if such rescheduling would result in major inconvenience. Registration for this meeting is not required.

An electronic copy of each presentation should be emailed to the

cognizant ACRS staff at least three days before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the ACRS Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

Please contact the Designated Federal Officer if you would like to submit a request for physical or electronic meeting accommodation.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov), the ACRS public website, or by calling the PDR at 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays, or from the Publicly Available Records System component of NRC’s Agencywide Documents Access and Management System, which is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html> or <https://www.nrc.gov/reading-rm/doc-collections/#ACRS/>.

Dated: March 9, 2026.

For the Nuclear Regulatory Commission.

**Russell E. Chazell,**

*Federal Advisory Committee Management Officer, Office of the Secretary.*

[FR Doc. 2026–04743 Filed 3–10–26; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50–440; NRC–2026–1123]

### **Vistra Operations Company LLC, and Energy Harbor Nuclear Generation, LLC; Perry Nuclear Power Plant, Unit No. 1; Application for Amendment to Renewed Facility Operating License Involving Proposed No Significant Hazards Considerations and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or the Commission)

received and is considering issuance of an amendment to Renewed Facility Operating License (RFOL) No. NPF–58, that was requested by Vistra Operations Company, LLC (Vistra), to permit changes to the license and technical specifications (TSs) at Perry Nuclear Power Plant, Unit No. 1 (Perry). For the amendment request, the NRC proposes to determine that they involve no significant hazards consideration (NSHC). Because potential parties may deem it necessary to obtain access to sensitive unclassified non-safeguards information (SUNSI) and safeguards information (SGI) to meet Commission requirements for intervention, the NRC is issuing an order imposing procedures to obtain access to SUNSI and SGI for contention preparation by persons who file a hearing request or petition for leave to intervene.

**DATES:** Comments must be filed by April 10, 2026. A request for a hearing or petition for leave to intervene must be filed by May 11, 2026. Any potential party as defined in section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI and/or SGI is necessary to respond to this notice must request document access by March 23, 2026.

**ADDRESSES:** You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website.

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2026–1123. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: [Bridget.Curran@nrc.gov](mailto:Bridget.Curran@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN–5–A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Scott Wall, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–2855; email: [Scott.Wall@nrc.gov](mailto:Scott.Wall@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Obtaining Information and Submitting Comments

### A. Obtaining Information

Please refer to Docket ID NRC–2026–1123 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website*: Go to <https://www.regulations.gov> and search for Docket ID NRC–2026–1123.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

### B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2026–1123 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information

before making the comment submissions available to the public or entering the comment into ADAMS.

## II. Background

The NRC is considering issuance of an amendment to RFOL No. NPF–58, that was requested by Vistra, to permit changes to the license and technical specifications (TSs) at Perry. This license amendment request is the subject of this notice and is listed in tabular form in Section III of this document. Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. Pursuant to section 189a.(1)-(2) of the Act, the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves NSHC, notwithstanding the pendency before the Commission of a request for a hearing from any person. This notice covers an amendment containing sensitive unclassified non-safeguards information (SUNSI) and safeguards information (SGI). The orders imposing procedures to obtain access to SUNSI and SGI for contention preparation by persons who file a hearing request or petition for leave to intervene are found in this notice.

## III. Notice of Consideration of Issuance of Amendment to Renewed Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment request involves NSHC. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for the amendment request is included in the license amendment request as referenced in tabular form in Section III of this document.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue this license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue this amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in prevention of resumption of operation of the facility. If the Commission takes action on this amendment prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. If the Commission makes a final NSHC determination for this amendment, any hearing will take place after issuance. The Commission expects that the need to take this action on any amendment before 60 days have elapsed will occur very infrequently.

### A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested, and the Commission has not made a final

determination on the issue of NSHC, the Commission will make a final determination on the issue of no significant hazards consideration, which will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ML20340A053 (<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053>) and on the NRC's public website at <https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate>.

#### B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the "Guidance for Electronic Submissions to the NRC" (ML13031A056) and on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>.

To comply with the procedural requirements of E-Filing, at least 10

days prior to the filing deadline, the participant should contact the Office of the Secretary by email at [Hearing.Docket@nrc.gov](mailto:Hearing.Docket@nrc.gov), or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov), or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available

between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The following table provides the plant name, docket numbers, date of application, ADAMS accession number, and location in the application of the licensee's proposed NSHC determination for the proposed amendment. For further details with respect to this license amendment application, see the application for amendment, publicly available portions of which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the "Obtaining Information and Submitting Comments" section of this document.

REQUEST TO REVISE TECHNICAL SPECIFICATIONS TO RELOCATE PRESSURE AND TEMPERATURE LIMIT CURVES TO A PRESSURE AND TEMPERATURE LIMITS REPORT

Application Date .....	February 19, 2026, superseded February 26, 2026.
ADAMS Accession Nos .....	ML26050A547, superseded by ML26061A012.
Location in Application of NSHC .....	Pages 7–9 of Attachment 1 of superseding submittal.
Brief Description of Amendment .....	The proposed amendment would revise Technical Specification (TS) Section 1.0, “DEFINITIONS”, Section 3.4.11, “RCS [Reactor Coolant System] Pressure and Temperature (P/T) Limits,” and Section 5.0, “ADMINISTRATIVE CONTROLS” by replacing the existing reactor vessel heatup and cooldown rate limits and the pressure and temperature (P/T) limit curves with references to the Pressure and Temperature Limits Report.
Proposed Determination .....	NSHC
Name of Attorney for Licensee, Mailing Address .....	Roland Backhaus, Senior Lead Counsel-Nuclear, Vistra Corp., 325 7th Street NW, Suite 520, Washington, DC 20004.
NRC Project Manager, Telephone Number .....	Scott Wall, 301–415–2855

**Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation**

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI) and Safeguards Information (SGI). Requirements for access to SGI are primarily set forth in 10 CFR parts 2 and 73. Nothing in this Order is intended to conflict with the SGI regulations.

B. Within 10 days after publication of this notice of hearing or opportunity for hearing, any potential party who believes access to SUNSI and/or SGI is necessary to respond to this notice may request such access. A “potential party” is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI and/or SGI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI, SGI, or both to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Licensing, Hearings, and Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email addresses for the Office of the Secretary and the Office of the General Counsel are [Hearing.Docket@nrc.gov](mailto:Hearing.Docket@nrc.gov) and [RidsOgcMailCenter.Resource@nrc.gov](mailto:RidsOgcMailCenter.Resource@nrc.gov),

respectively.<sup>1</sup> The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice.

(2) The name and address of the potential party and a description of the potential party’s particularized interest that could be harmed by the action identified in C.(1); and

(3) If the request is for SUNSI, the identity of the individual or entity requesting access to SUNSI and the requestor’s basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

(4) If the request is for SGI, the identity of each individual who would have access to SGI if the request is granted, including the identity of any expert, consultant, or assistant who will aid the requestor in evaluating the SGI. In addition, the request must contain the following information:

(a) A statement that explains each individual’s “need to know” the SGI, as required by 10 CFR 73.2 and 10 CFR 73.22(b)(1). Consistent with the definition of “need to know” as stated in 10 CFR 73.2, the statement must explain:

(1) Specifically, why the requestor believes that the information is necessary to enable the requestor to proffer and/or adjudicate a specific contention in this proceeding;<sup>2</sup> and

<sup>1</sup> While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC’s “E-Filing Rule,” the initial request to access SUNSI and/or SGI under these procedures should be submitted as described in this paragraph.

<sup>2</sup> Broad SGI requests under these procedures are unlikely to meet the standard for need to know; furthermore, NRC staff redaction of information from requested documents before their release may be appropriate to comport with this requirement. These procedures do not authorize unrestricted disclosure or less scrutiny of a requestor’s need to

(2) The technical competence (demonstrable knowledge, skill, training or education) of the requestor to effectively utilize the requested SGI to provide the basis and specificity for a proffered contention. The technical competence of a potential party or its counsel may be shown by reliance on a qualified expert, consultant, or assistant who satisfies these criteria.

(b) A completed Form SF–85, “Questionnaire for Non-Sensitive Positions,” for each individual who would have access to SGI. The completed Form SF–85 will be used by the Office of Administration to conduct the background check required for access to SGI, as required by 10 CFR part 2, subpart C, and 10 CFR 73.22(b)(2), to determine the requestor’s trustworthiness and reliability. For security reasons, Form SF–85 can only be submitted electronically through the National Background Investigation Services e-App system, a secure website that is owned and operated by the Defense Counterintelligence and Security Agency (DCSA). To obtain online access to the form, the requestor should contact the NRC’s Office of Administration at 301–415–3710.<sup>3</sup>

(c) A completed Form FD–258 (fingerprint card), signed in original ink, and submitted in accordance with 10 CFR 73.57(d). Copies of Form FD–258 will be provided in the background check request package supplied by the Office of Administration for each individual for whom a background check is being requested. The fingerprint card will be used to satisfy the requirements of 10 CFR part 2, subpart C, 10 CFR 73.22(b)(1), and Section 149 of the Atomic Energy Act of 1954, as amended, which mandates that

know than ordinarily would be applied in connection with an already-admitted contention or non-adjudicatory access to SGI.

<sup>3</sup> The requestor will be asked to provide the requestor’s full name, social security number, date and place of birth, telephone number, and email address. After providing this information, the requestor usually should be able to obtain access to the online form within one business day.

all persons with access to SGI must be fingerprinted for a Federal Bureau of Investigation identification and criminal history records check.

(d) A check or money order payable in the amount of \$403.00<sup>4</sup> to the U.S. Nuclear Regulatory Commission for each individual for whom the request for access has been submitted, and

(e) If the requestor or any individual(s) who will have access to SGI believes they belong to one or more of the categories of individuals in 10 CFR 73.59 that are exempt from the criminal history records check and background check requirements, the requestor should also provide a statement identifying which exemption the requestor is invoking and explaining the requestor's basis for believing that the exemption applies. While processing the request, the Office of Administration, Personnel Security Branch, will make a final determination whether the claimed exemption applies. Alternatively, the requestor may contact the Office of Administration for an evaluation of their exemption status prior to submitting their request. Persons who are exempt from the background check are not required to complete the SF-85 or Form FD-258; however, all other requirements for access to SGI, including the need to know are still applicable.

**Note:** Copies of documents and materials required by paragraphs C.(4)(b), (c), and (d) of this Order must be sent to the following address: U.S. Nuclear Regulatory Commission, Office of Administration, ATTN: Personnel Security Branch, Mail Stop: TWFN-07D04M, 11555 Rockville Pike, Rockville, MD 20852.

These documents and materials should *not* be included with the request letter to the Office of the Secretary, but the request letter should state that the forms and feeds have been submitted as required.

D. To avoid delays in processing requests for access to SGI, the requestor should review all submitted materials for completeness and accuracy (including legibility) before submitting them to the NRC. The NRC will return incomplete packages to the sender without processing.

E. Based on an evaluation of the information submitted under paragraph C.(3) or C.(4), as applicable, the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI and/or a need to know the SGI requested.

F. For requests for access to SUNSI, if the NRC staff determines that the requestor has satisfied both E.(1) and E.(2), the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order<sup>5</sup> setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

G. For requests for access to SGI, if the NRC staff determines that the requestor has satisfied both E.(1) and E.(2), the Office of Administration will then determine, based upon completion of the background check, whether the proposed recipient is trustworthy and reliable, as required for access to SGI by 10 CFR 73.22(b). If the Office of Administration determines that the individual or individuals are trustworthy and reliable, the NRC will promptly notify the requestor in writing. The notification will provide the names of approved individuals as well as the conditions under which the SGI will be provided. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order<sup>6</sup> by each individual who will be granted access to SGI.

H. Release and Storage of SGI. Prior to providing SGI to the requestor, the NRC staff will conduct (as necessary) an inspection to confirm that the recipient's information protection system is sufficient to satisfy the requirements of 10 CFR 73.22. Alternatively, recipients may opt to view SGI at an approved SGI storage location rather than establish their own SGI protection program to meet SGI protection requirements.

<sup>5</sup> Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer, or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

<sup>6</sup> Any motion for Protective Order or draft Non-Disclosure Agreement or Affidavit for SGI must be filed with the presiding officer, or the Chief administrative Judge if the presiding officer has not yet been designated, within 180 days of the deadline for the receipt of the written access request.

I. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI and/or SGI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI and/or SGI contentions by that later deadline.

J. Review of Denials of Access.

(1) If the request for access to SUNSI and/or SGI is denied by the NRC staff either after a determination on standing and requisite need, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) Before the Office of Administration makes a final adverse determination regarding the trustworthiness and reliability of the proposed recipient(s) for access to SGI, the Office of Administration, in accordance with 10 CFR 2.336(f)(1)(iii), must provide the proposed recipient(s) any records that were considered in the trustworthiness and reliability determination, including those required to be provided under 10 CFR 73.57(e)(1), so that the proposed recipient(s) have an opportunity to correct or explain the record.

(3) The requestor may challenge the NRC staff's adverse determination regarding access to SUNSI or with respect to standing or need to know for SGI by filing a challenge within 5 days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(4) The requestor may challenge the Office of Administration's final adverse determination with respect to trustworthiness and reliability for access to SGI by filing a request for review in accordance with 10 CFR 2.336(f)(1)(iv).

(5) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

K. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination

<sup>4</sup> This fee is subject to change pursuant to the DCSA's adjustable billing rates.

granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these

procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.<sup>7</sup>

L. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI and/or SGI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10

CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

*It is so ordered.*

Dated: March 9, 2026.

For the Nuclear Regulatory Commission.

**Carrie Safford,**

*Secretary of the Commission.*

**Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information in This Proceeding**

Day	Event/activity
0	Publication of <b>Federal Register</b> notice of opportunity for hearing, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and/or Safeguards Information (SGI). SUNSI requests should include information: (i) supporting the standing of a potential party identified by name and address; and (ii) describing the requestor's need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding. SGI requests should include information: (i) supporting the standing of a potential party identified by name and address; (ii) describing why the information is necessary to enable the requestor to proffer and/or adjudicate a specific contention in the adjudicatory proceeding; (iii) demonstrating technical competence of the requestor to use the SGI to provide the basis and specificity for a proffered contention; and (iv) including the application and fee for the fingerprint/background check.
60	Deadline for submitting petition for intervention containing: (i) demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI and/or SGI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows (1) need for SUNSI and/or (2) need to know for SGI. (For SUNSI, NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). If NRC staff makes the finding of need to know for SGI and likelihood of standing, NRC staff begins background check (including fingerprinting for a criminal history records check), information processing (preparation of redactions or review of redacted documents), and readiness inspections.
25	If NRC staff finds no "need" for SUNSI and/or no "need to know" for SGI, or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Agreement or Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement or Affidavit for SUNSI.
190	(Receipt +180) If the NRC staff finds standing, need to know for SGI, and trustworthiness and reliability, deadline for NRC staff to file motion for Protective Order and draft Non-Disclosure Agreement or Affidavit (or to make a determination that the proposed recipient of SGI is not trustworthy or reliable). <i>Note:</i> Before the Office of Administration makes a final adverse determination regarding access to SGI, the proposed recipient must be provided an opportunity to correct or explain information.
250	Deadline for petitioner to seek reversal of a final adverse NRC staff trustworthiness or reliability determination under 10 CFR 2.336(f)(1)(iv).
A	If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Agreements or Affidavits. Access provided to SUNSI and/or SGI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI and/or SGI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity for hearing), the petitioner may file its SUNSI and/or SGI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.

<sup>7</sup> Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR

46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as

applicable), but not to the initial SUNSI and/or SGI request submitted to the NRC staff under these procedures.

Day	Event/activity
>A + 60 .....	Decision on contention admission.

[FR Doc. 2026-04742 Filed 3-10-26; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-275 and 50-323; NRC-2026-1255]

### Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2; Exemption

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption from the regulation that would have required the application for renewal of Facility Operating License Nos. DPR-80 and DPR-82 for Diablo Canyon Nuclear Power Plant, Units 1 and 2, respectively, to be referred to the Advisory Committee on Reactor Safeguards for a review and report, with any report being made part of the record of the application and made available to the public, except to the extent that security classification prevents disclosure. Due to this exemption, such referral, review, and report are no longer required.

**DATES:** The exemption was issued on March 6, 2026.

**ADDRESSES:** Please refer to Docket ID NRC-2026-1255 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2026-1255. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301-415-1003; email: [Bridget.Curran@nrc.gov](mailto:Bridget.Curran@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR)

reference staff at 1-800-397-4209, at 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Brian Harris, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2277; email: [Brian.Harris2@nrc.gov](mailto:Brian.Harris2@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The text of the exemption is attached.

For the Nuclear Regulatory Commission.

Dated: March 9, 2026.

**Brian Harris,**

*Project Manager, License Renewal Projects Branch, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.*

### Attachment—Exemption

## NUCLEAR REGULATORY COMMISSION

Docket Nos. 50-275 and 50-323

### Pacific Gas and Electric Company

### Diablo Canyon Nuclear Power Plant, Units 1 and 2 Exemption

#### I. Background

Pacific Gas and Electric Company (PG&E, the licensee) is the holder of Facility Operating License Nos. DPR-80 and DPR-82 for Diablo Canyon Nuclear Power Plant (DCPP), Units 1 and 2, respectively. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect. The DCPP consists of two pressurized-water reactors with licensed power levels of 3,411 megawatts thermal, and it is located in San Luis Obispo County, California.

On November 7, 2023, PG&E submitted to the NRC an application for renewal of Facility Operating License Nos. DPR-80 and DPR-82 for DCPP, Units 1 and 2, respectively, pursuant to title 10 of the *Code of Federal Regulations* (10 CFR) Part 54, "Requirements for Renewal of Operating

Licenses for Nuclear Power Plants," requesting renewal for a period of 20 years beyond the current facility operating licenses' expiration dates of November 2, 2024, for Unit 1, and August 26, 2025, for Unit 2. A final NRC decision on this application is expected on or before March 31, 2026.

The regulations governing license renewal and that are applicable to the DCPD license renewal application include 10 CFR 54.25, "Report of the Advisory Committee on Reactor Safeguards." This regulation states that "[e]ach renewal application will be referred to the Advisory Committee on Reactor Safeguards for a review and report. Any report will be made part of the record of the application and made available to the public, except to the extent that security classification prevents disclosure." The December 13, 1991, rulemaking that promulgated 10 CFR 54.25 (Nuclear Power Plant License Renewal (56 FR 64943, 64966)) specifically noted that review by the Advisory Committee on Reactor Safeguards (ACRS) of license renewal applications was desirable but not required by statute.

On May 23, 2025, the President issued Executive Order (E.O.) 14300 (90 FR 22587), "Ordering the Reform of the Nuclear Regulatory Commission." Section 4(b) of E.O. 14300 directs, in part, that "[r]eview by ACRS of permitting and licensing issues shall focus on issues that are truly novel or noteworthy."

In June 2025, the NRC issued "Safety Evaluation Related to the License Renewal of Diablo Canyon Nuclear Power Plant, Units 1 and 2" (ML25153A508) documenting the NRC's safety review of the DCPP license renewal application. As part of this safety review, the NRC did not identify any issues that are "truly novel or noteworthy."

Pursuant to 10 CFR 54.15, "Specific exemptions," exemptions from the requirements of 10 CFR part 54 may be granted by the Commission in accordance with 10 CFR 50.12, "Specific exemptions." Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from its requirements when (1) the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense

and security and (2) special circumstances are present. Under 10 CFR 50.12(a)(2)(vi), special circumstances are present when there is present any material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption. That regulation also provides that if this condition is relied on exclusively for satisfying the special circumstances requirement, then the exemption may not be granted until the Executive Director for Operations (EDO) has consulted with the Commission.

## II. Action

Based on the direction in E.O. 14300, the regulatory history of 10 CFR 54.25, and the fact that the NRC's safety review of the DCPD license renewal application did not identify any issues that are "truly novel or noteworthy," the NRC has determined that the granting of an exemption upon its own initiative, pursuant to 10 CFR 54.15 and 10 CFR 50.12, from the requirements of 10 CFR 54.25 with respect to the DCPD license renewal application would be warranted. Moreover, for the reasons explained below, the NRC has determined that the requirements of 10 CFR 54.15 and 10 CFR 50.12 are met. Therefore, an exemption from the requirements of 10 CFR 54.25 with respect to the DCPD license renewal application may be granted.

## III. Discussion

As described in 10 CFR 1.13, "Advisory Committee on Reactor Safeguards," the ACRS was established by the Atomic Energy Act of 1954, as amended (AEA). Among other things, the ACRS reviews and reports on safety studies and applications for construction permits and facility operating licenses and advises the Commission with regard to hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards. The ACRS also reviews any generic issues or other matters referred to it by the Commission for advice.

As previously stated, 10 CFR 54.25 requires that each renewal application be referred to the ACRS for a review and report. The rulemaking that promulgated this regulation (56 FR 64966) explained the regulation as follows:

Section 182.b of the AEA states:

The ACRS shall review each application under section 103 or section 104b. for a construction permit or an operating license for a facility, any application under section 104c. for a construction permit or an operating license for a testing facility, any

application under section 104a. or c. specifically referred to it by the Commission, and any application for an amendment to a construction permit or an amendment to an operating license under section 103 or 104a., b., or c. specifically referred to it by the Commission. . . .

Section 182.b does not explicitly refer to applications for renewal of an operating license as requiring ACRS review. However, the Commission believes that review by the ACRS is desirable. Accordingly, [10 CFR] 54.25 of the final rule requires ACRS review of a license renewal application.

The Commission has not changed 10 CFR 54.25 since its promulgation. Further, no subsequent amendments of the AEA have set forth a requirement for the ACRS to review license renewal applications.

### *The Exemption Is Authorized by Law*

The exemption would remove the requirement for the DCPD license renewal application to be referred to the ACRS for a review and report. As previously stated, 10 CFR 54.15 and 10 CFR 50.12 allow the NRC to grant exemptions from the requirements of 10 CFR part 54, including 10 CFR 54.25, when the exemptions are authorized by law. The requirement of 10 CFR 54.25 is not required by the AEA or any other law. As noted by the Commission (56 FR 64966), the AEA does not explicitly refer to applications for renewal of an operating license as requiring ACRS review. Therefore, the NRC finds that the exemption is authorized by law.

### *The Exemption Will Not Present an Undue Risk to the Public Health and Safety*

The exemption would remove the requirement for the DCPD license renewal application to be referred to the ACRS for a review and report. As previously stated, 10 CFR 54.15 and 10 CFR 50.12 allow the NRC to grant exemptions from the requirements of 10 CFR part 54, including 10 CFR 54.25, when the exemptions will not present an undue risk to the public health and safety. The standards and criteria that must be met before the Commission issues renewed licenses would not be affected by an exemption from 10 CFR 54.25. That is, regardless of the ACRS review required under 10 CFR 54.25, the regulation at 10 CFR 54.29, "Standards for issuance of a renewed license," would continue to set forth the safety criteria that must be met before renewed licenses may be issued. Moreover, the NRC staff, which has a robust process for reviewing applications for renewed licenses, has completed its detailed review of how the DCPD license renewal application addresses the standards in 10 CFR 54.29 (and other relevant

regulations). The results of the NRC staff's safety review are documented in its safety evaluation. The safety evaluation confirmed that all of the safety standards required for the issuance of DCPD renewed licenses have been met. Additionally, the safety evaluation did not identify any "truly novel or noteworthy" issues. On this basis, the NRC finds that the exemption presents no undue risk to the public health and safety.

### *The Exemption Is Consistent With the Common Defense and Security*

The exemption would remove the requirement for the DCPD license renewal application to be referred to the ACRS for a review and report. As previously stated, 10 CFR 54.15 and 10 CFR 50.12 allow the NRC to grant exemptions from the requirements of 10 CFR part 54, including 10 CFR 54.25, when the exemptions are consistent with the common defense and security. The NRC staff has determined that the exemption does not impact the common defense and security because the common defense and security is not within the scope of license renewal reviews, which, instead, focus on the effects of aging on systems, structures, and components. When promulgating revisions to its license renewal rule in 1995 (60 FR 22461, 22463-64), the Commission re-affirmed its philosophy that the existing regulatory process is adequate to ensure that the licensing bases of all currently operating plants provide and maintain an acceptable level of safety so that operation will not be inimical to the public health and safety or common defense and security. Similarly, any ACRS review of a license renewal application would not relate to the issue of the common defense or security. Therefore, the NRC finds that the exemption is consistent with the common defense and security.

### *Special Circumstances Are Present*

The exemption would remove the requirement for the DCPD license renewal application to be referred to the ACRS for a review and report. As previously stated, 10 CFR 54.15 and 10 CFR 50.12 allow the NRC to grant exemptions from the requirements of 10 CFR part 54, including 10 CFR 54.25, when special circumstances are present. One such special circumstance is that there is present any material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption. The direction in E.O. 14300 to limit ACRS review to issues that are truly novel or noteworthy is a material circumstance and since it was

issued in 2025, it was not considered when the NRC adopted 10 CFR 54.25 in 1991 and decided to broadly require all license renewal applications to be referred to the ACRS, even though such referrals are not required by the AEA. Additionally, following the direction of E.O. 14300 is in the public interest, which is served by not performing requirements, such as the referral of the DCPD license renewal application to the ACRS, that are unnecessary. The NRC staff has reviewed approximately 100 license renewal applications to date and as part of those reviews discussed and took appropriate action upon identifying any novel or noteworthy issues (e.g., issues related to buried gray cast iron piping). The NRC staff applied this well-established process to its review of the DCPD license renewal application and did not identify any novel or noteworthy issues. Therefore, the referral of this application to the ACRS is not necessary and it would be in the public interest for the NRC to grant an exemption from the regulation requiring that referral. Finally, because the NRC is exclusively relying on the special circumstance of 10 CFR 50.12(a)(2)(vi) for satisfying 10 CFR 50.12(a)(2), the EDO consulted with the Commission, as required. On this basis, the NRC finds that special circumstances are present.

#### *Environmental Considerations*

The exemption would remove the requirement for the DCPD license renewal application to be referred to the ACRS for a review and report. The NRC has determined that this exemption does not have a significant effect on the human environment and, therefore, that a categorical exclusion under 10 CFR 51.22, "Criterion for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review," is appropriate. Specifically, under 10 CFR 51.22(c)(25), categories of actions that are categorical exclusions include the granting of an exemption from the requirements of any NRC regulation, provided that: (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which the exemption is sought

involve an item listed in 10 CFR 51.22(c)(25)(vi)(A)–(I), where 10 CFR 51.22(c)(25)(vi)(A), (B), and (I) are "recordkeeping requirements," "reporting requirements," and "other requirements of an administrative, managerial, or organizational nature," respectively. As explained below, these criteria are satisfied for this exemption.

An exemption involves no significant hazards consideration if, as provided in 10 CFR 50.92(c), operation of the facility in accordance with the proposed exemption would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The instant exemption would remove the requirement for the DCPD license renewal application to be referred to the ACRS for a review and report and the NRC has not identified any novel or noteworthy issues that could justify referring that application to the ACRS; therefore, the exemption has no bearing on the operation of DCPD. Referring (or declining to refer) the application to the ACRS would not change any manner in which the facility would operate and, accordingly, the exemption would not significantly change the types or significantly increase the amounts of any effluents that may be released offsite, would not significantly increase individual or cumulative public or occupational radiation exposure, would have no significant construction impact, and would not significantly increase the potential for or consequences from radiological accidents. Finally, the requirement from which the exemption is sought involves recordkeeping requirements, reporting requirements, or other requirements of an administrative, managerial, or organizational nature. Accordingly, the exemption from 10 CFR 54.25 meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the exemption.

#### **IV. Conclusions**

Accordingly, the Commission has determined that, pursuant to 10 CFR 54.15 and 10 CFR 50.12, the exemption from the requirements of 10 CFR 54.25 with respect to the DCPD license renewal application is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special

circumstances are present. Therefore, the Commission hereby grants an exemption from the requirements of 10 CFR 54.25 and, accordingly, the DCPD license renewal application is no longer required to be referred to the ACRS for a review and report.

The exemption is effective upon issuance.

Dated: March 6, 2026.

For the Nuclear Regulatory Commission.

/RA/

Michele Sampson,

*Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.*

[FR Doc. 2026–04777 Filed 3–10–26; 8:45 am]

**BILLING CODE 7590–01–P**

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## **POSTAL REGULATORY COMMISSION**

**[Docket Nos. CP2024–573; K2025–1229; MC2026–169 and K2026–169]**

### **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 16, 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.<sup>1</sup>

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)*.: CP2024–573; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 257, with Materials Filed Under Seal; *Filing Acceptance Date*: March 6, 2026; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Evan Wise; *Comments Due*: March 16, 2026.

2. *Docket No(s)*.: K2025–1229; *Filing Title*: Request of the United States Postal Service Concerning Modification One to Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 61, Which Includes an Extension of That Agreement; *Filing Acceptance Date*: March 6, 2026; *Filing Authority*: 39 CFR 3041.505 and 3041.515; *Public Representative*: Maxine Bradley; *Comments Due*: March 16, 2026.

3. *Docket No(s)*.: MC2026–169 and K2026–169; *Filing Title*: USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 107 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: March 6, 2026; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Katalin Clendenin; *Comments Due*: March 16, 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. 2026–04770 Filed 3–10–26; 8:45 am]

**BILLING CODE 7710–FW–P**

## POSTAL SERVICE

### Privacy Act of 1974; System of Records

**AGENCY**: Postal Service.

**ACTION**: Notice of modified systems of records.

**SUMMARY**: The United States Postal Service (USPS) is proposing to modify one existing General Privacy Act System of Records (SOR) to support two continuous improvement initiatives. The Highway Contract Route (HCR) Driver's License scanning initiative to transition from a decentralized paper-

based system to a centralized platform. The second initiative is the implementation of the USPS HCR scanning mobile application which is designed to enhance the visibility and operational efficiency of USPS contractor-transported mail by leveraging advanced tracking and scanning technologies.

**DATES**: These revisions will become effective without further notice on April 10, 2026, unless comments received before that date result in a contrary determination.

**ADDRESSES**: Comments may be submitted via email to the Privacy and Records Management Office, United States Postal Service Headquarters ([USPSPrivacyFedRegNotice@usps.gov](mailto:USPSPrivacyFedRegNotice@usps.gov) email). To facilitate public inspection, arrangements to view copies of any written comments received will be made upon request.

**FOR FURTHER INFORMATION CONTACT**: Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, 202–268–2000 or [USPSPrivacyFedRegNotice@usps.gov](mailto:USPSPrivacyFedRegNotice@usps.gov) email.

**SUPPLEMENTARY INFORMATION**: This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records.

The Postal Service is proposing modifications to USPS SOR 500.100 Carrier and Operator Records, in support of two initiatives. The HCR Driver's License scanning initiative is intended to increase the security of Logistics operations at mail processing plants and reduce the risk of privacy and security violations, by streamlining and digitizing the PS Form 2081 process for non-cleared HCR drivers requesting temporary access under special circumstances. The upgrade to an electronic PS Form 2081 will increase security for USPS mail, mail processing facilities, and assets, by providing a comprehensive log of all contract drivers operating HCR transportation that request temporary access, reducing the risk of potential privacy and security violations.

This new cloud application will also be used to scan Commercial Driver's Licenses (CDL) of HCR drivers requesting temporary access. A PS Form 2081 must be completed and approved by the relevant administrative official for each instance that a non-cleared HCR driver requests temporary access that supports an HCR contract. This

<sup>1</sup> 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).

CDL scanning application will be used to capture the barcode information located on the CDL to create an electronic record of PS Form 2081. The planned outcome of this new cloud application will ensure that operations at all mail processing facilities are in compliance with internal policies and procedures. In addition, this transition to an electronic record will reduce the risk of improper use or disclosure of Personally Identifiable Information (PII) associated with the paper PS Form 2081. PS Form 2081 is used for HCR and subcontract driver assignments and authorization for temporary access to USPS facilities and mail. Temporary access is granted to drivers that have not undergone screening procedures and have not been cleared by the United States Postal Inspection Service (USPIS).

The second initiative supports the implementation of the USPS HCR scanning mobile application. This initiative is designed to enhance the visibility and operational efficiency of USPS contractor-transported mail by leveraging advanced tracking and scanning technologies. This scanning application enables real-time trailer visibility of HCR transported mail using GPS data for GPS breadcrumb tracking and geo-fence site departure/arrival times. It allows HCR drivers to scan packages, trays, containers, and trailers, capturing critical events such as arrival, load, unload, acceptance, delivery, and departure. The information is sent to downstream USPS internal systems, providing USPS with increased operational insight and enhanced visibility of mail in transit. The application will be used by cleared HCR, and subcontract, drivers as well as drivers who have been granted temporary access to transport mail for the USPS. It not only facilitates real-time visibility and tracking of mail transportation activities but also ensures accountability by associating specific actions (e.g., scanning, arrival/departure logging, and package sampling) with individual drivers. Each driver's name and identification are tied to their actions within the app, providing a comprehensive record of mail handling and transportation events. This functionality is critical for ensuring compliance with USPS policies, improving operational oversight, and maintaining the integrity of mail security.

### I. Background

The implementation of the driver's license scanning initiative aligns with the goals and objectives for all HCR, and subcontract, drivers that are assigned to

regularly scheduled transportation to be cleared by USPIS. However, the timeline required to obtain full clearance on a driver can be prohibitive for suppliers to operate ad-hoc or short-term transportation, such as auctioned extras or peak season service. It is this type of transportation for which the PS Form 2081 process is intended. It provides authorization for temporary access to facilities and the mail by capturing information about drivers who may only be operating a one-time trip or extra trips during a sixty-day period.

The enhancement to the USPS mobile scanning device will enable a new cloud application for CDL barcode scanning. This application uses technology to create an electronic record request for PS Form 2081. The system monitors and tracks expiration dates and duplicate requests and sends notice to the administrative official for the highway contract route for additional action.

The second initiative supports the implementation of the USPS HCR scanning mobile application. This initiative is designed to enhance the visibility and operational efficiency of USPS contractor-transported mail by leveraging advanced tracking and scanning technologies. The implementation of the USPS HCR scanning mobile application aligns with USPS objectives to improve mail visibility, operational efficiency, and fraud detection while maintaining security and privacy standards. Below are the key purposes of the proposed mobile application:

1. To enhance the visibility, tracking, and operational efficiency of USPS HCR transported mail by leveraging GPS data, barcode scanning, and manual event logging.
2. To reduce the risk of fraud, improve accountability, and ensure compliance with USPS policies by associating individual HCR driver actions with their identities within a secure application.

### II. Rationale for Creation of a New USPS Privacy Act Systems of Records

The Postal Service is proposing modifications to USPS SOR 500.100 Carrier and Operator Records as indicated in the summary of changes listed below:

- Removed Vice President, Retail & Post Office Operations; added Vice President for Logistics to SYSTEM MANAGER(S) AND ADDRESS list.
- Added new PURPOSES 4, 6, 7, 13, and 14; Modified PURPOSES 5, and 8 through 12 to differentiate between which purposes apply to employees or

HCR drivers; Renumbered PURPOSES 4 through 14 sequentially.

- Added HCR and subcontract to CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM #3 and deleted the word highway.

- Modified CATEGORIES OF RECORDS #3 to include all data elements collected with the new electronic PS Form 2081 HCR driver's license scanning process. Added #4 to include all data elements for the HCR scanning mobile application. Renumbered items 5–7.

- Added HCR driver's license scanning and HCR scanning mobile application data elements for retrievability to POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS.

- Added HCR details to #5 for POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS; added new 6, 7, and 11; renumbered items numbers 6–11.

- Updated HISTORY to include Federal Register Notice # 87 FR 63534.

### III. Description of the Modified System of Records

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed revisions has been sent to Congress and to the Office of Management and Budget (OMB) for their evaluations. The Postal Service does not expect this amended system of records to have any adverse effect on individual privacy rights. USPS SOR 500.100 is provided below in its entirety.

#### SYSTEM NAME AND NUMBER:

USPS 500.100 Carrier and Operator Records.

#### SECURITY CLASSIFICATION:

None.

#### SYSTEM LOCATION:

Headquarters; area and district facilities; processing and distribution centers; bulk mail centers; vehicle maintenance facilities; Post Offices; Integrated Business Solutions Services Centers; Accounting Service Centers; contractor or licensee locations; and facilities employing persons under a highway vehicle contract.

#### SYSTEM MANAGER(S) AND ADDRESS:

Vice President, Delivery Operations, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260.

Vice President, Logistics, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260.

Senior Vice President, Logistics,  
United States Postal Service, 475  
L'Enfant Plaza SW, Washington, DC  
20260.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401, 403, 404, and 1206.

**PURPOSE(S) OF THE SYSTEM:**

1. To reimburse carriers who use privately owned vehicles to transport the mail pursuant to a contractual agreement.
2. To evaluate delivery and collection operations and to administer these functions.
3. To provide local Post Office managers, supervisors, and transportation managers with information to assign routes and vehicles, and to adjust workload, schedules, and type of equipment operated.
4. To facilitate the driver's license scanning (DLS) process for Highway Contract Route (HCR), including subcontract, vehicle operators by scanning the driver's license barcode.
5. To determine HCR, including subcontract, vehicle operator's suitability and eligibility for temporary assignments requiring access to mail, Postal facilities, and equipment. To maintain a list of ineligible HCR drivers, companies, suppliers, and brokers to determine access to Postal mail, facilities, and equipment, including those banned due to criminal history.
6. To provide USPS with tracking and monitoring data about HCR, and subcontract, vehicle operator's activity related to temporary access to mail, facilities, and equipment.
7. HCR, and subcontractor, information can be used to support investigations of HCR and subcontract vehicle operators for suspected or actual incidents involving damage or theft of mail or vehicle accidents that cause damage or harm to individuals, mail or postal assets, or suspected criminal activity.
8. To serve as a basis for vehicle operator corrective action and presentation of safe driving awards for USPS employees.
9. To administer the USPS fleet card program used by employees to purchase commercial fuel and oil, maintenance repair, polishing and washing, servicing, shuttling, and towing.
10. To administer an HCR Bid Solicitation and Contract Management System to meet USPS transportation needs.
11. To evaluate USPS employee vehicle operator's driving execution and improve vehicle efficiencies and safety performance from data collected from

Telematics devices installed into USPS fleet vehicles.

12. To manage USPS employee vehicle operator's status of state Drivers Licensing and Commercial Drivers Licensing expiration dates.

13. To administer and maintain the USPS HCR scanning mobile application which enhances the visibility, tracking, and operational efficiency of USPS HCR transported mail by leveraging GPS data, barcode scanning, and manual event logging.

14. To authenticate users of the HCR scanning mobile application to reduce the risk of fraud, prevent unauthorized access, improve accountability, and ensure compliance with USPS policies by associating individual HCR driver actions with their identities within a secure application and allow for the auditing of user actions.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

1. City Letter carriers.
2. Current and former USPS employees who operate or maintain USPS-owned or leased vehicles.
3. HCR, and subcontract, vehicle operators and suppliers, including companies and individuals, under contract or agreement with the Postal Service to provide transportation services.
4. Vehicle Maintenance Facility employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

1. *Carrier information:* Records related to letter carriers, including carrier's name, home address, Social Security Number, Employee Identification Number, postal assignment information, work contact information, finance number(s), duty location, pay location, route number and work schedule, and effective date of agreement for use of a privately owned vehicle to transport the mail, if applicable.
2. *Vehicle operator information:* Records of employees' operation or maintenance of USPS-owned or leased vehicles, including employee name, home address, Social Security Number, Employee Identification Number, age, postal assignment information, work contact information, finance number(s), duty location, pay location, work schedule, Fuel Purchase Fleet Card Personal Identification Number (PIN), and other records of vehicle operation and maintenance.
3. *Highway Contract Route employee information:* Records related to contract and subcontract company including company, supplier, broker name, United States Department of Transportation

(USDOT) number, Motor Carrier number (MC); Barcode scan to capture: driver name, home address, driver's license number, birth date, height, weight; Social Security Number, phone number, driver's initials, contract route number, and Postal administrative official signature.

4. *Highway Contract Route mobile application records:* Access Logs, Error Logs, Page View Logs includes user ID, email address, address, name, IP Address, location (derived from IP Address), user agent (device/browser type); Scan Events (trailer assignment, arrival time, departure time, load time, unload time, fraud sampling, PS Form 5630 Shipment Confirmation Acceptance Notice, PS Form 3883-A Firm Delivery Receipt), GPS Breadcrumbs including real-time GPS Coordinates (Precise), timestamps, USPS site NASS code, load ID, event ID, and trailer ID; driver associations (association of a driver to a given USPS load) includes USPS badge number, name, and phone number.

5. *Bid Solicitation and Contract Management System Records:* Individual operator name, owner name, address, email address, phone number, SMS text, other contact information, Social Security Number, Taxpayer Identification Number (TIN), driver's license number and state, route number, trip schedules, Accounts Payable Excellence (APEX) system number, Standard Carrier Alpha Code (SCAC), contract number, bid solicitation information, financial statements, insurance information, company name, company address, company phone number, company email address, list of services provided, cost of services provided, geographic coverage, other information such as safe driving or accident records and other scanned in documents that accompany contract information, contract Terms and Conditions, lease agreements, payment information, and scanned images of hardcopy contract documentation.

6. *Vehicle Maintenance Facility (VMF) Technicians, Clerks and VMF Supervisors:* Records related to vehicle maintenance facility employees, including name, home address, Social Security Number, Employee Identification Number, postal assignment information, work contact information, finance number(s), duty location, pay location and work schedule.

7. *Vehicle Maintenance Facility (VMF) Motor Vehicle Operators:* Records related to vehicle maintenance facility employees, including name, home address, Social Security Number, Employee Identification Number, postal

assignment information, work contact information, finance number(s), duty location, pay location, state Driver's License, Commercial Driver's License, and work schedule.

**RECORD SOURCE CATEGORIES:**

Employees; contractors or suppliers; carrier supervisors; route inspectors, state motor vehicle departments and VMF employees.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

Standard routine uses 1. through 9. apply.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Automated database, computer storage media, and paper.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

By name, email address, Social Security Number, Taxpayer Identification Number (TIN), Employee Identification Number (EIN), pay location, Postal Service facility name, route number, vehicle number, or Fuel Purchase Fleet Card Personal Identification Number (PIN), HCR driver's license number, United States Department of Transportation (USDOT) number, Motor Carrier (MC) number, company name, GPS coordinates, timestamp, user ID, USPS site NASS code, load ID, event ID, trailer ID, contract number, Accounts Payable Excellence (APEX) System Number, and Standard Carrier Alpha Code (SCAC).

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

1. Route inspection records and minor adjustment worksheets are retained 2 years where inspections or minor adjustments are made annually or more frequently. Where inspections are made less than annually, records are retained until a new inspection or minor adjustment, and an additional 2 years thereafter.

2. Statistical engineering records are retained 5 years and may be retained further on a year-to-year basis.

3. Agreements for use of a privately owned vehicle are retained 2 years. Post office copies of payment authorizations are retained 90 days. Vehicle records are maintained for the life of the vehicle.

4. Records of employees who operate or maintain USPS vehicles are retained 4 years.

5. Employment records of HCR, and subcontract, employees who are screened through the United States Postal Inspection Service are retained during employment and for 1 year from the date of the employee's separation.

6. Records of HCR, and subcontractors, derived from paper PS Form 2081 and collected from electronic driver's license scans which are used to populate an electronic PS Form 2081. This will allow temporary access to facilities for 60 days from the date of approval. HCR Driver's PS 2081 paper and electronic forms are retained for auditing and investigative purposes for 1 year from the date of issuance.

7. List of ineligible HCR drivers, companies, suppliers, and brokers, including those banned due to criminal history, are maintained until authorized removal.

8. Records pertaining to the USPS fuel fleet card purchase program are retained for 10 years.

9. Records stored within the Bid Solicitation and Contract Management System are retained for six (6) years after the end of the fiscal year in which the contract record become inactive.

10. Telematics vehicle data records that contain Carrier and vehicle operator information will be maintained for 20 years after the end of the calendar year in which the individual vehicle is disposed of.

11. The USPS HCR scanning mobile application will retain application logs, such as authentication attempts, error reports, and crash analytics, for a rolling period of 30 days to support troubleshooting and operational monitoring. Scan data with driver associations will be processed and stored by USPS downstream systems, which will adhere to their respective data retention policies.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge.

Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections.

Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon

identifications, and operating system controls including access controls, terminal and transaction logging, and file management software.

**RECORD ACCESS PROCEDURES:**

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

**CONTESTING RECORD PROCEDURES:**

See *Notification Procedures* and *Record Access Procedures*.

**NOTIFICATION PROCEDURES:**

Current and former employees, and highway vehicle contract employees, wanting to know if information about them is maintained in this system of records must address inquiries to the facility head where currently or last employed. Requests must include full name, Social Security Number or Employee Identification Number, and, where applicable, the route number and dates of any related agreements or contracts.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

October 19, 2022, 87 FR 63534; July 25, 2022, 87 FR 44157; May 15, 2020, 85 FR 29492; June 27, 2012, 77 FR 38342.

**Jeffrey Boblick,**

*Attorney, Ethics and Legal Compliance.*

[FR Doc. 2026-04779 Filed 3-10-26; 8:45 am]

**BILLING CODE 7710-12-P**

**POSTAL SERVICE**

**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage 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 11, 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.

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.
03/02/26 .....	PME-PM-GA 1490 .....	MC2026-167 .....	K2026-167
03/03/26 .....	PME-PM-GA 1491 .....	MC2026-168 .....	K2026-168

Documents are available at [www.prc.gov](http://www.prc.gov).

**Sean C. Robinson,**

*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2026-04711 Filed 3-10-26; 8:45 am]

**BILLING CODE 7710-12-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104941; File No. SR-EMERALD-2026-07]

### Self-Regulatory Organizations: Notice of Filing of a Proposed Rule Change by MIAX Emerald, LLC To Amend the By-Laws To Establish the Role of Observers

March 6, 2026.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 27, 2026, MIAX Emerald, LLC (“MIAX Emerald” or the “Company”),<sup>3</sup> filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I and II below, which Items have been prepared by the Company. 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 Company proposes to amend the By-Laws to establish the role of Observers (defined and described below) to the Board,<sup>4</sup> including, among other things, the rights of Observers and the nomination process. The Company also proposes to remove outdated text

regarding Interim Directors.<sup>5</sup> All changes to the By-Laws proposed herein are referred to as the “By-Law Amendments”. The By-Laws of the Company may be amended by written consent of the LLC Member<sup>6</sup> or at any regular or special meeting of the Board of MIAX Emerald by a resolution adopted by the Board.<sup>7</sup>

The text of the proposed rule change is available on the Company’s website at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings>, or at the Company’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 Company 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 Company 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 Company proposes to amend the By-Laws to establish the role of Observers to the Board, including, among other things, the rights of Observers and the nomination process. The Company also proposes to remove

outdated text regarding Interim Directors. The Company believes that individuals who are employed by, or otherwise affiliated with, its Exchange Members<sup>8</sup> may provide valuable expertise and knowledge to help the Company carry out its business but may not be able, or willing, to serve as a Board member for one reason or another. Accordingly, the Company believes that the proposed Observer position may provide a suitable alternative for these individuals to serve the Company in a similar manner to observer positions that at least one other exchange has in place.

#### Proposal To Establish the Role of Observers, Rights and Nomination Process

First, the Company proposes to amend Article I, Definitions, of the By-Laws to establish the following defined terms for “Observer” and “Observer Threshold”, which will be numbered as proposed subparagraphs (cc) and (dd),<sup>9</sup> respectively:

- “Observer” shall mean a person affiliated with an Exchange Member that is elected by the LLC Member to be an observer to the Board, after having been nominated by the Member Nominating Committee, all as set forth in Section 2.21 below.

- “Observer Threshold” means the minimum percentage of issued and outstanding shares of common stock or securities exercisable or convertible into shares of common stock of the LLC Member that an Exchange Member (including its affiliates) must own in order to qualify for a person affiliated with such Exchange Member being elected as an Observer to the Board, all as set forth in Section 2.21 below. The Observer Threshold shall be equal to at least one percent (1%) of the issued and outstanding shares of common stock of the

<sup>5</sup> In general, the term “Interim Directors” means the Interim Directors of the Board of Directors that were appointed by the LLC Member and served until the first annual meeting of the LLC Member following the approval of the Company as a national securities exchange by the U.S. Securities and Exchange Commission (“Commission”), which meeting was held within ninety (90) days after the MIAX Emerald application for registration as a national securities exchange was granted. *See, generally*, By-Laws, Article II, Section 2.5.

<sup>6</sup> The term “LLC Member” means any person who maintains a direct ownership interest in the Company. The sole LLC Member of the Company is Miami International Holdings, Inc. *See* By-Laws, Article I, subparagraph (v).

<sup>7</sup> *See* By-Laws, Article VIII, Section 8.1.

<sup>8</sup> The term “Exchange Member” means any registered broker or dealer that has been admitted to membership in the national securities exchange operated by the Company. An Exchange Member is not a member of the Company by reason of being an Exchange Member. An Exchange Member will have the status of a “member” of the Exchange as that term is defined in Section 3(a)(3) of the Act. *See* By-Laws, Article I, subparagraph (n).

<sup>9</sup> In connection with the addition of the proposed defined terms, the Company also proposes to renumber current subparagraphs (cc) through (ii) to now be (ee) through (kk) in Article I of the By-Laws. The purpose of these changes is to provide uniformity and clarity in the By-Laws with the addition of the newly proposed definitions, all of which are in alphabetical order.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> As used throughout the By-Laws of MIAX Emerald, the term “Company” means MIAX Emerald, LLC, a Delaware limited liability company. *See* By-Laws of MIAX Emerald, Article I, subparagraph (g) (Effective Date of February 10, 2025), available at [https://www.miaxglobal.com/miax\\_emerald\\_amended\\_and\\_restated\\_by\\_laws.pdf](https://www.miaxglobal.com/miax_emerald_amended_and_restated_by_laws.pdf) (referred to herein as the “By-Laws”).

<sup>4</sup> The term “Board” or “Board of Directors” means the Board of Directors of the Company. *See* By-Laws, Article I, subparagraph (c).

LLC Member, taking into account securities that are exercisable or convertible into shares of common stock of the LLC Member.

The purpose of the proposed changes to amend the By-Laws to add the defined terms for “Observer” and “Observer Threshold” is to provide clarity to Exchange Members regarding the proposed new position of Observer to the Board and the requirements for being able to nominate an individual in such capacity.

The proposed defined terms are not new or novel. MEMX LLC (“MEMX”) provides for the ability of certain of its members to nominate observers to its board of directors in a similar capacity as proposed herein, and the corporate governance documents of MEMX and its parent holding company, MEMX Holdings LLC (“MEMX Holdco”), when read together, provide for similarly defined terms.<sup>10</sup> In particular, the MEMX LLC Agreement defines “Observer Threshold” as follows:

“Observer Threshold” means the minimum number of units of Holdco Class A Units that an Investor Holdco Member must hold in order to have the right to appoint a Board Observer pursuant to Section 8.18(g) of the Holdco LLC Agreement.<sup>11</sup>

The Company notes that MEMX’s board observer provisions in its corporate documents automatically grant the right to its exchange members to appoint an observer (barring any disqualifier, such as already having a director position on the same board) so long as the requisite ownership threshold is met.<sup>12</sup> This is slightly different from the Company’s proposal that Exchange Members that satisfy the proposed Observer Threshold (and all other proposed Observer requirements, as described further below), may submit

candidate names to the Member Nominating Committee<sup>13</sup> for consideration for nomination as an Observer. The Company believes this slight difference is reasonable due to the difference in ownership structures of MEMX and the Company, including its affiliated regulated exchanges (Miami International Securities Exchange, LLC (“MIAX”); MIAX PEARL, LLC (“MIAX Pearl”); and MIAX Emerald, LLC (“MIAX Emerald”). MEMX, through its holding company, MEMX Holdco, is a privately owned company while the Company and its affiliated exchanges are wholly-owned subsidiaries of a publicly-traded company, Miami International Holdings, Inc. (*i.e.*, the LLC Member). As such, MEMX Holdco is able to restrict ownership in itself and subsidiaries to particular market participants and, therefore, only those particular members of MEMX would be able to meet the requirements to appoint a board observer. In the Company’s case, its stock is publicly traded and any Exchange Member may acquire the requisite percentage of securities to be able to nominate a candidate for consideration by the Member Nominating Committee for nomination as an Observer to the Board. The Company believes this proposed part of the nominating process, whereby the Member Nominating Committee reviews candidate submissions for the Observer positions, provides an additional benefit of ensuring only the appropriate individuals are nominated for election to Observer positions.

Next, the Company proposes to amend Section 2.9 of the By-Laws to provide for removal and resignation provisions for Observers. In particular, the Company proposes to amend Section 2.9(a) of the By-Laws to provide that any Observer to the Board may be removed or expelled with or without cause by the LLC Member, which is similar to the removal provision applicable to Directors.<sup>14</sup> The purpose of this proposed provision is to ensure that the LLC Member retains discretion to be able to remove an Observer from such position in a similar manner as Directors of the Company.<sup>15</sup> In

connection with this proposed change to the first sentence of Section 2.9(a), the Company also proposes to amend that sentence to specify that a Director may be removed by the Board of Directors in the manner provided by Article II, Section 2.9(b). The purpose of this proposed provision is to clarify that the provisions of Section 2.9(b) apply solely to the removal process for Directors, not Observers. The Company also proposes to amend Section 2.9(c) of the By-Laws to specify that an Observer, like a Director, may resign at any time either upon notice of resignation to the Chairman of the Board, the President or Secretary. The purpose of this proposed provision is to make it clear that Observers retain the right to be able to resign from such position in the event that they need to do so, while also providing the requisite notice to the Company to effectuate such removal.<sup>16</sup>

Next, the Company proposes to amend Section 2.10 of the By-Laws to specify that Observers may participate in a meeting of the Board either at the place of the meeting or via the same mode of communication as provided to the members of the Board. The purpose of this change is to provide the right of Observers to be able to attend Board meetings in the same manner and through the same mode of communication as provided to Directors and members of any committee of the Board.<sup>17</sup>

Next, the Company proposes to amend Section 2.18 of the By-Laws to include Observers in the list of individuals that the Board may provide for the reasonable compensation (in addition to the Chairman, Directors and members of committees). By including Observers in the first sentence of Section 2.18, the Company also intends that the Board may provide for reimbursement of reasonable expenses

Observer may be removed at any time by [MEMX] Holdco (subject, in each case, to the provisions of [the MEMX LLC] Agreement and the [MEMX] Holdco LLC Agreement regarding the right to nominate and remove [MEMX] Board Observers.”).

<sup>16</sup> This provision is also comparable to the similar resignation provision in the MEMX LLC Agreement concerning the resignation of board observers. *See* MEMX LLC Agreement, Section 7.6(c) (“Any Director or Board Observer may resign at any time from his or her position as such upon notice of resignation to the Chairman of the Board, the CEO or the Secretary.”).

<sup>17</sup> The Company believes that the MEMX LLC Agreement provides for similar provisions. *See* MEMX LLC Agreement, Section 7.7(a) (providing, in sum, that meetings of the board may be held either in person or by means of telephone or video conference or other communications device that permits all participants to hear each other) and MEMX LLC Agreement, Section 7.3(c)(xi) (providing, in sum, that board observers have the right to participate in any discussions taking place at a meeting of the board of directors of MEMX).

<sup>10</sup> *See, generally*, Third Amended and Restated Limited Liability Company Agreement of MEMX (dated as of June 5, 2025), available at [https://info.memxtrading.com/wp-content/uploads/2025/08/MEMX-LLC-3rdAR\\_LLCA.pdf](https://info.memxtrading.com/wp-content/uploads/2025/08/MEMX-LLC-3rdAR_LLCA.pdf) (referred to herein as the “MEMX LLC Agreement”) and Eighth Amended and Restated Limited Liability Company Agreement of MEMX Holdco (dated as of July 29, 2025), available at <https://info.memxtrading.com/wp-content/uploads/2026/01/MEMX-Holdings-LLC-8th-AR-LLC-Agreement-12.16.25-1.pdf> (referred to herein as “MEMX Holdco LLC Agreement”).

<sup>11</sup> *See* MEMX LLC Agreement, Section 1.1. The MEMX Holdco LLC Agreement provides the specific requirement for the number of units that must be held in order for MEMX members to be able to appoint an observer to the MEMX exchange board of directors. *See* MEMX Holdco LLC Agreement, Section 8.18(g) (providing, in summary, that “each Exchange Board Observer Appointing Member shall have the right, but not the obligation, to appoint one (1) observer to each Exchange Board . . . for so long as such Exchange Board Observer Appointing Member holds an aggregate number of Class A Units, Class C Units and/or Class D Units equal to at least 1,250,000 (subject to adjustment . . .”).

<sup>12</sup> *See* MEMX LLC Agreement, Section 7.3(c)(ix).

<sup>13</sup> The term “Member Nominating Committee” means the Member Nominating Committee elected pursuant to these By-Laws. *See* By-Laws, Article I, subparagraph (w).

<sup>14</sup> The term “Director” means the persons elected or appointed to the Board of Directors from time to time in accordance with the LLC Agreement and the By-Laws in their capacity as managers of the Company. *See* By-Laws, Article I, subparagraph (j).

<sup>15</sup> The Company notes that this removal provision is comparable to the similar provision in the MEMX LLC Agreement concerning the removal of its board observers. *See* MEMX LLC Agreement, Section 7.6(a) (providing, in relevant part, that “[a] Board

incurred by Observers, along with the Chairman, Directors and members of committees, in connection with the business of the Company. The purpose of this change is to provide the Board with discretion to offer reasonable compensation to Observers and reimburse reasonable expenses for Observers in connection with the business of the Company (*i.e.*, reimbursement of travel expenses for Observers to attend in-person Board meetings). The Company believes this proposed change is reasonable because the decision of whether to compensate Observers and/or reimburse reasonable expenses of Observers related to the business of the Company will ultimately remain with the Board.

Next, the Company proposes to amend Section 2.20 of the By-Laws to amend the provisions regarding conflicts of interest as well as contracts and transactions involving Directors to include Observers in those subparagraphs. In particular, the Company proposes to amend subparagraph (a) of Section 2.20 to provide that an Observer, along with Directors and members of any committee, may not participate in the consideration or decision of any matter relating to a particular Exchange Member, company, or individual if such Observer has a material interest in, or a professional, business, or personal relationship with, that Exchange Member, company, or individual, or if such participation shall create an appearance of impropriety. The Company proposes to further amend subparagraph (a) to provide that in any such case resulting in the appearance of impropriety, an Observer (along with Directors and members of any committee) shall recuse himself or herself or shall be disqualified.<sup>18</sup> The purpose of this change is to provide that Observers will be subject to the substantively similar conflicts of interest provisions as the Company's Directors and members of any committee.<sup>19</sup>

The Company also proposes to amend subparagraph (b) of Section 2.20 of the By-Laws to include Observers in the provisions concerning certain contracts or transactions between the Company and Directors or Officers. In particular,

<sup>18</sup>The Company notes that the disqualification language pertains to Directors or committee members recusing themselves from any vote taking place; however, Observers will not have voting rights, as such, this last phrase "disqualified" in subparagraph (a) of Section 2.20 will not apply to Observers recusing themselves.

<sup>19</sup>These changes are also in line with the similar conflicts of interest provisions in the MEMX LLC Agreement. See MEMX LLC Agreement, Section 7.9(a).

the Company proposes to amend subparagraph (b) to provide that no contract or transaction between the Company and one or more Observers (along with Directors or officers), or between the Company and any other corporation, partnership, association, or other organization in which one or more Observers (or Directors or officers) are directors or officers, or have a financial interest, shall be void or voidable solely for this reason if: (i) the material facts pertaining to such Observer's (or Director's or officer's) relationship or interest and the contract or transaction are disclosed or are known to the Board or the committee, and the Board or committee in good faith authorizes the contract or transaction by the affirmative vote of a majority of the disinterested Directors, even though the disinterested Directors be less than a quorum; or (ii) the material facts are disclosed or become known to the Board or committee after the contract or transaction is entered into, and the Board or committee in good faith ratifies the contract or transaction by the affirmative vote of a majority of the disinterested Directors, even though the disinterested Directors be less than a quorum. The purpose of this change is to provide that Observers will be subject to the same provisions allowing certain contracts or transactions with the Company in substantially similar circumstances as the Company's Directors, officers and members of any committee.<sup>20</sup>

Next, the Company proposes to establish new Section 2.21 of the By-Laws, titled "Observers," which will contain subparagraphs describing the number, term, nomination and election process, and rights and obligations for Observers. In particular, proposed Section 2.21(a) will provide that there may be up to three (3) Observers to the Board at any time, as determined by the LLC Member in its sole and absolute discretion.<sup>21</sup> Further, proposed subparagraph (a) will provide that no

<sup>20</sup>This provision is also in line with the similar provisions in the MEMX LLC Agreement. See MEMX LLC Agreement, Section 7.9(b).

<sup>21</sup>At the time of this filing, the Company does not believe that more than three (3) Exchange Members would meet the requirements to be able to nominate a candidate for appointment as an Observer. In the event that there was a significant change whereby more Exchange Members could meet the requirements to be able to nominate a candidate for appointment as an Observer, the Company would consider whether additional changes to the By-Laws were needed at that time. If the Company decides that more than three (3) Observers are needed, it will file another 19b-4 Rule Filing with the Securities and Exchange Commission ("Commission") to amend the By-Laws.

current Observer may be affiliated<sup>22</sup> with another current Observer or current Director of the Board. The purpose of these provisions is to place a limit<sup>23</sup> on the number of Observers that may be appointed and specify that no Observer may be affiliated with another Observer or Director.<sup>24</sup>

Another subparagraph (b) of Section 2.21 of the By-Laws will describe the terms for Observers. In particular, proposed subparagraph (b) will provide that term of office for each Observer shall be three (3) years from the date of their election. An Observer may serve for any number of terms, consecutive or otherwise. Observers shall be divided into up to three (3) classes, designated Class I, Class II, and Class III. Observers shall serve staggered three-year terms, with the term of one class expiring each year. In order to commence such staggered three-year terms, Observers in Class I shall serve until the second annual election of the Board of Directors, Observers in Class II shall initially serve until the third annual election of the Board of Directors, and Observers in Class III shall initially serve until the fourth annual election of

<sup>22</sup>An "affiliate" of, or person "affiliated" with a specific person, is a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified. See By-Laws, Article I, subparagraph (b).

<sup>23</sup>The Company does not believe that this limit will impede any Exchange Member from being able to appoint an Observer for those Exchange Members that meet the Observer Threshold and other requirements to be able to nominate a candidate to the Member Nominating Committee for nomination as an Observer. Certain Exchange Members already have an individual serving in a Director capacity on the Board, thereby eliminating their ability to also have an Observer to the Board pursuant to proposed Section 2.21(a) of the By-Laws. Further, the Company's affiliated exchanges (MIAX, MIAX Pearl, and MIAX Sapphire) plan to also file with the Commission to amend their by-laws to provide for the same Observer provisions as proposed herein. As such, the Company's Exchange Members who are also members of one or more of the Company's affiliated exchanges will have the opportunity to nominate a candidate to be considered for the Board Observer position by the Member Nominating Committees of those exchanges. At the time of this filing, the Company and all of its affiliated exchanges hold their board meetings at the same time, effectively allowing Board Observers for each affiliated exchange to be present at one time.

<sup>24</sup>This is in line with the similar provision in the MEMX LLC Agreement which does not permit an exchange member to have individuals holding a director position and observer position at the same time. See MEMX LLC Agreement, Section 7.3(c)(x) ("When a Nominating Investor Holdco Member reaches its turn in the Investor Director Nomination Rotation and its Investor Director nominee is elected to the Board . . . and is seated as a Director, its Board Observer (if any) shall be deemed automatically removed from his or her position . . . and, for as long as such Nominating Investor Holdco Member's Investor Director nominee is serving as an Investor Director, such Nominating Investor Holdco Member shall have no right to have a Board Observer.").

the Board of Directors. Commencing with the second annual election of the Board of Directors, the term for each class of Observers elected at such time shall be three years from the date of their election. Notwithstanding the foregoing, in the case of any new Observer as contemplated by (proposed) Article II, Section 2.21(a), such Observer shall be added to a class, as determined by the Board at the time of such Observer's initial election or appointment, and shall have an initial term expiring at the same time as the term of the class to which such Observer has been added. The Exchange Member affiliated with an Observer must continue to satisfy the Observer Threshold for the duration of the Observer's term. If the Exchange Member affiliated with an Observer fails to meet the Observer Threshold at any time during the duration of the Observer's term, the Observer's term shall immediately terminate at such time. The Exchange Member affiliated with an Observer has an ongoing obligation to immediately notify the Company if such Exchange Member no longer meets the Observer Threshold.

The proposed term lengths and classes for Observers are based on the similar term provisions for the Company's Directors, which are also divided into three classes with staggered terms.<sup>25</sup> The purpose of this provision is to provide Observers with the same term length as Directors and avoid the Company having to go through lengthy nomination processes each year in the event there are several Observers. The requirement that the Exchange Member affiliated with an Observer must maintain the ownership requirement set forth in the Observer Threshold is to ensure that Exchange Members who meet such threshold continue to do so throughout the entire term of the Observer.<sup>26</sup>

Proposed subparagraph (c) of Section 2.21 will describe the nomination and election process for Observers. In particular, proposed subparagraph (c) will provide that an Exchange Member that meets the requirements for the Observer Threshold and as specified in Section 2.21 may submit candidate names to the Member Nominating Committee for consideration for

nomination as an Observer. The Member Nominating Committee shall consult with the Nominating Committee<sup>27</sup> and the Chairman and Chief Executive Officer for the purpose of nominating candidates for election as an Observer to the Board at the annual meeting of the LLC Member. The Nominating Committee shall nominate only those persons whose names have been submitted by the Member Nominating Committee. The LLC Member shall elect the persons nominated by the Nominating Committee to be Observers to the Board at the annual meeting of the LLC Member. The purpose of conducting the nomination and election process for Observers in the manner described above is to keep this process in line with the process used to nominate and elect Member Representative Directors.<sup>28</sup>

Proposed subparagraph (d) to Section 2.21 of the By-Laws would describe the rights and obligations of Observers. In particular, subparagraph (d) will provide that the Company shall invite the Observers to attend all meetings of its Board of Directors in a non-voting observer capacity, and, in this respect, shall give Observers copies of all notices, minutes, consents, and other materials that it provides to Directors, at the same time and in the same manner as provided to such Directors; provided, however, that such Observers shall agree in writing to hold in confidence and trust and to act in a fiduciary manner with respect to all information so provided; and provided further, that the Company reserves the right to withhold any information and to exclude any such Observers from any meeting or portion thereof if access to such information or attendance at such meeting could adversely affect the attorney-client privilege between the Company and its counsel or result in disclosure of trade secrets or a conflict

<sup>27</sup> The term "Nominating Committee" means the Nominating Committee elected pursuant to the By-Laws. See By-Laws, Article I, subparagraph (z).

<sup>28</sup> See By-Laws, Article II, Section 2.4(b). The Company notes that the process for nominating and electing Observers does not include the petition process for the Member Representative Director elections, as described in subparagraphs (c)–(f) of Section 2.4 of the By-Laws. The Company believes the petition process is not needed for Observers as Observers have no voting rights, the pool of candidates is much smaller for Observers as compared to Member Representative Directors, and Exchange Members that are members of the Company's affiliated exchanges and meet the requirements to be able to nominate a candidate as an Observer, may submit candidate names to the Member Nominating Committees of the Company's affiliated exchanges for consideration for nomination as an Observer.

of interest.<sup>29</sup> The purpose of this provision is to clarify the rights of Observers and limitations on their capacity to attend Board meetings and receive Board materials.<sup>30</sup>

Next, the Company proposes to amend Section 3.1(a) of the By-Laws to include Observers in the list of individuals that are to be elected at the annual meeting of the LLC Member, with such time and place of the annual meeting to be determined by the Board. The purpose of this change is to provide specific details concerning the time and place for Observer candidates to be elected to such position. The Company believes this to be reasonable as it would allow Observers to be elected at the same annual meeting as Directors and committee members, as described in proposed Section 3.1(a) of the By-Laws.

The Company also proposes to amend Section 5.3 of the By-Laws to add a sentence regarding the Member Nominating Committee's role in connection with the nomination of Observers. As described above, proposed Section 2.21(c) will provide, among other things, that the Member Nominating Committee shall consult with the Nominating Committee and the Chairman and Chief Executive Officer for the purpose of nominating candidates for election as an Observer to the Board at the annual meeting of the LLC Member. The Company proposes to amend Section 5.3 to add that same sentence since this section also discusses the Member Nominating Committee's role in nominating candidates for certain positions on the Board.

Finally, the Company proposes to amend Section 10.3 of the By-Laws to include Observers in the list of individuals that may participate in Board meetings that pertain to the self-regulatory function of the Company.<sup>31</sup>

Proposal To Remove References to Interim Directors and Initial Committees

The Company proposes to amend various subparagraphs and sections of the By-Laws to delete outdated references to Interim Directors and initial committees. On December 20, 2018, the Commission approved the

<sup>29</sup> The Company notes that proposed Section 2.21(d) does not override the confidentiality provisions related to the Company's self-regulatory function that are described in Section 10.4 of the By-Laws.

<sup>30</sup> This is in line with the similar provision in the MEMX LLC Agreement describing the rights, obligations and limitations for its board observers. See MEMX LLC Agreement, Section 7.3(c)(xi).

<sup>31</sup> This is in line with the similar provision in the MEMX LLC Agreement. See MEMX LLC Agreement, Section 7.12.

<sup>25</sup> See By-Laws, Article II, Section 2.3(b).

<sup>26</sup> This holding requirement is in line with the similar provision in the MEMX LLC Agreement. See MEMX LLC Agreement, Section 7.3(d)(vi) ("An individual Board Observer position shall be immediately terminated following a Transfer of Holdco Units by an Investor Holdco Member which, after giving effect to such Transfer, results in such Investor Holdco Member holding a number of Holdco Class A Units that is less than the Observer Threshold . . .").

Company's Form 1 application for registration as a national securities exchange under Section 6 of the Exchange Act.<sup>32</sup> On March 1, 2019, the Company launched electronic operations as a national securities exchange.<sup>33</sup> Pursuant to the By-Laws and prior to commencing operations, the LLC Member (*i.e.*, Miami International Holdings, Inc.) appointed an interim board of directors (the "Interim Exchange Board")<sup>34</sup> and appointed the initial Nominating Committee and Member Nominating Committee. The Interim Exchange Board served until the first annual meeting of the LLC Member pursuant to Section 2.5(a) of the By-Laws.<sup>35</sup> The initial Nominating Committee and Member Nominating Committee served until the second annual meeting of the LLC Member. Accordingly, the Company proposes to amend the By-Laws to remove all references and sections relating to "Interim Directors" and the initial Nominating Committee and Member Nominating Committee as those provisions are outdated. In particular, the Company proposes to make the following changes:

- delete "appointed as such to the initial Board of Directors pursuant to Article II, Section 2.5 of these By-Laws, or" in Article I, subparagraph (x);
- delete the reference to "or Section 2.5" in Section 2.2(b)(i);
- delete subparagraph (e) of Section 2.2;
- delete the heading and subparagraphs (a)–(f) of Section 2.5 and replace the heading with "[Reserved]" so as to keep the remaining hierarchical headings in place throughout the By-Laws;
- delete subparagraph (b) of Section 3.1; and
- delete several sentences in Section 5.1 relating to the initial appointment of the Nominating Committee and Member Nominating Committee.

The purpose of these proposed changes is to update the By-Laws to remove outdated references, which will provide clarity to market participants regarding the status of the Company's Directors, Nominating Committee and

Member Nominating Committee throughout the By-Laws.

## 2. Statutory Basis

The Company believes that the proposed By-Law Amendments are consistent with Section 6(b) of the Exchange Act,<sup>36</sup> in general, and furthers the objectives of Section 6(b)(1)<sup>37</sup> in particular, in that it enables the Company to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its Exchange Members and persons associated with its Exchange Members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Company. The Company also believes that the proposed By-Law Amendments are consistent with Section 6(b)(5) of the Exchange Act,<sup>38</sup> in that they are designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest.

### Proposal To Establish the Role of Observers, Rights and Nomination Process

The Company believes its proposal to amend the By-Laws to establish the role of Observers to the Board is consistent with the Act as this may facilitate additional participation by individuals affiliated with Exchange Members who have the expertise and knowledge in securities markets to help the Board in carrying out the Company's business. Although Observers will not have the right to vote on Company matters at Board meetings, they will be able to attend, review Board materials and participate in Board meetings, which may provide additional view points for relevant issues concerning the business of the Company that may impact other Exchange Members. Thus, the Company does not believe the creation of the Observer position to the Board will have any impact on the Company's ability to be organized as to have the capacity to carry out the purposes of the Act and to comply with the provisions of the Act, the rules and regulations thereunder, and the rules of the Company, which promotes just and equitable principles

of trade and continues to protect investors and the public interest. Further, the Company believes the proposed changes to the By-Laws are consistent with, and will not interfere with, the self-regulatory obligations of the Company.

The Company believes the proposed Observer provisions in the amended By-Laws are consistent with the Act because the Observer position will provide a means for individuals who are employed by, or otherwise affiliated with, an Exchange Member but may not be able, or willing, to serve as a Board member for one reason or another, to now be able to serve the Company in an advisory role and provide such valuable expertise and knowledge to help the Company carry out its business.

The Company believes the proposed changes to the By-Laws pertaining to Observers enables the Company to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act because all of the changes are based on similar provisions already in place at the Company for its Directors (or committee members) or are substantively similar to provisions in place at a competing exchange that provides for board observers. The addition of the proposed defined terms for "Observer" and "Observer Threshold" will provide clarity to Exchange Members regarding the Observer position and are substantively similar to the corresponding terms in the MEMX LLC Agreement and MEMX Holdco LLC Agreement.<sup>39</sup> As noted above, the Company believes the slight difference between its proposal and MEMX's corporate documents, which automatically grant the right to its exchange members to appoint an observer (assuming the threshold and other requirements are met), is reasonable due to the difference in ownership structures. The Company's proposal provides that Exchange Members that meet the Observer Threshold and requirements of proposed Section 2.21, may nominate a candidate to the Member Nominating Committee for consideration as an Observer. The Company believes that this nomination structure enables the Company to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act by not granting Exchange Members the automatic right to appoint Observers; rather, those candidates must go through a standard nomination and election process with the Member Nominating Committee consulting with

<sup>32</sup> See Securities Exchange Act Release No. 84891 (December 20, 2018), 83 FR 67421 (December 28, 2018) (File No. 10–233).

<sup>33</sup> See Press Release, MIAX Emerald Successfully Launches Trading Operations (dated March 4, 2019), available at [https://www.miaxglobal.com/sites/default/files/press\\_release-files/MIAX\\_Press\\_Release\\_03042019.pdf](https://www.miaxglobal.com/sites/default/files/press_release-files/MIAX_Press_Release_03042019.pdf).

<sup>34</sup> See By-Laws, Article II, Section 2.5. See also MIAX Emerald Form 1 Amendment, Exhibit J, filed February 8, 2019, available at <https://www.sec.gov/Archives/edgar/vprr/1900/19003562.pdf>.

<sup>35</sup> See By-Laws, Article II, Sections 2.2(e) and 2.5(a).

<sup>36</sup> 15 U.S.C. 78f(b).

<sup>37</sup> 15 U.S.C. 78f(b)(1).

<sup>38</sup> 15 U.S.C. 78f(b)(5).

<sup>39</sup> See *supra* note 10.

the Nominating Committee and the Chairman and Chief Executive Officer.

The following proposed Observer provisions are all substantively similar to provisions already in the By-Laws for Directors (or committee members) or in place at MEMX and, therefore, will enable the Company to continue to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act: removal and resignation of Observers;<sup>40</sup> participation by Observers at Board meetings;<sup>41</sup> the ability of the Board to provide for reasonable compensation and reimbursement of expenses for Observers;<sup>42</sup> conflicts of interest related to Observers; contracts and transactions with the Company that may involve Observers;<sup>43</sup> the requirement that Observers not be affiliated with any other Director or Observer;<sup>44</sup> term length and staggered classes for Observers;<sup>45</sup> the nomination and election process for Observers;<sup>46</sup> and certain rights and obligations of Observers.<sup>47</sup>

#### Proposal To Remove References to Interim Directors and Initial Committees

The Company believes its proposal to amend various subparagraphs and sections of the By-Laws to delete outdated references to Interim Directors and initial committees enables the Company to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act because it will remove outdated text. Pursuant to the By-Laws and prior to commencing operations, the LLC Member appointed an Interim Exchange Board and appointed the initial Nominating Committee and Member Nominating Committee. The Interim Exchange Board served until the first annual meeting of the LLC Member pursuant to Section 2.5(a) of the By-Laws and the initial Nominating Committee and Member Nominating Committee served until the second annual meeting of the LLC Member. Accordingly, the Interim Exchange Board and initial Nominating Committee and Member Nominating Committee served until their specified time expired. The Company further believes this proposed change removes impediments to and perfects the mechanism of a free and open market by providing greater transparency and clarity in the Company's governing

documents. It is in the public interest for the Company's By-Laws to be up-to-date and accurate, which protects investors by providing transparency and clarity, thereby reducing potential confusion.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The Company does not believe that the proposed By-Law Amendments will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed By-Law Amendments relate to the corporate governance of the Company and not to the Company's operations. As such, the proposed By-Law Amendments do not impact competition among the various market participants of the Company or among competing exchanges. This is not intended to address competitive issues and, therefore, imposes no burden on 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

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)<sup>48</sup> of the Act and Rule 19b-4(f)(6)<sup>49</sup> thereunder. Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>50</sup> and Rule 19b-4(f)(6) thereunder.<sup>51</sup>

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act<sup>52</sup> normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)<sup>53</sup>

<sup>48</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>49</sup> 17 CFR 240.19b-4(f)(6).

<sup>50</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>51</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>52</sup> 17 CFR 240.19b-4(f)(6).

<sup>53</sup> 17 CFR 240.19b-4(f)(6)(iii).

permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that the proposed changes related to establishing the Board Observer position are similar to provisions already in place at MEMX for its board observers and the proposed changes do not impact the ownership of the Company, voting rights, or restrictions of Directors. The Exchange also states that the proposed changes to remove text regarding the Interim Exchange Board and initial committee are non-substantive, clarifying edits. For these reasons, and because the proposed rule change raises no new or novel legal or regulatory issues, the Commission finds that waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.<sup>54</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)<sup>55</sup> of the Act to determine whether the proposed rule change should be approved or disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-EMERALD-2026-07 on the subject line.

<sup>54</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>55</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>40</sup> See *supra* notes 15 and 16.

<sup>41</sup> See *supra* notes 17, 30, and 31.

<sup>42</sup> See By-Laws, Section 2.18.

<sup>43</sup> See *supra* notes 19 and 20.

<sup>44</sup> See *supra* note 24.

<sup>45</sup> See *supra* note 25.

<sup>46</sup> See *supra* note 28.

<sup>47</sup> See *supra* note 30.

### Paper Comments

- Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-EMERALD-2026-07. 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 Company. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-EMERALD-2026-07 and should be submitted on or before April 1, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>56</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2026-04708 Filed 3-10-26; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104940; File No. SR-SAPPHIRE-2026-07]

### Self-Regulatory Organizations: Notice of Filing of a Proposed Rule Change by MIA X Sapphire, LLC To Amend the By-Laws To Establish the Role of Observers

March 6, 2026.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 27, 2026, MIA X Sapphire, LLC (“MIA X Sapphire” or the “Company”),<sup>3</sup> filed with the Securities and Exchange Commission

(“Commission”) a proposed rule change as described in Items I and II below, which Items have been prepared by the Company. 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 Company proposes to amend the By-Laws to establish the role of Observers (defined and described below) to the Board,<sup>4</sup> including, among other things, the rights of Observers and the nomination process. The Company also proposes to remove outdated text regarding Interim Directors.<sup>5</sup> All changes to the By-Laws proposed herein are referred to as the “By-Law Amendments”. The By-Laws of the Company may be amended by written consent of the LLC Member<sup>6</sup> or at any regular or special meeting of the Board of MIA X Sapphire by a resolution adopted by the Board.<sup>7</sup>

The text of the proposed rule change is available on the Company's website at <https://www.miaxglobal.com/markets/us-options/all-options-exchanges/rule-filings>, or at the Company'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 Company 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 Company has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

<sup>4</sup> The term “Board” or “Board of Directors” means the Board of Directors of the Company. See By-Laws, Article I, subparagraph (c).

<sup>5</sup> In general, the term “Interim Directors” means the Interim Directors of the Board of Directors that were appointed by the LLC Member and served until the first annual meeting of the LLC Member following the approval of the Company as a national securities exchange by the U.S. Securities and Exchange Commission (“Commission”), which meeting was held within ninety (90) days after the MIA X Sapphire application for registration as a national securities exchange was granted. See, generally, By-Laws, Article II, Section 2.5.

<sup>6</sup> The term “LLC Member” means any person who maintains a direct ownership interest in the Company. The sole LLC Member of the Company is Miami International Holdings, Inc. See By-Laws, Article I, subparagraph (v).

<sup>7</sup> See By-Laws, Article VIII, Section 8.1.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Company proposes to amend the By-Laws to establish the role of Observers to the Board, including, among other things, the rights of Observers and the nomination process. The Company also proposes to remove outdated text regarding Interim Directors. The Company believes that individuals who are employed by, or otherwise affiliated with, its Exchange Members<sup>8</sup> may provide valuable expertise and knowledge to help the Company carry out its business but may not be able, or willing, to serve as a Board member for one reason or another. Accordingly, the Company believes that the proposed Observer position may provide a suitable alternative for these individuals to serve the Company in a similar manner to observer positions that at least one other exchange has in place.

##### Proposal To Establish the Role of Observers, Rights and Nomination Process

First, the Company proposes to amend Article I, Definitions, of the By-Laws to establish the following defined terms for “Observer” and “Observer Threshold”, which will be numbered as proposed subparagraphs (cc) and (dd),<sup>9</sup> respectively:

- “Observer” shall mean a person affiliated with an Exchange Member that is elected by the LLC Member to be an observer to the Board, after having been nominated by the Member Nominating Committee, all as set forth in Section 2.21 below.

- “Observer Threshold” means the minimum percentage of issued and outstanding shares of common stock or securities exercisable or convertible into shares of common stock of the LLC Member that an Exchange Member (including its affiliates) must own in order to qualify for a person affiliated

<sup>8</sup> The term “Exchange Member” means any registered broker or dealer that has been admitted to membership in the national securities exchange operated by the Company. An Exchange Member is not a member of the Company by reason of being an Exchange Member. An Exchange Member will have the status of a “member” of the Exchange as that term is defined in Section 3(a)(3) of the Act. See By-Laws, Article I, subparagraph (n).

<sup>9</sup> In connection with the addition of the proposed defined terms, the Company also proposes to renumber current subparagraphs (cc) through (ii) to now be (ee) through (kk) in Article I of the By-Laws. The purpose of these changes is to provide uniformity and clarity in the By-Laws with the addition of the newly proposed definitions, all of which are in alphabetical order.

<sup>56</sup> 17 CFR 200.30-3(a)(12), (59).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> As used throughout the By-Laws of MIA X Sapphire, the term “Company” means MIA X Sapphire, LLC, a Delaware limited liability company. See By-Laws of MIA X Sapphire, Article I, subparagraph (g) (Effective Date of February 10, 2025), available at [https://www.miaxglobal.com/miax\\_sapphire\\_amended\\_and\\_restated\\_by\\_law.pdf](https://www.miaxglobal.com/miax_sapphire_amended_and_restated_by_law.pdf) (referred to herein as the “By-Laws”).

with such Exchange Member being elected as an Observer to the Board, all as set forth in Section 2.21 below. The Observer Threshold shall be equal to at least one percent (1%) of the issued and outstanding shares of common stock of the LLC Member, taking into account securities that are exercisable or convertible into shares of common stock of the LLC Member.

The purpose of the proposed changes to amend the By-Laws to add the defined terms for “Observer” and “Observer Threshold” is to provide clarity to Exchange Members regarding the proposed new position of Observer to the Board and the requirements for being able to nominate an individual in such capacity.

The proposed defined terms are not new or novel. MEMX LLC (“MEMX”) provides for the ability of certain of its members to nominate observers to its board of directors in a similar capacity as proposed herein, and the corporate governance documents of MEMX and its parent holding company, MEMX Holdings LLC (“MEMX Holdco”), when read together, provide for similarly defined terms.<sup>10</sup> In particular, the MEMX LLC Agreement defines “Observer Threshold” as follows:

“Observer Threshold” means the minimum number of units of Holdco Class A Units that an Investor Holdco Member must hold in order to have the right to appoint a Board Observer pursuant to Section 8.18(g) of the Holdco LLC Agreement.<sup>11</sup>

The Company notes that MEMX’s board observer provisions in its corporate documents automatically grant the right to its exchange members to appoint an observer (barring any disqualifier, such as already having a director position on the same board) so

<sup>10</sup> See, generally, Third Amended and Restated Limited Liability Company Agreement of MEMX (dated as of June 5, 2025), available at [https://info.memxtrading.com/wp-content/uploads/2025/08/MEMX-LLC-3rdAR\\_LLC\\_A.pdf](https://info.memxtrading.com/wp-content/uploads/2025/08/MEMX-LLC-3rdAR_LLC_A.pdf) (referred to herein as the “MEMX LLC Agreement”) and Eighth Amended and Restated Limited Liability Company Agreement of MEMX Holdco (dated as of July 29, 2025), available at <https://info.memxtrading.com/wp-content/uploads/2026/01/MEMX-Holdings-LLC-8th-AR/LLC-Agreement-12.16.25-1.pdf> (referred to herein as “MEMX Holdco LLC Agreement”).

<sup>11</sup> See MEMX LLC Agreement, Section 1.1. The MEMX Holdco LLC Agreement provides the specific requirement for the number of units that must be held in order for MEMX members to be able to appoint an observer to the MEMX exchange board of directors. See MEMX Holdco LLC Agreement, Section 8.18(g) (providing, in summary, that “each Exchange Board Observer Appointing Member shall have the right, but not the obligation, to appoint one (1) observer to each Exchange Board . . . for so long as such Exchange Board Observer Appointing Member holds an aggregate number of Class A Units, Class C Units and/or Class D Units equal to at least 1,250,000 (subject to adjustment . . .”).

long as the requisite ownership threshold is met.<sup>12</sup> This is slightly different from the Company’s proposal that Exchange Members that satisfy the proposed Observer Threshold (and all other proposed Observer requirements, as described further below), may submit candidate names to the Member Nominating Committee<sup>13</sup> for consideration for nomination as an Observer. The Company believes this slight difference is reasonable due to the difference in ownership structures of MEMX and the Company, including its affiliated regulated exchanges (Miami International Securities Exchange, LLC (“MIAX”); MIAX PEARL, LLC (“MIAX Pearl”); and MIAX Emerald, LLC (“MIAX Emerald”). MEMX, through its holding company, MEMX Holdco, is a privately owned company while the Company and its affiliated exchanges are wholly-owned subsidiaries of a publicly-traded company, Miami International Holdings, Inc. (*i.e.*, the LLC Member). As such, MEMX Holdco is able to restrict ownership in itself and subsidiaries to particular market participants and, therefore, only those particular members of MEMX would be able to meet the requirements to appoint a board observer. In the Company’s case, its stock is publicly traded and any Exchange Member may acquire the requisite percentage of securities to be able to nominate a candidate for consideration by the Member Nominating Committee for nomination as an Observer to the Board. The Company believes this proposed part of the nominating process, whereby the Member Nominating Committee reviews candidate submissions for the Observer positions, provides an additional benefit of ensuring only the appropriate individuals are nominated for election to Observer positions.

Next, the Company proposes to amend Section 2.9 of the By-Laws to provide for removal and resignation provisions for Observers. In particular, the Company proposes to amend Section 2.9(a) of the By-Laws to provide that any Observer to the Board may be removed or expelled with or without cause by the LLC Member, which is similar to the removal provision applicable to Directors.<sup>14</sup> The purpose of this proposed provision is to ensure

<sup>12</sup> See MEMX LLC Agreement, Section 7.3(c)(ix).

<sup>13</sup> The term “Member Nominating Committee” means the Member Nominating Committee elected pursuant to these By-Laws. See By-Laws, Article I, subparagraph (w).

<sup>14</sup> The term “Director” means the persons elected or appointed to the Board of Directors from time to time in accordance with the LLC Agreement and the By-Laws in their capacity as managers of the Company. See By-Laws, Article I, subparagraph (j).

that the LLC Member retains discretion to be able to remove an Observer from such position in a similar manner as Directors of the Company.<sup>15</sup> In connection with this proposed change to the first sentence of Section 2.9(a), the Company also proposes to amend that sentence to specify that a Director may be removed by the Board of Directors in the manner provided by Article II, Section 2.9(b). The purpose of this proposed provision is to clarify that the provisions of Section 2.9(b) apply solely to the removal process for Directors, not Observers. The Company also proposes to amend Section 2.9(c) of the By-Laws to specify that an Observer, like a Director, may resign at any time either upon notice of resignation to the Chairman of the Board, the President or Secretary. The purpose of this proposed provision is to make it clear that Observers retain the right to be able to resign from such position in the event that they need to do so, while also providing the requisite notice to the Company to effectuate such removal.<sup>16</sup>

Next, the Company proposes to amend Section 2.10 of the By-Laws to specify that Observers may participate in a meeting of the Board either at the place of the meeting or via the same mode of communication as provided to the members of the Board. The purpose of this change is to provide the right of Observers to be able to attend Board meetings in the same manner and through the same mode of communication as provided to Directors and members of any committee of the Board.<sup>17</sup>

Next, the Company proposes to amend Section 2.18 of the By-Laws to include Observers in the list of

<sup>15</sup> The Company notes that this removal provision is comparable to the similar provision in the MEMX LLC Agreement concerning the removal of its board observers. See MEMX LLC Agreement, Section 7.6(a) (providing, in relevant part, that “[a] Board Observer may be removed at any time by [MEMX] Holdco (subject, in each case, to the provisions of [the MEMX LLC] Agreement and the [MEMX] Holdco LLC Agreement regarding the right to nominate and remove [MEMX] Board Observers.”).

<sup>16</sup> This provision is also comparable to the similar resignation provision in the MEMX LLC Agreement concerning the resignation of board observers. See MEMX LLC Agreement, Section 7.6(c) (“Any Director or Board Observer may resign at any time from his or her position as such upon notice of resignation to the Chairman of the Board, the CEO or the Secretary.”).

<sup>17</sup> The Company believes that the MEMX LLC Agreement provides for similar provisions. See MEMX LLC Agreement, Section 7.7(a) (providing, in sum, that meetings of the board may be held either in person or by means of telephone or video conference or other communications device that permits all participants to hear each other) and MEMX LLC Agreement, Section 7.3(c)(xi) (providing, in sum, that board observers have the right to participate in any discussions taking place at a meeting of the board of directors of MEMX).

individuals that the Board may provide for the reasonable compensation (in addition to the Chairman, Directors and members of committees). By including Observers in the first sentence of Section 2.18, the Company also intends that the Board may provide for reimbursement of reasonable expenses incurred by Observers, along with the Chairman, Directors and members of committees, in connection with the business of the Company. The purpose of this change is to provide the Board with discretion to offer reasonable compensation to Observers and reimburse reasonable expenses for Observers in connection with the business of the Company (*i.e.*, reimbursement of travel expenses for Observers to attend in-person Board meetings). The Company believes this proposed change is reasonable because the decision of whether to compensate Observers and/or reimburse reasonable expenses of Observers related to the business of the Company will ultimately remain with the Board.

Next, the Company proposes to amend Section 2.20 of the By-Laws to amend the provisions regarding conflicts of interest as well as contracts and transactions involving Directors to include Observers in those subparagraphs. In particular, the Company proposes to amend subparagraph (a) of Section 2.20 to provide that an Observer, along with Directors and members of any committee, may not participate in the consideration or decision of any matter relating to a particular Exchange Member, company, or individual if such Observer has a material interest in, or a professional, business, or personal relationship with, that Exchange Member, company, or individual, or if such participation shall create an appearance of impropriety. The Company proposes to further amend subparagraph (a) to provide that in any such case resulting in the appearance of impropriety, an Observer (along with Directors and members of any committee) shall recuse himself or herself or shall be disqualified.<sup>18</sup> The purpose of this change is to provide that Observers will be subject to the substantively similar conflicts of interest provisions as the Company's

<sup>18</sup>The Company notes that the disqualification language pertains to Directors or committee members recusing themselves from any vote taking place; however, Observers will not have voting rights, as such, this last phrase "disqualified" in subparagraph (a) of Section 2.20 will not apply to Observers recusing themselves.

Directors and members of any committee.<sup>19</sup>

The Company also proposes to amend subparagraph (b) of Section 2.20 of the By-Laws to include Observers in the provisions concerning certain contracts or transactions between the Company and Directors or Officers. In particular, the Company proposes to amend subparagraph (b) to provide that no contract or transaction between the Company and one or more Observers (along with Directors or officers), or between the Company and any other corporation, partnership, association, or other organization in which one or more Observers (or Directors or officers) are directors or officers, or have a financial interest, shall be void or voidable solely for this reason if: (i) the material facts pertaining to such Observer's (or Director's or officer's) relationship or interest and the contract or transaction are disclosed or are known to the Board or the committee, and the Board or committee in good faith authorizes the contract or transaction by the affirmative vote of a majority of the disinterested Directors, even though the disinterested Directors be less than a quorum; or (ii) the material facts are disclosed or become known to the Board or committee after the contract or transaction is entered into, and the Board or committee in good faith ratifies the contract or transaction by the affirmative vote of a majority of the disinterested Directors, even though the disinterested Directors be less than a quorum. The purpose of this change is to provide that Observers will be subject to the same provisions allowing certain contracts or transactions with the Company in substantially similar circumstances as the Company's Directors, officers and members of any committee.<sup>20</sup>

Next, the Company proposes to establish new Section 2.21 of the By-Laws, titled "Observers," which will contain subparagraphs describing the number, term, nomination and election process, and rights and obligations for Observers. In particular, proposed Section 2.21(a) will provide that there may be up to three (3) Observers to the Board at any time, as determined by the LLC Member in its sole and absolute discretion.<sup>21</sup> Further, proposed

<sup>19</sup>These changes are also in line with the similar conflicts of interest provisions in the MEMX LLC Agreement. See MEMX LLC Agreement, Section 7.9(a).

<sup>20</sup>This provision is also in line with the similar provisions in the MEMX LLC Agreement. See MEMX LLC Agreement, Section 7.9(b).

<sup>21</sup>At the time of this filing, the Company does not believe that more than three (3) Exchange Members would meet the requirements to be able to nominate

subparagraph (a) will provide that no current Observer may be affiliated<sup>22</sup> with another current Observer or current Director of the Board. The purpose of these provisions is to place a limit<sup>23</sup> on the number of Observers that may be appointed and specify that no Observer may be affiliated with another Observer or Director.<sup>24</sup>

Proposed subparagraph (b) of Section 2.21 of the By-Laws will describe the terms for Observers. In particular, proposed subparagraph (b) will provide that term of office for each Observer shall be three (3) years from the date of their election. An Observer may serve for any number of terms, consecutive or otherwise. Observers shall be divided into up to three (3) classes, designated Class I, Class II, and Class III. Observers shall serve staggered three-year terms,

a candidate for appointment as an Observer. In the event that there was a significant change whereby more Exchange Members could meet the requirements to be able to nominate a candidate for appointment as an Observer, the Company would consider whether additional changes to the By-Laws were needed at that time. If the Company decides that more than three (3) Observers are needed, it will file another 19b-4 Rule Filing with the Securities and Exchange Commission ("Commission") to amend the By-Laws.

<sup>22</sup>An "affiliate" of, or person "affiliated" with a specific person, is a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified. See By-Laws, Article I, subparagraph (b).

<sup>23</sup>The Company does not believe that this limit will impede any Exchange Member from being able to appoint an Observer for those Exchange Members that meet the Observer Threshold and other requirements to be able to nominate a candidate to the Member Nominating Committee for nomination as an Observer. Certain Exchange Members already have an individual serving in a Director capacity on the Board, thereby eliminating their ability to also have an Observer to the Board pursuant to proposed Section 2.21(a) of the By-Laws. Further, the Company's affiliated exchanges (MIAX, MIAX Pearl, and MIAX Emerald) plan to also file with the Commission to amend their by-laws to provide for the same Observer provisions as proposed herein. As such, the Company's Exchange Members who are also members of one or more of the Company's affiliated exchanges will have the opportunity to nominate a candidate to be considered for the Board Observer position by the Member Nominating Committees of those exchanges. At the time of this filing, the Company and all of its affiliated exchanges hold their board meetings at the same time, effectively allowing Board Observers for each affiliated exchange to be present at one time.

<sup>24</sup>This is in line with the similar provision in the MEMX LLC Agreement which does not permit an exchange member to have individuals holding a director position and observer position at the same time. See MEMX LLC Agreement, Section 7.3(c)(x) ("When a Nominating Investor Holdco Member reaches its turn in the Investor Director Nomination Rotation and its Investor Director nominee is elected to the Board . . . and is seated as a Director, its Board Observer (if any) shall be deemed automatically removed from his or her position . . . and, for as long as such Nominating Investor Holdco Member's Investor Director nominee is serving as an Investor Director, such Nominating Investor Holdco Member shall have no right to have a Board Observer.").

with the term of one class expiring each year. In order to commence such staggered three-year terms, Observers in Class I shall serve until the second annual election of the Board of Directors, Observers in Class II shall initially serve until the third annual election of the Board of Directors, and Observers in Class III shall initially serve until the fourth annual election of the Board of Directors. Commencing with the second annual election of the Board of Directors, the term for each class of Observers elected at such time shall be three years from the date of their election. Notwithstanding the foregoing, in the case of any new Observer as contemplated by (proposed) Article II, Section 2.21(a), such Observer shall be added to a class, as determined by the Board at the time of such Observer's initial election or appointment, and shall have an initial term expiring at the same time as the term of the class to which such Observer has been added. The Exchange Member affiliated with an Observer must continue to satisfy the Observer Threshold for the duration of the Observer's term. If the Exchange Member affiliated with an Observer fails to meet the Observer Threshold at any time during the duration of the Observer's term, the Observer's term shall immediately terminate at such time. The Exchange Member affiliated with an Observer has an ongoing obligation to immediately notify the Company if such Exchange Member no longer meets the Observer Threshold.

The proposed term lengths and classes for Observers are based on the similar term provisions for the Company's Directors, which are also divided into three classes with staggered terms.<sup>25</sup> The purpose of this provision is to provide Observers with the same term length as Directors and avoid the Company having to go through lengthy nomination processes each year in the event there are several Observers. The requirement that the Exchange Member affiliated with an Observer must maintain the ownership requirement set forth in the Observer Threshold is to ensure that Exchange Members who meet such threshold continue to do so throughout the entire term of the Observer.<sup>26</sup>

<sup>25</sup> See By-Laws, Article II, Section 2.3(b).

<sup>26</sup> This holding requirement is in line with the similar provision in the MEMX LLC Agreement. See MEMX LLC Agreement, Section 7.3(d)(vi) ("An individual Board Observer position shall be immediately terminated following a Transfer of Holdco Units by an Investor Holdco Member which, after giving effect to such Transfer, results in such Investor Holdco Member holding a number of Holdco Class A Units that is less than the Observer Threshold . . .").

Proposed subparagraph (c) of Section 2.21 will describe the nomination and election process for Observers. In particular, proposed subparagraph (c) will provide that an Exchange Member that meets the requirements for the Observer Threshold and as specified in Section 2.21 may submit candidate names to the Member Nominating Committee for consideration for nomination as an Observer. The Member Nominating Committee shall consult with the Nominating Committee<sup>27</sup> and the Chairman and Chief Executive Officer for the purpose of nominating candidates for election as an Observer to the Board at the annual meeting of the LLC Member. The Nominating Committee shall nominate only those persons whose names have been submitted by the Member Nominating Committee. The LLC Member shall elect the persons nominated by the Nominating Committee to be Observers to the Board at the annual meeting of the LLC Member. The purpose of conducting the nomination and election process for Observers in the manner described above is to keep this process in line with the process used to nominate and elect Member Representative Directors.<sup>28</sup>

Proposed subparagraph (d) to Section 2.21 of the By-Laws would describe the rights and obligations of Observers. In particular, subparagraph (d) will provide that the Company shall invite the Observers to attend all meetings of its Board of Directors in a non-voting observer capacity, and, in this respect, shall give Observers copies of all notices, minutes, consents, and other materials that it provides to Directors, at the same time and in the same manner as provided to such Directors; provided, however, that such Observers shall agree in writing to hold in confidence and trust and to act in a fiduciary manner with respect to all information so provided; and provided further, that

<sup>27</sup> The term "Nominating Committee" means the Nominating Committee elected pursuant to the By-Laws. See By-Laws, Article I, subparagraph (z).

<sup>28</sup> See By-Laws, Article II, Section 2.4(b). The Company notes that the process for nominating and electing Observers does not include the petition process for the Member Representative Director elections, as described in subparagraphs (c)–(f) of Section 2.4 of the By-Laws. The Company believes the petition process is not needed for Observers as Observers have no voting rights, the pool of candidates is much smaller for Observers as compared to Member Representative Directors, and Exchange Members that are members of the Company's affiliated exchanges and meet the requirements to be able to nominate a candidate as an Observer, may submit candidate names to the Member Nominating Committees of the Company's affiliated exchanges for consideration for nomination as an Observer.

the Company reserves the right to withhold any information and to exclude any such Observers from any meeting or portion thereof if access to such information or attendance at such meeting could adversely affect the attorney-client privilege between the Company and its counsel or result in disclosure of trade secrets or a conflict of interest.<sup>29</sup> The purpose of this provision is to clarify the rights of Observers and limitations on their capacity to attend Board meetings and receive Board materials.<sup>30</sup>

Next, the Company proposes to amend Section 3.1(a) of the By-Laws to include Observers in the list of individuals that are to be elected at the annual meeting of the LLC Member, with such time and place of the annual meeting to be determined by the Board. The purpose of this change is to provide specific details concerning the time and place for Observer candidates to be elected to such position. The Company believes this to be reasonable as it would allow Observers to be elected at the same annual meeting as Directors and committee members, as described in proposed Section 3.1(a) of the By-Laws.

The Company also proposes to amend Section 5.3 of the By-Laws to add a sentence regarding the Member Nominating Committee's role in connection with the nomination of Observers. As described above, proposed Section 2.21(c) will provide, among other things, that the Member Nominating Committee shall consult with the Nominating Committee and the Chairman and Chief Executive Officer for the purpose of nominating candidates for election as an Observer to the Board at the annual meeting of the LLC Member. The Company proposes to amend Section 5.3 to add that same sentence since this section also discusses the Member Nominating Committee's role in nominating candidates for certain positions on the Board.

Finally, the Company proposes to amend Section 10.3 of the By-Laws to include Observers in the list of individuals that may participate in

<sup>29</sup> The Company notes that proposed Section 2.21(d) does not override the confidentiality provisions related to the Company's self-regulatory function that are described in Section 10.4 of the By-Laws.

<sup>30</sup> This is in line with the similar provision in the MEMX LLC Agreement describing the rights, obligations and limitations for its board observers. See MEMX LLC Agreement, Section 7.3(c)(xi).

Board meetings that pertain to the self-regulatory function of the Company.<sup>31</sup>

#### Proposal To Remove References to Interim Directors and Initial Committees

The Company proposes to amend various subparagraphs and sections of the By-Laws to delete outdated references to Interim Directors and initial committees. On July 15, 2024, the Commission approved the Company's Form 1 application for registration as a national securities exchange under Section 6 of the Exchange Act.<sup>32</sup> On August 13, 2024, the Company launched electronic operations as a national securities exchange.<sup>33</sup> Pursuant to the By-Laws and prior to commencing operations, the LLC Member (*i.e.*, Miami International Holdings, Inc.) appointed an interim board of directors (the "Interim Exchange Board")<sup>34</sup> and appointed the initial Nominating Committee and Member Nominating Committee. The Interim Exchange Board served until the first annual meeting of the LLC Member pursuant to Section 2.5(a) of the By-Laws.<sup>35</sup> The initial Nominating Committee and Member Nominating Committee served until the second annual meeting of the LLC Member. Accordingly, the Company proposes to amend the By-Laws to remove all references and sections relating to "Interim Directors" and the initial Nominating Committee and Member Nominating Committee as those provisions are outdated. In particular, the Company proposes to make the following changes:

- delete "appointed as such to the initial Board of Directors pursuant to Article II, Section 2.5 of these By-Laws, or" in Article I, subparagraph (x);
- delete the reference to "or Section 2.5" in Section 2.2(b)(i);
- delete subparagraph (e) of Section 2.2;
- delete the heading and subparagraphs (a)–(f) of Section 2.5 and replace the heading with "[Reserved]" so as to keep the remaining hierarchical

headings in place throughout the By-Laws;

- delete subparagraph (b) of Section 3.1; and
- delete several sentences in Section 5.1 relating to the initial appointment of the Nominating Committee and Member Nominating Committee.

The purpose of these proposed changes is to update the By-Laws to remove outdated references, which will provide clarity to market participants regarding the status of the Company's Directors, Nominating Committee and Member Nominating Committee throughout the By-Laws.

#### 2. Statutory Basis

The Company believes that the proposed By-Law Amendments are consistent with Section 6(b) of the Exchange Act,<sup>36</sup> in general, and furthers the objectives of Section 6(b)(1)<sup>37</sup> in particular, in that it enables the Company to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its Exchange Members and persons associated with its Exchange Members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Company. The Company also believes that the proposed By-Law Amendments are consistent with Section 6(b)(5) of the Exchange Act,<sup>38</sup> in that they are designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest.

#### Proposal To Establish the Role of Observers, Rights and Nomination Process

The Company believes its proposal to amend the By-Laws to establish the role of Observers to the Board is consistent with the Act as this may facilitate additional participation by individuals affiliated with Exchange Members who have the expertise and knowledge in securities markets to help the Board in carrying out the Company's business. Although Observers will not have the right to vote on Company matters at Board meetings, they will be able to attend, review Board materials and

participate in Board meetings, which may provide additional view points for relevant issues concerning the business of the Company that may impact other Exchange Members. Thus, the Company does not believe the creation of the Observer position to the Board will have any impact on the Company's ability to be organized as to have the capacity to carry out the purposes of the Act and to comply with the provisions of the Act, the rules and regulations thereunder, and the rules of the Company, which promotes just and equitable principles of trade and continues to protect investors and the public interest. Further, the Company believes the proposed changes to the By-Laws are consistent with, and will not interfere with, the self-regulatory obligations of the Company.

The Company believes the proposed Observer provisions in the amended By-Laws are consistent with the Act because the Observer position will provide a means for individuals who are employed by, or otherwise affiliated with, an Exchange Member but may not be able, or willing, to serve as a Board member for one reason or another, to now be able to serve the Company in an advisory role and provide such valuable expertise and knowledge to help the Company carry out its business.

The Company believes the proposed changes to the By-Laws pertaining to Observers enables the Company to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act because all of the changes are based on similar provisions already in place at the Company for its Directors (or committee members) or are substantively similar to provisions in place at a competing exchange that provides for board observers. The addition of the proposed defined terms for "Observer" and "Observer Threshold" will provide clarity to Exchange Members regarding the Observer position and are substantively similar to the corresponding terms in the MEMX LLC Agreement and MEMX Holdco LLC Agreement.<sup>39</sup> As noted above, the Company believes the slight difference between its proposal and MEMX's corporate documents, which automatically grant the right to its exchange members to appoint an observer (assuming the threshold and other requirements are met), is reasonable due to the difference in ownership structures. The Company's proposal provides that Exchange Members that meet the Observer Threshold and requirements of proposed Section 2.21, may nominate a

<sup>31</sup> This is in line with the similar provision in the MEMX LLC Agreement. See MEMX LLC Agreement, Section 7.12.

<sup>32</sup> See Securities Exchange Act Release No. 100539 (July 15, 2024), 89 FR 58848 (July 19, 2024) (File No. 10–240).

<sup>33</sup> See Press Release, Miami International Holdings Announces Successful Launch of MIAAX Sapphire Options Exchange (dated August 13, 2024), available at [https://www.miaaxglobal.com/sites/default/files/press\\_release-files/MIAAX\\_Press\\_Release\\_08132024.pdf](https://www.miaaxglobal.com/sites/default/files/press_release-files/MIAAX_Press_Release_08132024.pdf).

<sup>34</sup> See By-Laws, Article II, Section 2.5. See also MIAAX Sapphire Form 1 Amendment, Exhibit J, filed July 22, 2024, available at <https://www.sec.gov/Archives/edgar/vprr/2400/24003384.pdf>.

<sup>35</sup> See By-Laws, Article II, Sections 2.2(e) and 2.5(a).

<sup>36</sup> 15 U.S.C. 78f(b).

<sup>37</sup> 15 U.S.C. 78f(b)(1).

<sup>38</sup> 15 U.S.C. 78f(b)(5).

<sup>39</sup> See *supra* note 10.

candidate to the Member Nominating Committee for consideration as an Observer. The Company believes that this nomination structure enables the Company to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act by not granting Exchange Members the automatic right to appoint Observers; rather, those candidates must go through a standard nomination and election process with the Member Nominating Committee consulting with the Nominating Committee and the Chairman and Chief Executive Officer.

The following proposed Observer provisions are all substantively similar to provisions already in the By-Laws for Directors (or committee members) or in place at MEMX and, therefore, will enable the Company to continue to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act: removal and resignation of Observers;<sup>40</sup> participation by Observers at Board meetings;<sup>41</sup> the ability of the Board to provide for reasonable compensation and reimbursement of expenses for Observers;<sup>42</sup> conflicts of interest related to Observers; contracts and transactions with the Company that may involve Observers;<sup>43</sup> the requirement that Observers not be affiliated with any other Director or Observer;<sup>44</sup> term length and staggered classes for Observers;<sup>45</sup> the nomination and election process for Observers;<sup>46</sup> and certain rights and obligations of Observers.<sup>47</sup>

#### Proposal To Remove References to Interim Directors and Initial Committees

The Company believes its proposal to amend various subparagraphs and sections of the By-Laws to delete outdated references to Interim Directors and initial committees enables the Company to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act because it will remove outdated text. Pursuant to the By-Laws and prior to commencing operations, the LLC Member appointed an Interim Exchange Board and appointed the initial Nominating Committee and Member Nominating Committee. The Interim Exchange Board served until the first annual meeting of the LLC Member pursuant to Section 2.5(a) of the By-Laws and the initial

Nominating Committee and Member Nominating Committee served until the second annual meeting of the LLC Member. Accordingly, the Interim Exchange Board and initial Nominating Committee and Member Nominating Committee served until their specified time expired. The Company further believes this proposed change removes impediments to and perfects the mechanism of a free and open market by providing greater transparency and clarity in the Company's governing documents. It is in the public interest for the Company's By-Laws to be up-to-date and accurate, which protects investors by providing transparency and clarity, thereby reducing potential confusion.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The Company does not believe that the proposed By-Law Amendments will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed By-Law Amendments relate to the corporate governance of the Company and not to the Company's operations. As such, the proposed By-Law Amendments do not impact competition among the various market participants of the Company or among competing exchanges. This is not intended to address competitive issues and, therefore, imposes no burden on 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

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)<sup>48</sup> of the Act and Rule 19b-4(f)(6)<sup>49</sup> thereunder. Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>50</sup> and Rule 19b-4(f)(6) thereunder.<sup>51</sup>

<sup>48</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>49</sup> 17 CFR 240.19b-4(f)(6).

<sup>50</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>51</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act<sup>52</sup> normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)<sup>53</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that the proposed changes related to establishing the Board Observer position are similar to provisions already in place at MEMX for its board observers and the proposed changes do not impact the ownership of the Company, voting rights, or restrictions of Directors. The Exchange also states that the proposed changes to remove text regarding the Interim Exchange Board and initial committee are non-substantive, clarifying edits. For these reasons, and because the proposed rule change raises no new or novel legal or regulatory issues, the Commission finds that waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.<sup>54</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)<sup>55</sup> of the Act to determine whether the proposed rule change should be approved or disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>52</sup> 17 CFR 240.19b-4(f)(6).

<sup>53</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>54</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>55</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>40</sup> See *supra* notes 15 and 16.

<sup>41</sup> See *supra* notes 17, 30, and 31.

<sup>42</sup> See By-Laws, Section 2.18.

<sup>43</sup> See *supra* notes 19 and 20.

<sup>44</sup> See *supra* note 24.

<sup>45</sup> See *supra* note 25.

<sup>46</sup> See *supra* note 28.

<sup>47</sup> See *supra* note 30.

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](mailto:rule-comments@sec.gov). Please include File Number SR-SAPPHIRE-2026-07 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-SAPPHIRE-2026-07. 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 Company. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-SAPPHIRE-2026-07 and should be submitted on or before April 1, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>56</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2026-04706 Filed 3-10-26; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104944; File No. S7-2026-07]

### Notice of Request for Exemptive Relief, Pursuant to Section 36(a) of the Securities Exchange Act of 1934, From Certain Aspects of Rule 17ad-22(e)(18)(iv) of the Securities Exchange Act of 1934 and Request for Comment

March 6, 2026.

#### I. Introduction

On December 13, 2023, the Securities and Exchange Commission (the

“Commission” or “SEC”) adopted,<sup>1</sup> among other things, Rule 17ad-22(e)(18)(iv)(A) (the “Trade Submission Requirement”)<sup>2</sup> under the Securities Exchange Act of 1934 (“Exchange Act”). The Trade Submission Requirement requires a covered clearing agency that provides central counterparty services for transactions in U.S. Treasury securities (“U.S. Treasury securities CCA”)<sup>3</sup> to establish, implement, maintain and enforce written policies and procedures reasonably designed to require that any direct participant must submit for clearance and settlement all “eligible secondary market transactions” to which that direct participant is a counterparty. An “eligible secondary market transaction” is, in turn, defined as (i) a repurchase or reverse repurchase agreement collateralized by U.S. Treasury securities, in which one of the counterparties is a direct participant (“repo”); or (ii) a purchase or sale, between a direct participant and: (A) any counterparty, if the direct participant of the covered clearing agency brings together multiple buyers and sellers using a trading facility (such as a limit order book) and is a counterparty to both the buyer and seller in two separate transactions; or (B) a registered broker-dealer, government securities broker, or government securities dealer.<sup>4</sup>

On February 27, 2026, a trade association submitted a letter to the Commission requesting exemptive relief from the Trade Submission Requirement for certain Non-U.S. Transactions, specifically, the transactions of foreign financial institutions who are direct participants of a U.S. Treasury securities CCA when transacting with non-U.S. clients, as discussed further below.<sup>5</sup> We are publishing this notice to provide interested persons with an opportunity to comment on the request for

<sup>1</sup> Standards for Covered Clearing Agencies for U.S. Treasury Securities and Application of the Broker-Dealer Customer Protection Rule With Respect to U.S. Treasury Securities, Exchange Act Release No. 99149 (Dec. 13, 2023), 89 FR 2714, 2737 (Jan. 16, 2024) (“Adopting Release”).

<sup>2</sup> 17 CFR 240.17ad-22(e)(iv)(A).

<sup>3</sup> The U.S. Treasury securities CCAs are the Fixed Income Clearing Corporation (“FICC”), the CME Securities Clearing Corp. (“CMESC”), and ICE Clear Credit, LLC (“ICC”).

<sup>4</sup> 17 CFR 240.17ad-22(a).

<sup>5</sup> See Letter from Stephanie Webster, General Counsel, Institute of International Bankers (“IIB” or “association”), dated Feb. 27, 2026 (“IIB Letter”).

exemptive relief pursuant to Section 36<sup>6</sup> of the Exchange Act.<sup>7</sup>

#### II. Requested Relief

The association stated that many foreign financial institutions are direct participants of U.S. Treasury securities CCAs to realize the benefits of central clearing, including multilateral netting, and to promote their ability to trade with U.S. financial institutions.<sup>8</sup> The association stated that foreign financial institutions use a diversity of trading models with respect to their participation in U.S. Treasury securities CCAs, including in some instances participating through U.S. branches or broker-dealer subsidiaries, but also sometimes participating through their (non-U.S.) head offices or other non-U.S. branches.<sup>9</sup> The association stated that the manner in which a given financial institution participates at a U.S. Treasury securities CCA generally depends on its internal risk management practices and the preferences of its counterparties, some of which may prefer to transact with a local (*i.e.*, non-U.S.) branch.<sup>10</sup>

The association stated that, when a financial institution is approved as a direct participant of a U.S. Treasury securities CCA, that direct participant becomes subject to the rules of that U.S. Treasury securities CCA, including any rules required to implement the Trade Submission Requirement.<sup>11</sup> However, the association states that such foreign financial institutions face a question regarding the “potential extraterritorial scope” of the Trade Submission Requirement, including the potential application of the Trade Submission Requirement to eligible secondary market transactions between a foreign financial institution direct participant in a U.S. Treasury securities CCA (*e.g.*, a foreign bank's head office) and its foreign investor clients.<sup>12</sup> The

<sup>6</sup> 15 U.S.C. 78mm. Section 36(a)(1) of the Exchange Act gives the Commission the authority to exempt any person, security or transaction or any class or classes of persons, securities or transactions, conditionally or unconditionally, from any Exchange Act provision by rule, regulation or order, to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors.

<sup>7</sup> 15 U.S.C. 78a *et seq.*

<sup>8</sup> IIB Letter, *supra* note 5, at 3.

<sup>9</sup> *Id.* at 3.

<sup>10</sup> *See id.* at 3.

<sup>11</sup> 15 U.S.C. 78s(g)(1) (“Every self-regulatory organization shall comply with the provisions of this title, the rules and regulations thereunder, and its own rules, and (subject to the provisions of section 17(d) of this title, paragraph (2) of this subsection, and the rules thereunder) absent reasonable justification or excuse enforce compliance . . . in the case of a registered clearing agency, with its own rules by its participants”).

<sup>12</sup> *See* IIB Letter, *supra* note 5, at 3.

<sup>56</sup> 17 CFR 200.30-3(a)(12), (59).

association raises several potential consequences arising from the application of the Trade Submission Requirement to such transactions.

First, the association states that there exists legal uncertainty regarding whether fundamental requirements to central clearing, such as netting (including close-out netting in a default scenario), are enforceable in all relevant jurisdictions.<sup>13</sup> This legal uncertainty also exists for the direct participant's non-U.S. counterparties, who would likely need to access central clearing indirectly through a direct participant, and it remains unclear whether U.S. Treasury securities CCAs would or could accept non-U.S. counterparties from every relevant foreign jurisdiction as indirect participants.<sup>14</sup>

Second, the association states that clearing trades for non-U.S. clients could raise questions under non-U.S. law, including whether doing so could require the direct participant acting as a clearing firm to register as a broker in those jurisdictions.<sup>15</sup>

Third, the association states that no U.S. Treasury securities CCA currently operates on a 24-hour basis.<sup>16</sup> Therefore, a direct participant located in, for example, Singapore, operationally may be unable to submit its repo trades with Singaporean counterparties to a U.S. Treasury securities CCA in a prompt and accurate manner when the U.S. Treasury securities CCA does not open until hours after the counterparties enter into the repo transaction.<sup>17</sup> Relatedly, the association states that FICC does not facilitate Euroclear settlement, which means that non-U.S. participants clearing a non-U.S. transaction that customarily would settle through Euroclear requires additional steps to bring the repo into the Depository Trust Corporation via Fedwire.<sup>18</sup>

Fourth, the association states that “an almost unlimited mandate to clear foreign financial institutions’ transactions” would bring in scope non-U.S. counterparties that are transacting

only locally, are unlikely to be familiar with the evolving conventions of the U.S. domestic repo market, and are therefore far less likely to sign onto documentation that, in their domestic market, is wholly novel, not explained by a local law requirement, and burdensome.<sup>19</sup>

The association states these issues could lead non-U.S. counterparties to question their participation in the U.S. Treasury securities market more broadly when they have alternative government bond markets in which they could invest without raising these issues or more generally incurring the costs of central clearing.<sup>20</sup> The association states that a shift by foreign investors away from U.S. Treasuries to, for example, European or Asian sovereign bonds could materially increase the U.S. government's borrowing costs and impair overall U.S. Treasury security market liquidity and resiliency.<sup>21</sup>

The association states that reduced counterparty interest in the U.S. Treasury securities market could also lead some foreign financial institutions to question the costs and benefits of continuing to participate in U.S. Treasury securities CCAs as direct participants, given that withdrawal from U.S. Treasury securities CCAs would eliminate any extraterritorial application of the Trade Submission Requirement.<sup>22</sup> Also, the association states that market participants accessing central clearing indirectly, either through foreign financial institution or through other firms, would be harmed through a reduction in their choice of potential clearing firms, which could result in increased costs to access clearing.<sup>23</sup> Finally, the association states that reduced participation and liquidity in cleared repos could also impact the secured overnight financing rate (“SOFR”), the calculation of which depends on those repos and which is used as a benchmark interest rate for many transactions.<sup>24</sup>

The association requests that the Commission grant an exemption from the Trade Submission Requirement for an eligible secondary market transaction between a Non-U.S. Participant and a Non-U.S. Client (such transaction, a “Non-U.S. Transaction”).<sup>25</sup>

For this purpose, a “Non-U.S. Participant” would mean a direct

participant of a U.S. Treasury securities CCA that is not:

- a U.S. person (as defined by Exchange Act Rule 3a71-3),<sup>26</sup>
- a U.S. branch of a non-U.S. person, or

or

- a non-U.S. person whose obligations under the transaction are guaranteed by a U.S. person.<sup>27</sup>

A “Non-U.S. Client” would mean a counterparty to a Non-U.S. Participant that is not:

- a direct participant of a U.S. Treasury securities CCA,
- a U.S. person,
- a U.S. branch of a non-U.S. person, or

or

- a non-U.S. person whose obligations under the transaction are guaranteed by a U.S. person.

### III. Request For Comment

We request and encourage any interested person to submit comments on the requested relief, including whether the Commission should grant the exemptive relief. In particular, we solicit comments on the following questions:

1. Do commenters agree that the Commission should grant an exemption from the Trade Submission Requirement for an eligible secondary market transaction between a Non-U.S. Participant and a Non-U.S. Client (such transaction, a “Non-U.S. Transaction”)?

2. If granting this relief, is it appropriate to use the definition of a U.S. person from Rule 3a71-3, or should some different definition be used? If a different definition, which one and why?

3. Is the scope of the definition of a Non-U.S. Participant appropriate?

4. Would the requested relief impact how market participants structure their repo transactions or access central clearing (e.g., through an affiliated direct participant or by joining a U.S. Treasury securities CCA directly)? If so, please describe the impact and how this impact would occur.

5. Would the requested relief impact competition between different types of direct participants of a U.S. Treasury securities CCA (e.g., between banks and

<sup>26</sup> IIB states that it proposes to rely on this “U.S. person” definition because it is broadly familiar to market participants active in cross-border securities markets due to its use for purposes of Title VII of the Dodd-Frank Act. See IIB Letter, *supra* note 5, at 6 n. 11.

<sup>27</sup> For this purpose, a transaction would be guaranteed by a U.S. person if the counterparty to the transaction had rights of recourse against a U.S. person, i.e., has a conditional or unconditional legally enforceable right, in whole or in part, to receive payments from, or otherwise collect from, the U.S. person in connection with the transaction. See IIB Letter, *supra* note 5, at 6 n. 12.

<sup>13</sup> See *id.*

<sup>14</sup> See *id.*

<sup>15</sup> See *id.* at 3–4.

<sup>16</sup> See *id.* at 4. IIB further stated that the Commission's analysis of this issue when adopting the Treasury clearing rules is inapposite to bilateral repos conducted outside the United States. *Id.*

<sup>17</sup> See *id.* (stating that, at a minimum, “the Commission would need to clarify the timeframe in which these transactions must be submitted for clearing and weigh the benefits of requiring an overnight transaction to be cleared if it cannot be submitted until halfway through its term when the applicable covered clearing agency opens”).

<sup>18</sup> See *id.* The association referred to FICC which, at the time of the letter, was the only operational U.S. Treasury securities CCA. The Commission understands that no existing covered clearing agency facilitates Euroclear settlement at this time.

<sup>19</sup> See *id.*

<sup>20</sup> See *id.*

<sup>21</sup> See IIB Letter, *supra* note 5, at 4.

<sup>22</sup> See IIB Letter, *supra* note 5, at 5.

<sup>23</sup> See *id.*

<sup>24</sup> See *id.*

<sup>25</sup> See *id.* at 5–6.

broker-dealers)? If so, please describe the impact on competition and how this impact would occur, as well as any potential mechanism to address that impact and the potential effects thereof.

6. Would the requested relief impact competition between direct participants of a U.S. Treasury securities CCA based on home jurisdiction (e.g., between U.S. direct participants and non-U.S. direct participants)? If so, please describe the impact on competition and how this impact would occur, as well as any potential mechanism to address that impact and the potential effects thereof. Would any such impact change if the Commission extended the requested relief to also cover eligible secondary market transactions of the non-U.S. branch of a U.S. direct participant in a U.S. Treasury securities CCA, with non-U.S. clients?

7. Would the requested relief impact competition between direct participants of a U.S. Treasury securities CCA and any market participants who are not direct participants of a U.S. Treasury securities CCA? If so, please describe the impact on competition and how this impact would occur, as well as any potential mechanism to address that impact and the potential effects thereof.

8. Would the requested relief have any impact on existing U.S. reporting requirements (e.g., FINRA's TRACE reporting or the requirements with respect to certain non-centrally cleared bilateral repo reporting established by the Office of Financial Research within the U.S. Department of the Treasury<sup>28</sup>)? Please explain.

9. Would the requested relief have any impact on liquidity and/or overall resiliency of the U.S. Treasury markets? If so, please describe the impact on liquidity and overall resiliency and how the impact would occur.

10. Would the requested relief have any impact on foreign participation in U.S. Treasury markets? If so, please describe the impact on foreign participation and how the impact would occur.

11. Would the requested relief impact a U.S. Treasury securities CCA's ability to risk manage the transactions of its direct participants? If so, please describe the impact on a U.S. Treasury securities CCA's risk management.

12. Would the requested relief impact contagion risk<sup>29</sup> for U.S. Treasury securities CCAs, or systemic risk more broadly?

13. Would the requested relief impact any of the benefits that the Commission

identified as arising from the Trade Submission Requirement, such as decreasing counterparty credit risk, decreasing the risk of a disorderly member default, increasing multilateral netting?<sup>30</sup>

14. Should we add any conditions to the requested relief, such as an activity limit threshold (meaning, for example, that Non-U.S. Transactions would be exempted so long as they did not surpass a particular portion of the direct participant's overall U.S. Treasury market activity)? If so, please describe what those conditions should be and why. For conditions specific to an activity limit threshold, please describe what the threshold should be and why that threshold would be appropriate.

15. Please describe how the requested relief would or would not protect investors and the public interest consistent with Sections 17A and 36 of the Exchange Act.

16. Please describe how the requested relief would or would not help to facilitate the prompt and accurate clearance and settlement of securities transactions as well as the safeguarding of securities and funds consistent with Section 17A of the Exchange Act.

Comments should be received on or before April 10, 2026. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules-regulations/exchange-act-exemptive-notices-orders>);
- or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number S7-2026-07 on the subject line.

#### *Paper Comments*

- Send paper comments to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number S7-2026-07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules-regulations/exchange-act-exemptive-notices-orders>). 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

publications submitted material that is obscene or subject to copyright protection.

For further information, you may contact Elizabeth Fitzgerald, Assistant Director, at (202) 551-6036, or Heather Percival, Senior Special Counsel, at (202) 551-3498, in the Division of Trading and Markets; U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

By the Commission.

Dated March 6, 2026.

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2026-04781 Filed 3-10-26; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104939; File No. SR-CBOE-2026-022]

### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Replace the Existing Flat Monthly Fee for the Silexx Application Programming Interface ("API") With a Usage-Based Tiered Pricing Structure

March 6, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 26, 2026, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, 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 replace the existing flat monthly fee for the Silexx application programming interface ("API") with a usage-based tiered pricing structure. 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

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>28</sup> See 12 CFR part 1610.

<sup>29</sup> See Adopting Release, *supra* note 1, 89 FR at 2717, 2741-42.

<sup>30</sup> See *id.* at 2717-18.

website (<https://www.sec.gov/rules/sro.shtml>), the Exchange's website ([https://www.cboe.com/us/options/regulation/rule\\_filings/bzx/](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 the Silexx fee schedule, effective March 2, 2026, to replace the existing flat monthly fee for the Silexx application programming interface ("API") with a usage-based tiered pricing structure.

By way of background, the Exchange adopted fees for the use of Silexx, a front-end order entry and management platform, on November 2, 2017,<sup>3</sup> which included a flat monthly fee applicable to the Silexx API. The API functionality allows users to integrate the Silexx platform into their other internal applications and systems. Any request for information submitted through the API is referred to as a "call."

The existing API fee is \$200 per month per login identifier ("ID") and has not been updated since its adoption in 2017. Upon reviewing API usage patterns, the Exchange has observed that users vary significantly in their call volume during any given month. Some users submit a relatively modest number of calls while others submit substantially higher volumes. The current flat fee structure does not account for these differences in usage, resulting in a pricing model that does not reflect the varying levels of resources consumed by different users. Accordingly, the Exchange is proposing to replace the flat fee with a tiered

pricing structure that aligns fees with actual API usage. The proposed fee increase also reflects the fact that the existing fee has remained unchanged for nearly nine years since its adoption.

The Exchange proposes to establish three pricing tiers, each with corresponding rate limits, ranging from \$299 to \$999 per login ID per month. The proposed tiers are as follows:

- *Tier 1*: Monthly fee of \$299 per login ID, with a rate limit of 200 calls per minute and a daily call cap of 20,000 calls applied at the firm level.
- *Tier 2*: Monthly fee of \$699 per login ID, with a rate limit of 2,000 calls per minute and a daily call cap of 200,000 calls applied at the firm level.
- *Tier 3*: Monthly fee of \$999 per login ID, with no rate limit on a per-minute or daily basis.

By default, all login IDs will be assigned to Tier 1 unless a user elects otherwise. A user may elect to move to a higher tier at any time during the billing month; however, if a user switches tiers mid-month, the higher-tier fee will apply for the entirety of that month.

For firms on Tier 1 or Tier 2, the Exchange proposes to assess an overage fee of \$0.01 per call for each call that exceeds the applicable daily call cap. No overage fee applies to Tier 3 firms, as Tier 3 carries no daily call cap. For all tiers, if a login ID reaches the applicable per-minute call cap, the login ID will be rate-limited and will be unable to make additional calls until the next minute window begins.

To illustrate how the proposed structure would operate, consider a firm with nine total login IDs allocated across all three tiers: four login IDs at Tier 1, three login IDs at Tier 2, and two login IDs at Tier 3.

- The four Tier 1 login IDs would each be subject to a 200 calls per minute rate limit, and the firm's Tier 1 login IDs would collectively be subject to a daily cap of 20,000 calls.
- The three Tier 2 login IDs would each be subject to a 2,000 calls per minute rate limit, and the firm's Tier 2 login IDs would collectively be subject to a daily cap of 200,000 calls.
- The two Tier 3 login IDs would have no per-minute or daily call cap, individually or in the aggregate.

Any calls exceeding the applicable per-minute or daily cap for Tier 1 or Tier 2 login IDs would be subject to the \$0.01 per call overage fee.

#### 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.<sup>4</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>5</sup> 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)<sup>6</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4)<sup>7</sup> as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

The Exchange believes the proposed tiered pricing structure is reasonable for several reasons. First, the existing flat API fee of \$200 per month per login ID has not been updated since its adoption in 2017. The proposed fee increase reflects nearly nine years of unchanged pricing and is designed to better align the fee with the current cost of providing and maintaining API access. Second, the Exchange has observed that users of the Silexx API vary significantly in their call volume during any given month. The current flat fee structure does not account for these differences in usage, resulting in a pricing model that does not reflect the varying levels of resources consumed by different users. The proposed tiered structure, with monthly fees of \$299, \$699, and \$999 per login ID, corresponding to increasing levels of API call volume, is designed to align fees with actual usage, such that users who consume greater API resources pay a higher fee commensurate with that usage. The Exchange believes this usage-based approach is a reasonable and rational method of pricing API access. Third, the proposed overage fee of \$0.01 per call for Tier 1 and Tier 2 firms exceeding the applicable daily cap is reasonable because it ensures that users who exceed their tier's rate limits contribute appropriately to the cost of

<sup>3</sup> See Securities Exchange Act No. 82088 (November 15, 2017) 82 FR 55443 (November 21, 2017) (SR-CBOE-2017-068) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Describe Functionality of and Adopt Fees for a New Front-End Order Entry and Management Platform).

<sup>4</sup> 15 U.S.C. 78f(b).

<sup>5</sup> 15 U.S.C. 78f(b)(5).

<sup>6</sup> *Id.*

<sup>7</sup> 15 U.S.C. 78f(b)(4).

the additional resources consumed, while still providing users with flexibility in their API usage. Finally, the Exchange notes that all login IDs will default to Tier 1, the lowest-cost tier, and users retain the ability to select the tier that best fits their usage needs, providing users with meaningful choice in managing their costs.

The Exchange believes the proposed tiered pricing structure is equitable and not unfairly discriminatory because the tiers are available to all users of the Silexx API on an equal basis. Any user may elect any tier, and the tier assignments are based solely on the level of API usage a user requires, not on the identity of the user or any other characteristic. users with lower call volume needs may remain at Tier 1, while users with higher call volume needs may elect Tier 2 or Tier 3. Because the proposed fee structure applies uniformly to all users and reflects differences in usage rather than differences among users, the Exchange believes the proposed changes are equitable and not unfairly discriminatory.

Additionally, the Exchange notes that the ability to switch tiers during a billing month is available to all users equally. While a user who switches to a higher tier mid-month will be charged the higher tier fee for the entirety of that month, this billing treatment applies uniformly to all users and is designed to provide administrative simplicity and predictability in billing.

Finally, the Exchange notes that use of the Silexx API is discretionary and not compulsory. users are not required to use the API functionality, and the Silexx platform remains accessible without use of the API. If market participants believe that other products, vendors, or connectivity solutions available in the marketplace are more beneficial or cost-effective than the Silexx API, they may simply use those alternatives instead. The Exchange makes the Silexx API available as a convenience to market participants, and the proposed fee changes are designed to ensure that the fee structure reflects the actual usage and value of that functionality.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance

of the purposes of the Act. The proposed tiered pricing structure applies uniformly to all Users of the Silexx API. Any User may elect any tier based on their individual usage needs, and no User is treated differently from any other User with respect to tier availability or eligibility. To the extent that different Users pay different monthly fees, those differences reflect differences in the level of API usage elected by each User, not differences among Users themselves. The Exchange therefore does not believe the proposed changes place any category of market participant at a competitive disadvantage relative to another.

The Exchange does not believe the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Silexx platform and its API functionality are proprietary tools offered by the Exchange as a convenience to market participants. Users are not required to use the Silexx API and may elect to use other front-end platforms, order management systems, or connectivity solutions offered by the Exchange or available in the broader marketplace. The existence of these alternatives constrains the Exchange's ability to set fees at unreasonable levels, as market participants may simply choose a competing product or service if they determine that the Silexx API fees are not commensurate with the value provided. Accordingly, the Exchange does not believe the proposed changes will have any meaningful impact on intermarket competition.

Finally, the Exchange notes that the proposed fee changes are designed to align the Silexx API fee structure with actual usage patterns and to reflect the fact that the existing flat fee has remained unchanged since its adoption in 2017. To the extent the proposed changes impose any burden on competition, the Exchange believes any such burden is necessary and appropriate in furtherance of the purposes of the Act, as the proposed changes serve the Exchange's legitimate interest in maintaining a fee structure that is commensurate with the resources consumed by API users and that reflects current market conditions.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>8</sup> and paragraph (f) of Rule 19b-4<sup>9</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CBOE-2026-022 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-2026-022. 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-2026-022 and should be submitted on or before April 1, 2026.

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>9</sup> 17 CFR 240.19b-4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2026-04709 Filed 3-10-26; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[SECURITIES ACT OF 1933 Release No. 11410/March 6, 2026; SECURITIES EXCHANGE ACT OF 1934 Release No. 104943/March 6, 2026]

### Order Regarding Review of FASB Accounting Support Fee for 2026 Under Section 109 of the Sarbanes-Oxley Act of 2002

The Sarbanes-Oxley Act of 2002 (“SOX” or the “Act”) provides that the Securities and Exchange Commission (the “Commission”) may recognize, as generally accepted for purposes of the securities laws, any accounting principles established by a standard-setting body that meets certain criteria.<sup>1</sup> Section 109 of SOX provides that all of the budget of such a standard-setting body shall be payable from an annual accounting support fee assessed and collected against each issuer, as may be necessary or appropriate to pay for the budget and provide for the expenses of the standard-setting body, and to provide for an independent, stable source of funding, subject to review by the Commission. Under Section 109(f) of the Act, the amount of fees collected for a fiscal year shall not exceed the “recoverable budget expenses” of the standard-setting body. Section 109(i) of SOX amends Section 13(b)(2) of the Securities Exchange Act of 1934 to require issuers to pay the allocable share of a reasonable annual accounting support fee or fees, determined in accordance with Section 109 of the Act.

On April 25, 2003, the Commission issued a policy statement concluding that the Financial Accounting Standards Board (“FASB”) and its parent organization, the Financial Accounting Foundation (“FAF”), satisfied the criteria for an accounting standard-setting body under the Act, and recognizing the FASB’s financial accounting and reporting standards as “generally accepted” under Section 108 of the Act.<sup>2</sup> Accordingly, the Commission undertook a review of the

FASB’s accounting support fee for calendar year 2026.<sup>3</sup> In connection with its review, the Commission also reviewed the budget for the FAF and the FASB for calendar year 2026.

Section 109 of SOX provides that, in addition to the accounting support fee, the standard-setting body can have additional sources of revenue for its activities, such as earnings from sales of publications, provided that each additional source of revenue shall not jeopardize, in the judgment of the Commission, the actual or perceived independence of the standard setter. In this regard, the Commission also considered the interrelation of the operating budgets of the FAF, the FASB, and the Governmental Accounting Standards Board (“GASB”), the FASB’s sister organization, which sets accounting standards used by state and local government entities. The Commission has been advised by the FAF that neither the FAF, the FASB, nor the GASB accept contributions from the accounting profession.

The Commission understands that the Office of Management and Budget (“OMB”) has determined the FASB’s spending of the 2026 accounting support fee is sequestrable under the Budget Control Act of 2011.<sup>4</sup> So long as sequestration is applicable, we anticipate that the FAF will work with the Commission and Commission staff as appropriate regarding its implementation of sequestration.

After its review, the Commission determined that the 2026 annual accounting support fee for the FASB is consistent with Section 109 of the Act. Accordingly,

*It is ordered*, pursuant to Section 109 of SOX, that the FASB may act in accordance with this determination of the Commission.

By the Commission.

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2026-04725 Filed 3-10-26; 8:45 am]

BILLING CODE 8011-01-P

<sup>3</sup> The Financial Accounting Foundation’s Board of Trustees approved the FASB’s budget on Nov. 18, 2025. The FAF submitted the approved budget to the Commission on Nov. 19, 2025.

<sup>4</sup> See OMB Report to the Congress on the BBEDCA 251A Sequestration for Fiscal Year 2026 (May 30, 2025), available at <https://www.whitehouse.gov/wp-content/uploads/2025/04/OMB-Report-to-the-Congress-on-the-BBEDCA-251A-Sequestration-for-Fiscal-Year-2026.pdf>.

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-104942; File No. SR-IEX-2026-07]

### Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify IEX Rule 11.190(b)(7)

March 6, 2026.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the “Act”)<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on February 24, 2026, the Investors Exchange LLC (“IEX” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,<sup>4</sup> and Rule 19b-4 thereunder,<sup>5</sup> IEX is filing with the Commission a proposed rule change to provide Users a new order handling option they can apply to Discretionary Limit orders they submit to the Exchange.

The text of the proposed rule change is available at the Exchange’s website at <https://www.iexexchange.io/resources/regulation/rule-filings> and at the principal office of the Exchange.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> 15 U.S.C. 78s(b)(1).

<sup>5</sup> 17 CFR 240.19b-4.

<sup>10</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> See 15 U.S.C. 7201 *et seq.*

<sup>2</sup> See Commission Statement of Policy Reaffirming the Status of the FASB as a Designated Private-Sector Standard Setter, Release No. 33-8221 (Apr. 25, 2003) [68 FR 23333 (May 1, 2003)].

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of this proposed rule filing is to amend IEX Rule 11.190(b)(7) to add a new optional order handling instruction for Discretionary Limit<sup>6</sup> (“D-Limit”) orders. Currently if the System<sup>7</sup> receives a D-Limit buy (sell) order during a period of “quote instability”,<sup>8</sup> and the D-Limit order has a limit price equal to or higher (lower) than the quote instability determination price level (“CQI Price”), the price of the order will be automatically adjusted by the System to one (1) minimum price variation (“MPV”)<sup>9</sup> lower (higher) than the CQI Price.<sup>10</sup> Under this proposal, a User<sup>11</sup> would have the option of either: (i) having the order post to the Order Book<sup>12</sup> at its limit price or execute on entry against eligible resting interest on the Order Book; or (ii) selecting an order handling instruction to allow the D-Limit order to be price adjusted as described above.<sup>13</sup> In either case, if the D-Limit order posts to the Order Book, and the System makes another quote instability determination, the order will be subject to automatic price adjustment like any other resting D-Limit buy (sell) order (*i.e.*, if the order has a price equal to or higher (lower) than the CQI Price, it will be automatically adjusted by the System to a price one MPV lower (higher) than the CQI Price).<sup>14</sup>

Background

A D-Limit order may be a displayed or non-displayed limit order that upon entry and when posting to the Order Book is priced to be equal to and ranked at the order's limit price, but will be automatically adjusted by the System to a price one MPV lower (higher) than the CQI Price during periods of quote instability (*i.e.*, when the CQI is “on”).<sup>15</sup>

As described above, if the CQI is “on” when the System receives a D-Limit buy

(sell) order with a limit price equal to or higher (lower) than the CQI Price, the price of the order will be automatically adjusted by the System to one MPV lower (higher) than the CQI Price.<sup>16</sup> Similarly, when unexecuted shares of a D-Limit buy (sell) order are posted to the Order Book, if a quote instability determination is made and such shares are ranked and displayed (in the case of a displayed order) by the System at a price equal to or higher (lower) than the CQI Price, the price of the order will be automatically adjusted by the System to a price one MPV lower (higher) than the CQI Price.<sup>17</sup>

Proposal

Unless otherwise instructed by the User, a D-Limit order that arrives when a quote instability determination is in effect will not be subject to a price adjustment, as described below. Specifically, an incoming D-Limit buy (sell) order with a limit price equal to or higher (lower) than the CQI Price, which arrives during a period of quote instability, would not be automatically price adjusted to one minimum price variation (MPV) lower (higher) than the CQI price, unless the User has selected that order handling instruction.

Nothing in this proposal changes the core functionality of a D-Limit order, *i.e.*, the manner in which the System automatically price adjusts D-Limit orders; rather, the proposal is designed to give Users more control over the price at which their incoming D-Limit orders book or trade. Additionally, IEX is not proposing any changes to how a resting D-Limit order to buy (sell) priced equal to or higher (lower) than the CQI Price will be automatically adjusted in the event of a quote instability determination.

The proposed change is responsive to informal feedback from Members<sup>18</sup> seeking more flexibility in how their D-Limit orders will function on entry. Specifically, IEX understands that some Members would prefer that their D-Limit orders not automatically price adjust on entry during periods of quote instability, because such Members have entered the order with a limit price consistent with their trading objectives at that time with the preference that the order either post to the Order Book at its limit price or execute against eligible resting interest on the Order Book.

Thus, IEX designed this limited but targeted optional order handling

instruction to give Members the flexibility to elect to enter D-Limit orders that will not be automatically price-adjusted on entry when that better suits their trading objectives.<sup>19</sup> To effect this proposed change, IEX proposes to modify IEX Rules 11.190(b)(7)(A) (describing the treatment of buy orders on entry) and 11.190(b)(7)(B) (describing the treatment of sell orders on entry) by adding language to each of these paragraphs stating that the price adjustment functionality only will apply to a D-Limit order on entry if the buy (sell) order has a limit price that is equal to or higher (lower) than the CQI Price, “and the order was submitted with an optional instruction to allow for price adjustment on entry.” IEX is proposing no other changes to the D-Limit order type.

Implementation

The Exchange will announce the implementation date of the proposed rule change by Trading Alert at least ten days in advance of such implementation date and within 90 days of effectiveness of this proposed rule change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>20</sup> in general, and furthers the objectives of Section 6(b)(5),<sup>21</sup> 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 facilitating transactions in securities, and 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. Specifically, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest because it is designed to provide more flexibility and opportunities for Members to add both displayed and non-displayed liquidity to the Exchange. As noted in the Purpose section, the proposed rule change is responsive to informal feedback from some Members that they do not necessarily wish to have their D-Limit orders be price adjusted on entry if they arrive at the Exchange while the CQI is “on.” In response to this feedback, IEX proposes to allow Users the option of either having a D-Limit order be subject to price adjustment on

<sup>6</sup> See IEX Rule 11.190(b)(7).

<sup>7</sup> See IEX Rule 1.160(nn).

<sup>8</sup> See IEX Rule 11.190(g)(1) (detailing the functionality of the crumbling quote indicator (“CQI”) which assesses a quote's instability).

<sup>9</sup> See IEX Rule 11.210.

<sup>10</sup> See IEX Rule 11.190(b)(7)(A) and (B).

<sup>11</sup> See IEX Rule 1.160(qq). Users include both Members and Sponsored Participants, *see* IEX Rule 1.160(ll), but the terms “Member” and “User” are used interchangeably in this filing.

<sup>12</sup> See IEX Rule 1.160(p).

<sup>13</sup> The default order handling for incoming D-Limit orders will be option (1) as described above. Users can submit this optional order handling instruction at both the order and session level.

<sup>14</sup> See IEX Rule 11.190(b)(7)(C) and (D).

<sup>15</sup> See IEX Rule 11.190(b)(7)(A)–(D).

<sup>16</sup> See IEX Rule 11.190(b)(7)(A) and (B).

<sup>17</sup> See IEX Rule 11.190(b)(7)(C) and (D).

<sup>18</sup> See IEX Rule 1.160(s). As discussed in note 11, *supra*, the terms “Member” and “User” are used interchangeably in this filing.

<sup>19</sup> See *supra* note 13.

<sup>20</sup> 15 U.S.C. 78f(b).

<sup>21</sup> 15 U.S.C. 78f(b)(5).

entry during a period of quote instability or to only be subject to price adjustment once the order is posted to the Order Book (and if the CQI is “on”).

By providing additional functionality to enable Members to more effectively manage D-Limit orders, IEX believes that the proposed rule change will promote more use of D-Limit orders, thereby attracting additional liquidity to the Exchange, while remaining consistent with the purpose of the order type.<sup>22</sup> To the extent it is successful in attracting additional liquidity to the Exchange, this rule proposal will benefit all market participants, thereby supporting the purposes of the Act to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

The Exchange further believes that the proposed rule change is consistent with the Act because it would be available to all Members on a fair, equal and nondiscriminatory basis regardless of their technological sophistication. Moreover, the proposal is designed to incentivize the entry of additional D-Limit orders by providing flexibility to support Members’ ability to manage such orders. To the extent that this flexibility incentivizes additional D-Limit orders, all market participants will benefit.

The Exchange also believes that the proposed rule change is consistent with the protection of investors and the public interest because the circumstances under which a D-Limit order will be price adjusted are narrowly tailored, transparent, and predictable, as described in the Purpose section.

The proposed functionality would merely allow a Member to have its D-Limit order on entry treated in the same manner as a regular limit order would be treated on IEX or other exchanges.<sup>23</sup>

Accordingly, based on the foregoing, the Exchange does not believe that the proposed rule change raises any novel issues not already considered by the Commission.

#### *B. Self-Regulatory Organization’s Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is designed to enhance IEX’s competitiveness with other markets by providing additional optional order handling instructions for D-Limit users. As discussed in the Purpose section, the proposal is designed to incentivize the entry of additional liquidity providing orders on IEX by providing flexibility to Members entering D-Limit orders with respect to the pricing of such orders on entry. Further, IEX believes this proposal will enhance opportunities for price discovery and increase the overall displayed (and non-displayed) liquidity profile on the Exchange, to the benefit of all market participants.

The Exchange also does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All Members would be eligible to use the new optional order handling instructions for their D-Limit orders or to have their D-Limit orders continue to be subject to price adjustment on entry.

#### *C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)<sup>24</sup> of the Act and Rule 19b-4(f)(6)<sup>25</sup> thereunder. Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder.

The Exchange believes that the proposed rule change meets the criteria of subparagraph (f)(6) of Rule 19b-4<sup>26</sup> because it would not significantly affect the protection of investors or the public interest. Rather, the proposed rule

change is designed to benefit investors and the public interest by providing enhanced flexibility to Members’ management of their D-Limit orders if such orders arrive during a period of quote instability, as described in the Purpose and Statutory Basis sections.

IEX notes (as discussed in the Statutory Basis section) that both the D-Limit order type and the standard IEX limit order type were approved by the Commission, and this proposed rule change merely allows Users to decide if a D-Limit order that arrives during a period of quote instability should be posted to the order book or execute against resting interest on the Order Book at the order’s limit price, in the same manner as a regular limit order. Accordingly, the Exchange believes that the proposed rule change is noncontroversial and satisfies the requirements of Rule 19b-4(f)(6).<sup>27</sup>

Furthermore, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)<sup>28</sup> of the Act to determine whether the proposed rule change should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-IEX-2026-07 on the subject line.

<sup>22</sup> See Securities Exchange Act Release No. 89686 (August 26, 2020), 85 FR 54438 (September 1, 2020) (SR-IEX-2019-15).

<sup>23</sup> See, e.g., IEX Rule 11.190(a)(1); MEMX Rule 11.8(b); NYSE Rule 7.31(a)(2); Cboe BZX Rule 11.9(a)(1).

<sup>24</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>25</sup> 17 CFR 240.19b-4(f)(6).

<sup>26</sup> 17 CFR 240.19b-4(f)(6).

<sup>27</sup> 17 CFR 240.19b-4(f)(6).

<sup>28</sup> 15 U.S.C. 78s(b)(2)(B).

*Paper Comments*

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-IEX-2026-07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-IEX-2026-07 and should be submitted on or before April 1, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>29</sup>

**Sherry R. Haywood**,  
Assistant Secretary.

[FR Doc. 2026-04710 Filed 3-10-26; 8:45 am]

**BILLING CODE 8011-01-P**

**DEPARTMENT OF STATE**

[Public Notice: 12963]

**Notice of Shipping Coordinating Committee Public Meeting To Prepare for International Maritime Organization MEPC 84 Session**

The Department of State will conduct a public meeting at 1:00 p.m. on Wednesday, April 15, 2026, by teleconference. The primary purpose of the meeting is to prepare for the 84th session of the International Maritime Organization's (IMO) Marine Environment Protection Committee, to be held at IMO Headquarters in London, United Kingdom from Monday, April 27, 2026, to Friday, May 1, 2026.

The agenda items to be considered include:

- Adoption of the agenda
- Decisions of other IMO bodies
- Consideration and adoption of amendments to mandatory instruments
- Harmful aquatic organisms in ballast water

- Air pollution prevention
- Energy efficiency of ships
- Reduction of GHG emissions from ships
- Follow-up work emanating from the Action Plan to address marine plastic litter from ships
- Experience-building phase for the reduction of underwater radiated noise from shipping
- Pollution prevention and response
- Reports of other sub-committees
- Identification and protection of Special Areas, ECAs and PSSAs
- Application of the Committees' method of work
- Work programme of the Committee and subsidiary bodies
- Any other business
- Consideration of the report of the Committee

*Please note:* The IMO may, on short notice, adjust the MEPC 84 agenda to accommodate any constraints associated with the meeting. Although no changes to the agenda are anticipated, if any are necessary, they will be provided to those who RSVP.

Those who plan to participate may contact the meeting coordinator, LCDR Emily Sysko, by email at [Emily.T.Sysko@uscg.mil](mailto:Emily.T.Sysko@uscg.mil), by phone at (571) 608-5576, or in writing at ATTN: LCDR Emily Sysko, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593-7509, by April 8, 2026. Members of the public needing reasonable accommodation should advise LCDR Emily Sysko no later than April 8, 2026. Requests made after that date will be considered but might not be possible to fulfill.

Additional information regarding this and other IMO public meetings may be found at: <https://www.dco.uscg.mil/IMO>.

(Authority: 22 U.S.C. 2656 and 5 U.S.C. 1001 *et seq.*)

**Emily C. Miletello**,

*Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, U.S. Department of State.*

[FR Doc. 2026-04771 Filed 3-10-26; 8:45 am]

**BILLING CODE 4710-09-P**

**DEPARTMENT OF STATE**

[Public Notice: 12958]

**Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Mysteries of the Nile: Ancient Egypt” 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 “Mysteries of the Nile: Ancient Egypt” at the Tampa Museum of Art, Tampa, Florida, 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](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/DP, 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. 2026-04734 Filed 3-10-26; 8:45 am]

**BILLING CODE 4710-05-P**

**DEPARTMENT OF STATE**

[Public Notice: 12964]

**Notice of Shipping Coordinating Committee Public Meeting To Prepare for International Maritime Organization LEG 113 Session**

The Department of State will conduct a public meeting at 10:00 a.m. on Thursday, April 2, 2026, by teleconference. The primary purpose of the meeting is to prepare for the 113th session of the International Maritime Organization's (IMO) Legal Committee to be held at IMO Headquarters in London, United Kingdom, from Monday, April 13, 2026 to Friday, April 17, 2026.

The agenda items to be considered include:

- Adoption of the agenda

<sup>29</sup> 17 CFR 200.30-3(a)(12).

- Report of the Secretary-General on credentials
- Facilitation of the entry into force and harmonized interpretation of the 2010 HNS Protocol
- Fair treatment of seafarers
  - (a) Provision of financial security in case of abandonment of seafarers, and shipowners' responsibilities in respect of contractual claims for personal injury to, or death of seafarers, in light of the progress of amendments to the ILO Maritime Labor Convention, 2006
  - (b) Fair treatment of seafarers in the event of a maritime accident
  - (c) Fair treatment of seafarers detained on suspicion of committing crimes
- Advice and guidance in connection with the implementation of IMO instruments
  - (a) Impact on shipping and seafarers of the situation in the Black Sea and the Sea of Azov
- Measures to prevent unlawful practices associated with the fraudulent registration and fraudulent registries of ships
- Piracy and armed robbery against ships
- Measures to address maritime autonomous surface ships (MASS) in instruments under the purview of the Legal Committee
- Work of other IMO bodies
- Technical cooperation activities related to maritime legislation
- Review of the status of conventions and other treaty instruments emanating from the Legal Committee
- Development of guidelines or best practices on the registration of ships
- Regulatory scoping exercise of IMO conventions and other instruments available for Member States to further develop actions to prevent unlawful operations including substandard ships
- Suitability of IMO liability and compensation regimes with respect to alternative fuels
- Measures to address maritime security threats
- Work programme
- Election of officers
- Any other business
- Consideration of the report of the Committee on its 113th session

*Please note:* The IMO may, on short notice, adjust the LEG 113 agenda to accommodate any constraints associated with the meeting. Although no changes to the agenda are anticipated, if any are necessary, they will be provided to those who RSVP.

Those who plan to participate may contact the meeting coordinator, Mr. Stephen Huchen at

*Stephen.k.Hubchen@USCG.mil*, by phone at (571) 607-3731, or in writing at 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593-7509, not later than March 19, 2026. Members of the public needing reasonable accommodation should advise Mr. Stephen Hubchen no later than March 31, 2026. Requests made after that date will be considered but might not be possible to fulfill.

Additional information regarding this and other IMO public meetings may be found at: <https://www.dco.uscg.mil/IMO>.

(Authority: 22 U.S.C. 2656, 5 U.S.C. 1001 *et seq.*)

**Emily C. Miletello,**

*Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, U.S. Department of State.*

[FR Doc. 2026-04772 Filed 3-10-26; 8:45 am]

**BILLING CODE 4710-09-P**

## DEPARTMENT OF STATE

[Public Notice 12960]

### 60-Day Notice of Proposed Information Collection: Application for A, G, or NATO Visa

**ACTION:** Notice of request for public comment.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

**DATES:** The Department will accept comments from the public up to May 11, 2026.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Web:* Persons with access to the internet may comment on this notice by going to [www.Regulations.gov](http://www.Regulations.gov). You can search for the document by entering "Docket Number: DOS-2026-0266" in the Search field. Then click the "Comment Now" button and complete the comment form.

- *Email:* [PRA\\_BurdenComments@state.gov](mailto:PRA_BurdenComments@state.gov).

- *Regular Mail:* Send written comments to: Senior Regulatory Coordinator, Visa Services, Department of State, 600 19th St. NW, Washington, DC 20006.

You must include the DS form number (if applicable), information

collection title, and the OMB control number in any correspondence.

#### SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application for A, G, or NATO Visa.

- *OMB Control Number:* 1405-0100.

- *Type of Request:* Renewal of Currently Approved Collection, with Revision.

- *Originating Office:* CA/VO.

- *Form Number:* DS-1648.

- *Respondents:* Eligible Foreign Government Officials and Representatives to and Employees of International Organizations.

- *Estimated Number of Respondents:* 17,000.

- *Estimated Number of Responses:* 17,000.

- *Average Time per Response:* 30 minutes.

- *Total Estimated Burden Time:* 8,500 Hours.

- *Frequency:* Once Per Application for an A, G, or NATO Visa.

- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

#### Abstract of Proposed Collection

The Department of State uses Form DS-1648 to elicit information from applicants who are applying for an A, G, or NATO visa in the United States, excluding applicants for an A-3, G-5 or NATO-7 visa. Sections 101(a)(15)(A) and (G) of the Immigration and Nationality Act (INA), and Department regulations at 22 CFR 41.25, 41.26, and 41.27, describe the criteria for these nonimmigrant visa classifications.

#### Methodology

The DS-1648 is submitted electronically at <https://ceac.state.gov/>

*agnato*. Upon completion of the form, the applicant is instructed to print a confirmation page containing a barcoded record locator. The applicant will include this confirmation page when transmitting the passport to the Department for visa issuance.

**Stuart R. Wilson,**

*Deputy Assistant Secretary for Visa Services,  
Bureau of Consular Affairs, Department of  
State.*

[FR Doc. 2026-04716 Filed 3-10-26; 8:45 am]

**BILLING CODE 4710-06-P**

## **SURFACE TRANSPORTATION BOARD**

### **Senior Executive Service Performance Review Board (PRB) and Executive Resources Board (ERB) Membership**

**AGENCY:** Surface Transportation Board.

**ACTION:** Senior Executive Service Performance Review Board (PRB) and Executive Resources Board (ERB) membership.

**SUMMARY:** Effective immediately, the memberships of the PRB and ERB are as follows:

#### **Performance Review Board**

Michelle Schultz, Chairman  
Rachel Campbell, Member  
Danielle Gosselin, Member  
Anika Cooper, Alternate Member

#### **Executive Resources Board**

Karen Hedlund, Chairman  
Robert Reilly, Member  
Janie Sheng, Member  
Christopher Bertram, Alternate Member  
(Authority: 5 U.S.C. 4314(c)(4))

**FOR FURTHER INFORMATION CONTACT:** If you have any questions, please contact Jennifer Layne at [jennifer.layne@stb.gov](mailto:jennifer.layne@stb.gov) or 202-245-0340.

**Tammy Lowery,**

*Clearance Clerk.*

[FR Doc. 2026-04764 Filed 3-10-26; 8:45 am]

**BILLING CODE 4915-01-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Membership in the National Parks Overflights Advisory Group**

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

**ACTION:** Notice of selection to and Solicitation of applications for the National Park Overflights Advisory Group.

**SUMMARY:** By **Federal Register** notice on August 19, 2025, the Federal Aviation Administration (FAA) and the National Park Service (NPS), invited interested persons to apply to fill four vacancies on the National Parks Overflights Advisory Group (NPOAG). The openings are for a representative of Native American tribes, a representative of air tour operators, and two representatives of environmental concerns. This notice informs the public of the selections made for the representatives of air tour operators and environmental concerns.

**FOR FURTHER INFORMATION CONTACT:** Sandi Fox, Environmental Protection Specialist, telephone: (202) 267-0928, email: [sandra.y.fox@faa.gov](mailto:sandra.y.fox@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106-181, and subsequently amended in the FAA Modernization and Reform Act of 2012. The Act required the establishment of the advisory group within one year after its enactment. The NPOAG was established in March 2001. The advisory group is comprised of representatives of general aviation, commercial air tour operators, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairman of the advisory group.

In accordance with the Act, the advisory group provides “advice, information, and recommendations to the Administrator and the Director-

(1) On the implementation of this title (the Act) and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.”

*Selections:* Murray Huling was selected to fill the vacancy for general aviation. The three-year term will commence on the publication date of this **Federal Register** notice.

##### **II. Selection**

Francois Lassale of VAI, Inc. was selected for the commercial air tour operator vacancy; Brian Peterson of Kansas State University and Robert Randall Kaplan Kirsch LLP were selected to fill the environmental interest vacancies. No applications were received for the position representing Native American tribes and therefore the position was not filled.

##### **III. Membership**

The current NPOAG is made up of one member representing general aviation, three members representing commercial air tour operators, four members representing environmental concerns, and two members representing Native American tribes. Members serve three-year terms. Current members of NPOAG are Francois Lassale, John Becker, and Eric Lincoln representing commercial air tour operators; Murray Huling representing general aviation; Robert Randall, Les Blomberg, John Eastman, and Brian Peterson representing environmental interests; Dyan Youpee and one vacancy representing Native American tribes.

Dated: March 9, 2026.

**Sandra Fox,**

*Environmental Protection Specialist.*

[FR Doc. 2026-04778 Filed 3-10-26; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

[Docket No. **FMCSA-2017-0057; FMCSA-2017-0058; FMCSA-2019-0111; FMCSA-2021-0017; FMCSA-2023-0021; FMCSA-2023-0024; FMCSA-2023-0025**]

#### **Qualification of Drivers; Exemption Applications; Hearing**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 12 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on March 4, 2026. The exemptions expire on March 4, 2028. Comments

must be received on or before April 10, 2026.

**ADDRESSES:** You may submit comments identified by Docket No. FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2019–0111, FMCSA–2021–0017, FMCSA–2023–0021, FMCSA–2023–0024, or FMCSA–2023–0025, as appropriate, using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov), insert the docket number (FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2019–0111, FMCSA–2021–0017, FMCSA–2023–0021, FMCSA–2023–0024, or FMCSA–2023–0025, as appropriate) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov). Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

## **SUPPLEMENTARY INFORMATION:**

### **I. Public Participation**

#### *A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2019–0111, FMCSA–2021–0017, FMCSA–2023–0021, FMCSA–2023–0024, or FMCSA–2023–0025), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand

delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number (FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2019–0111, FMCSA–2021–0017, FMCSA–2023–0021, FMCSA–2023–0024, or FMCSA–2023–0025) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

#### *B. Confidential Business Information (CBI)*

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at [brian.g.dahlin@dot.gov](mailto:brian.g.dahlin@dot.gov). At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

#### *C. Viewing Comments*

To view comments, go to [www.regulations.gov](http://www.regulations.gov). Insert the docket number (FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2019–0111, FMCSA–2021–0017, FMCSA–2023–0021, FMCSA–2023–0024, or FMCSA–2023–0025) in the keyword box and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

#### *D. Privacy Act*

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the “Department Wide System of Records Notices” link at <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>. The comments are posted without edit and are searchable by the name of the submitter.

### **II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will

be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

### III. Background

The physical qualification standard for drivers regarding hearing, found in 49 CFR 391.41(b)(11), states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971)).

The 12 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

### IV. Request for Comments

Interested parties or organizations possessing information that would show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if the person has failed to comply with the terms and conditions of the exemption, or if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136, FMCSA will take immediate steps to revoke the exemption of a driver.

### V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 12 applicants have satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 12 drivers in

this notice remain in good standing with the Agency. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each of these drivers for a period of 2 years is likely to achieve a level of safety equivalent to the level that would be achieved without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Baldemar Barba (TX)  
Antonio Brown (LA)  
William Darnell (AZ)  
Lucius Fowler (IL)  
Alexander Lindsay (OH)  
Adrian Lopez (TX)  
Rage Muse (MN)  
Jodyann Nipper (IA)  
Michael Paul (IL)  
William Rivas (CA)  
Lakeisha Rosbia (AK)  
Robert Troeller (WI)

The drivers were included in docket numbers FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2019–0111, FMCSA–2021–0017, FMCSA–2023–0021, FMCSA–2023–0024, or FMCSA–2023–0025. Their exemptions were applicable as of March 4, 2026, and will expire on March 4, 2028.

### VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver (1) must report to FMCSA any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (2) must report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391, within 7 days of the citation and conviction; (3) must submit to FMCSA annual certified driving records from their SDLA; and (4) is prohibited from operating a motorcoach or bus with passengers in interstate

commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption as set forth above; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49 chapter 313 or section 31136.

### VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

### VIII. Conclusion

Based upon its evaluation of the 12 exemption renewal applications, FMCSA renews the exemptions of the above-named drivers from the hearing requirement in 49 CFR 391.41(b)(11). In accordance with 49 U.S.C. 31136(e) and 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years unless revoked earlier by FMCSA.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2026–04760 Filed 3–10–26; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0523]

#### Zoox—Receipt of Application for Temporary Exemption From Various Requirements of the Federal Motor Vehicle Safety Standards for an Automated Driving System-Equipped Vehicle; Request for Comment

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Request for public comment.

**SUMMARY:** Zoox, Inc. (“Zoox”) has petitioned NHTSA for a temporary exemption from certain requirements in eight Federal Motor Vehicle Safety Standards (FMVSS) applicable to its

passenger car equipped with an automated driving system (ADS). Specifically, Zoox seeks exemption from portions of FMVSS No. 103, Windshield defrosting and defogging systems; FMVSS No. 104, Windshield wiping and washing systems; FMVSS No. 108, Lamps, reflective devices, and associated equipment; FMVSS No. 111, Rear visibility; FMVSS No. 135, Light vehicle brake systems; FMVSS No. 201, Occupant protection in interior impact; FMVSS No. 205, Glazing materials; and FMVSS No. 208, Occupant crash protection. NHTSA is publishing this document in accordance with statutory and administrative provisions and seeks comment on the merits of Zoox's exemption application and on potential terms and conditions that should be applied to a temporary exemption if granted. After receiving and considering public comments, NHTSA will make a decision on the merits of the application and will publish a notice in the **Federal Register** setting forth NHTSA's reasoning for either granting or denying the petition.

**DATES:** Comments must be received on or before April 10, 2026.

**ADDRESSES:** You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Electronic Submissions:* Go to <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, Suite W58-213, 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. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act discussion below. NHTSA will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, NHTSA will also consider comments filed after the closing date.

*Docket:* For access to the docket to read background documents or comments received, go to <https://www.regulations.gov/docket/NHTSA-2025-0523> at any time or to 1200 New Jersey Avenue SE, West Building

Ground Floor, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: 202-366-9826.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

*Confidential Business Information:* If you wish to submit any information under a claim of confidentiality, you must submit your request directly to NHTSA's Office of the Chief Counsel. Requests for confidentiality are governed by 49 CFR part 512. If you claim that any of the information or documents provided to the Agency constitute confidential business information within the meaning of 5 U.S.C. 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with part 512, to the Office of the Chief Counsel. Your request must include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR 512.8) and a certificate, pursuant to § 512.4(b) and part 512, appendix A. NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the Agency under part 512. Please do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters. The request should be sent to Dan Rabinovitz in the Office of the Chief Counsel at [Daniel.Rabinovitz@dot.gov](mailto:Daniel.Rabinovitz@dot.gov) or you may contact him for a secure file transfer link. Manufacturers or any companies that already have a Confidential Business Information (CBI) Portal account or an Enterprise Account with NHTSA should use the CBI Portal for their submission. If you submit a CBI request, please also email a courtesy copy of the request to Callie Roach, Office of the Chief Counsel at [callie.roach@dot.gov](mailto:callie.roach@dot.gov). In addition, you

should submit a copy, from which you have deleted the claimed confidential business information, to the Docket at the address given above.

**FOR FURTHER INFORMATION CONTACT:** For legal issues: Callie Roach, Office of the Chief Counsel at [callie.roach@dot.gov](mailto:callie.roach@dot.gov). For technical issues: Emily Shull, Rulemaking Office of Automation Safety at [Emily.Shull@dot.gov](mailto:Emily.Shull@dot.gov); Fax: (202) 366-7002. Mailing address: National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. Authority and Procedures for Temporary Exemption
- III. Zoox's Application
- IV. Agency's Review of Zoox's Application
- V. Terms
- VI. Public Participation

#### I. Introduction

NHTSA is responsible for promulgating and enforcing Federal Motor Vehicle Safety Standards (FMVSS) designed to improve motor vehicle safety. Generally, a manufacturer may not manufacture for sale, sell, offer for sale, or introduce or deliver for introduction into interstate commerce a vehicle that does not comply with all applicable FMVSS.<sup>1</sup> There are limited exceptions to this general prohibition.<sup>2</sup> One path permits manufacturers to petition NHTSA for an exemption for noncompliant vehicles under a specified set of statutory bases.<sup>3</sup>

On August 22, 2025, Zoox submitted an application for exemption for its ADS-equipped vehicle, the "Zoox robotaxi." Specifically, Zoox petitioned NHTSA for a temporary exemption from portions of eight FMVSS. Zoox requests a two-year exemption for not more than 2,500 exempted vehicles for each 12-month period covered by the exemption. Granting the temporary exemption would allow Zoox to manufacture for sale, sell, or deploy into interstate commerce vehicles that do not comply fully with the FMVSS.

NHTSA is seeking comment on the merits of Zoox's exemption application, as supplemented by additional information provided to NHTSA. These documents are available in the docket for this petition, available at <https://www.regulations.gov/docket/NHTSA-2025-0523>.

<sup>1</sup> 49 U.S.C. 30112(a)(1).

<sup>2</sup> 49 U.S.C. 30112(b); 49 U.S.C. 30113; 49 U.S.C. 30114.

<sup>3</sup> 49 U.S.C. 30113.

## II. Authority and Procedures for Temporary Exemption

The National Traffic and Motor Vehicle Safety Act (the "Safety Act") authorizes the Secretary of Transportation to exempt motor vehicles on a temporary basis, under specified circumstances and on terms that the Secretary considers appropriate, from an FMVSS or bumper standard. This authority is set forth at 49 U.S.C. 30113 and has been delegated to NHTSA.<sup>4</sup> Section 30113 authorizes the Secretary to grant, in whole or in part, a temporary exemption to a vehicle manufacturer if the Secretary finds that the exemption meets one of the four enumerated bases<sup>5</sup> and finds that the exemption is consistent with the public interest and with the objectives of the Safety Act.<sup>6</sup>

Zoox seeks a temporary exemption on the basis specified in 49 CFR 555.6(d) that compliance with the eight FMVSS would prevent it from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt (*i.e.*, compliant) vehicles.<sup>7</sup>

NHTSA established 49 CFR part 555, *Temporary Exemption from Motor Vehicle Safety and Bumper Standards*, to implement the statutory provisions concerning temporary exemptions. The requirements in 49 CFR 555.5 state that the applicant must set forth the basis of the application and the information required under 49 CFR 555.6, and the reasons why the exemption would be in the public interest and consistent with the objectives of the Safety Act. An application submitted on the basis that the applicant is otherwise unable to sell a vehicle whose overall level of safety is at least equal to that of a nonexempt vehicle must include the information specified in 49 CFR 555.6(d).

## III. Zoox's Application

Zoox's application provides a description of its vehicle and safety features. It discusses how specific aspects their vehicle's design precludes compliance certification with certain aspects of specific FMVSS (*e.g.*, the vehicle does not have a service brake pedal required by FMVSS No. 135, "Light vehicle brake systems" because the vehicle is designed never to be operated by a human driver). The application describes requested FMVSS

exemptions and explains why Zoox believes the vehicle provides an overall safety level equivalent to a nonexempt vehicle. The application also details the capabilities of the automated driving system, general operational procedures, and Zoox's public interest arguments. To support its safety justification, Zoox submitted nine appendices. Following the application, NHTSA requested further information regarding the vehicle's design, the ADS, and operations. Because Zoox sought confidential treatment of portions of its submitted materials, redacted versions of Zoox's application, appendices, and responses to NHTSA's questions can be found in the docket.<sup>8</sup>

Zoox has petitioned NHTSA for a temporary exemption from certain requirements in eight FMVSS for its ADS-equipped vehicle. Specifically, Zoox seeks exemption from portions of:

- FMVSS No. 103, "Windshield defrosting and defogging systems"
- FMVSS No. 104, "Windshield wiping and washing systems"
- FMVSS No. 108, "Lamps, reflective devices, and associated equipment"
- FMVSS No. 111, "Rear visibility"
- FMVSS No. 135, "Light vehicle brake systems"
- FMVSS No. 201, "Occupant protection in interior impact"
- FMVSS No. 205, "Glazing materials" and
- FMVSS No. 208, "Occupant crash protection"

## IV. Agency's Review of Zoox's Application

NHTSA has not yet made any decision on the merits of Zoox's application. NHTSA will make a decision on the merits of the application after receiving and considering public comments to this notice, as well as any additional information that the agency receives from Zoox.

## V. Terms

Section 30113 authorizes the Secretary, NHTSA by delegation, to condition the grant of a temporary exemption "on terms [NHTSA] considers appropriate."<sup>9</sup> The agency's authority to set terms includes the ability to set terms that would ensure that the exemption is in the public interest and allow NHTSA to oversee vehicle operation as appropriate. If

NHTSA decides to grant Zoox's application, it will carefully consider whether and what terms to establish. The terms may apply for specified lengths of time or may apply throughout the exempted vehicles' useful life. In addition, NHTSA may condition a grant on operational terms that may be changed pursuant to subsequent letters from NHTSA that will be made publicly available.

## VI. Public Participation

### A. Request for Comment and Comment Period

The agency seeks comment from the public on the merits of Zoox's petition for a temporary exemption. NHTSA is also seeking comment on the potential types of terms the agency should set if the agency decides to grant the petition. NHTSA is providing a 30-day comment period. After considering public comments and other available information, NHTSA will publish a notice of final action on the petition in the **Federal Register**.

### B. Instructions for Submitting Comments

How long do I have to submit comments?

Please see **DATES** section at the beginning of this document.

How do I prepare and submit comments?

- Your comments must be written in English.

- To ensure that your comments are correctly filed in the Docket, please include the Docket Number shown at the beginning of this document in your comments.

- If you are submitting comments electronically as a PDF (Adobe) File, NHTSA asks that the documents be submitted using the Optical Character Recognition (OCR) process, thus allowing NHTSA to search and copy certain portions of your submissions. Comments may be submitted to the docket electronically by logging onto the Docket Management System website at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- You may also submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

<sup>4</sup> 49 CFR 1.95.

<sup>5</sup> 49 U.S.C. 30113(b)(3).

<sup>6</sup> 49 U.S.C. 30113(b)(3)(A).

<sup>7</sup> 49 U.S.C. 30113(b)(3)(B)(iv).

<sup>8</sup> NHTSA-2025-0523.

<sup>9</sup> 49 U.S.C. 30113(b)(1) (delegation of authority at 49 CFR 1.95).

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at <http://www.whitehouse.gov/omb/fedreg/reproducible.html>. DOT's guidelines may be accessed at [http://www.bts.gov/programs/statistical\\_policy\\_and\\_research/data\\_quality\\_guidelines](http://www.bts.gov/programs/statistical_policy_and_research/data_quality_guidelines).

Will the Agency consider late comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

How can I read the comments submitted by other people?

You may see the comments on the internet. To read the comments on the internet, go to <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

Please note that, even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

*Authority:* 49 U.S.C. 30113 and 30166; delegation of authority at 49 CFR 1.95.

**Jonathan Morrison,**  
Administrator.

[FR Doc. 2026-04730 Filed 3-10-26; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Bureau of Transportation Statistics

[Docket No. DOT-OST-2026-0727]

#### Data Security Requirements for Accessing Confidential Data; Agency Information Collection Activities; Comment Request

**AGENCY:** Bureau of Transportation Statistics (BTS), Office of the Assistant Secretary for Research and Technology (OST-R), DOT.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Transportation Statistics (BTS) within the Department of Transportation (DOT) invites the general public and other Federal

agencies to comment on an existing information collection. BTS collects information from the public to fulfill its data security requirements when providing access to restricted use microdata for the purpose of evidence building. BTS's data security agreements and other paperwork along with the corresponding security protocols allow BTS to maintain careful controls on confidentiality and privacy, as required by law. The purpose of this notice is to allow for 60 days of public comment on the renewal of the data security information collection, prior to submission of the information collection request (ICR) to the Office of Management and Budget (OMB).

**DATES:** Written comments on this notice must be received by May 11, 2026 to be assured of consideration. Comments received after that date will be considered to the extent practicable. Send comments to the address below.

**ADDRESSES:** 1200 New Jersey Ave. SE, Room E34-308, Washington, DC 20590.

*Comments:* Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of BTS, including whether the information will have practical utility; (b) the accuracy of BTS's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:**

Clara Reschovsky, BTS Confidentiality Officer, BTS, OST-R, Department of Transportation, 1200 New Jersey Ave. SE, Room E34-308, Washington, DC 20590, (202) 768-4994, Office hours are from 8:00 a.m. to 5:30 p.m., E.T., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** The Foundations for Evidence-Based Policymaking Act of 2018 mandated that the Office of Management and Budget (OMB) establish a Standard Application Process (SAP) for requesting access to certain confidential data assets. While the adoption of the SAP is required for statistical agencies and units designated under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA), it is recognized that other agencies and

organizational units within the Executive branch may benefit from the adoption of the SAP to accept applications for access to confidential data assets. The SAP is to be a process through which agencies, the Congressional Budget Office, State, local, and Tribal governments, researchers, and other individuals, as appropriate, may apply to access confidential data assets held by a federal statistical agency or unit for the purposes of developing evidence. With the Interagency Council on Statistical Policy (ICSP) as advisors, the entities upon whom this requirement is levied are working with the SAP Project Management Office (PMO) and with OMB to implement the SAP. The SAP Portal is to be a single web-based common application for the public to request access to confidential data assets from federal statistical agencies and units. The National Center for Science and Engineering Statistics (NCSES), within the National Science Foundation (NSF), submitted a **Federal Register** Notice in June 2025 announcing the renewal plan to collect information through the SAP Portal (90 FR 25380).

Once an application for confidential data is approved through the SAP Portal, BTS will collect information to meet its data security requirements. This collection will occur outside of the SAP Portal.

*Title of Collection:* Data Security Requirements for Accessing Confidential Data.

*OMB Control Number:* 2138-0052.

*Expiration Date of Current Approval:* May 31, 2026.

*Type of Request:* Intent to seek approval to collect information from the public to fulfill BTS security requirements allowing individuals to access confidential data assets for the purposes of building evidence.

*Abstract:* Title III of the Foundations for Evidence-Based Policymaking Act of 2018 (hereafter referred to as the Evidence Act) mandates that OMB establish a Standard Application Process (SAP) for requesting access to certain confidential data assets. Specifically, the Evidence Act requires OMB to establish a common application process through which agencies, the Congressional Budget Office, State, local, and Tribal governments, researchers, and other individuals, as appropriate, may apply for access to confidential data assets collected, accessed, or acquired by a statistical agency or unit. This new process will be implemented while maintaining stringent controls to protect confidentiality and privacy, as required by law.

Data collected, accessed, or acquired by statistical agencies and units is vital for developing evidence on conditions, characteristics, and behaviors of the public and on the operations and outcomes of public programs and policies. This evidence can benefit the stakeholders in the programs, the broader public, as well as policymakers and program managers at the local, State, Tribal, and National levels. The many benefits of access to data for evidence building notwithstanding, BTS is required by law to maintain careful controls that allow it to minimize disclosure risk while protecting confidentiality and privacy. The fulfillment of BTS's data security requirements places a degree of burden on the public, which is outlined below.

The SAP Portal is a web-based application for the public to request access to confidential data assets from federal statistical agencies and units. The objective of the SAP Portal is to increase public access to confidential data for the purposes of evidence building and reduce the burden of applying for confidential data. The paragraphs below outline the SAP Policy, the steps to complete an application through the SAP Portal, and the process for agencies to collect information fulfilling their data security requirements.

### **The SAP Policy**

At the recommendation of the ICSP, the SAP Policy established the SAP to be implemented by statistical agencies and units and incorporates directives from the Evidence Act. The policy is intended to provide guidance as to the application and review processes using the SAP Portal, setting forth clear standards that enable statistical agencies and units to implement a common application form and a uniform review process. The methods of collection outlined below are in accordance with the SAP Policy. The SAP Policy was submitted to the public for comment in January 2022 (87 FR 2459). The policy was issued by OMB in December of 2022 as M-23 (<https://www.whitehouse.gov/wp-content/uploads/2022/12/M-23-04.pdf>).

For the purpose of the SAP Policy, the application process begins with an applicant discovering a confidential data asset for which a statistical agency or unit is accepting applications to access for the purpose of building evidence and ends with the agency or unit's determination on whether to grant access. In the case of an adverse determination, the application process ends with the conclusion of an appeals

process if the applicant elects to appeal the determination.

### **The SAP Portal**

The SAP Portal is an application interface connecting applicants seeking data with a catalog of data assets owned by the federal statistical agencies and units. The SAP Portal is not a new data repository or warehouse; confidential data assets will continue to be stored in secure data access facilities owned and hosted by the federal statistical agencies and units. The Portal provides a streamlined application process across agencies, reducing redundancies in the application process. This single SAP Portal improves the process for applicants, tracking and communicating the application process throughout its lifecycle. This reduces redundancies and burden on applicants that request access to data from multiple agencies. The SAP Portal automates key tasks to save resources and time and will bring agencies into compliance with the Evidence Act statutory requirements.

### **Data Discovery**

Individuals begin the process of accessing restricted use data by discovering confidential data assets through the SAP data catalog, maintained by federal statistical agencies at [www.researchdatagov.org](http://www.researchdatagov.org). Potential applicants can search by agency, topic, or keyword to identify data of interest or relevance. Once they have identified data of interest, applicants can view metadata outlining the title, description or abstract, scope and coverage, and detailed methodology related to a specific data asset to determine its relevance to their research.

While statistical agencies and units shall endeavor to include metadata in the SAP data catalog on all confidential data assets for which they accept applications, it may not be feasible to include metadata for some data assets (e.g., potential curated versions of administrative data). A statistical agency or unit may still accept an application through the SAP Portal even if the requested data asset is not listed in the SAP data catalog.

### **SAP Application Process**

Individuals who have identified and wish to access confidential data assets are able to apply for access through the SAP Portal. Applicants must create an account and follow all steps to complete the application. Applicants begin by entering their personal, contact, and institutional information, as well as the personal, contact, and institutional information of all individuals on their

research team. Applicants proceed to provide summary information about their proposed project, to include project title, duration, funding, timeline, and other details including the data asset(s) they are requesting and any proposed linkages to data not listed in the SAP data catalog, including non-federal data sources. Applicants then proceed to enter detailed information regarding their proposed project, including a project abstract, research question(s), literature review, project scope, research methodology, project products, and anticipated output. Applicants must demonstrate a need for confidential data, outlining why their research question cannot be answered using publicly available information.

### **Submission for Review**

Upon submission of their application, applicants will receive a notification that their application has been received and is under review by the data owning agency or agencies (in the event where data assets are requested from multiple agencies).

In accordance with the Evidence Act and the direction of the ICSP, agencies will approve or reject an application within a prompt timeframe. In some cases, agencies may determine that additional clarity, information, or modification is needed and request the applicant to "revise and resubmit" their application.

**Appeals Process:** In the event of an adverse determination, the applicant is provided justification through the SAP Portal detailing the determination. The SAP Portal provides the applicant with the option to submit an appeal for reconsideration by the data-owning agency or agencies. Applicants can also file an appeal for noncompliance with the SAP Policy.

**Access to Restricted Use Data:** In the event of a positive determination, applicants are notified that their proposal has been accepted and that application approval does not alone grant access to confidential data, and that applicants must comply with the data-owning agency's security requirements outside of the SAP Portal, which may include a background check. In the event of an adverse determination, the applicant is notified of the decision and their right to appeal the decision. The positive or final adverse determination concludes the SAP-Portal process. In the instance of a positive determination, the data-owning agency (or agencies) will contact the applicant to provide instructions on the agency's security requirements that must be completed to gain access to the confidential data. The completion and

submission of the agency's security requirements occurs outside of the SAP Portal and is therefore not included in the estimate of burden below.

#### **Collection of Information for Data Security Requirements**

In the instance of a positive determination for an application requesting access to a BTS confidential data asset, BTS will contact the applicant(s) to initiate the process of collecting information to fulfill their security requirements. These include additional requirements necessary for BTS to place the applicant(s) in a trusted category that may include the applicant's successful completion of a background investigation, confidentiality training, nondisclosure, and data use agreements.

*Estimate of Burden:* The amount of time to complete the agreements and other paperwork that comprise BTS's security requirements will vary based on the confidential data assets requested and the access modality. To obtain access to BTS confidential data assets, it is estimated that the average time to complete and submit BTS's data security agreements and other paperwork is 90 minutes. This estimate does not include the time needed to complete and submit an application within the SAP Portal. All efforts related to SAP Portal applications occur prior to

and separate from BTS's effort to collect information related to data security requirements.

The expected number of applications in the SAP Portal that receive a positive determination from BTS in a given year may vary. Overall, per year, BTS estimates it will collect data security information for five application submissions that received a positive determination within the SAP Portal. BTS estimates that the total burden for the collection of information for data security requirements over the course of the three-year OMB clearance will be about 22.5 hours and, as a result, an average annual burden of 7.5 hours.

Issued in Washington, DC, on the 5th of March 2026.

**Edward Strocko,**

*Acting Director, Bureau of Transportation Statistics, U.S. Department of Transportation.*

[FR Doc. 2026-04735 Filed 3-10-26; 8:45 am]

**BILLING CODE 4910-9X-P**

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## **DEPARTMENT OF THE TREASURY**

### **Office of the Secretary**

#### **List of Countries Requiring Cooperation With an International Boycott**

In accordance with section 999(a)(3) of the Internal Revenue Code of 1986,

the Department of the Treasury is publishing a current list of countries which require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

Iraq  
Kuwait  
Lebanon  
Libya  
Qatar  
Saudi Arabia  
Syria  
Yemen

**James Wang,**

*Acting International Tax Counsel (Tax Policy).*

[FR Doc. 2026-04714 Filed 3-10-26; 8:45 am]

**BILLING CODE 4810-AK-P**



# FEDERAL REGISTER

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Part II

## The President

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Executive Order 14390—Combating Cybercrime, Fraud, and Predatory Schemes Against American Citizens



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# Presidential Documents

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Title 3—

Executive Order 14390 of March 6, 2026

The President

## Combating Cybercrime, Fraud, and Predatory Schemes Against American Citizens

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

**Section 1. Purpose and Policy.** Cybercrime, fraud, and predatory schemes are draining American families of their life savings, stealing the benefits of years of work, and destroying the lives of our youth. These activities—which include deploying ransomware and malware, phishing, financial fraud, “sextortion” and other extortion schemes, impersonation, and more—are often coordinated campaigns carried out by Transnational Criminal Organizations (TCOs) aimed at the most vulnerable among us. In many cases, foreign regimes provide willing or tacit state support to cybercrime and predatory schemes, creating a shadow economy fueled by stolen identities, coercion, forced labor, and human trafficking.

It is the policy of the United States to protect Americans from, and harden our financial and digital systems against, these threats. The United States shall counter attacks on Americans with a commensurate response that includes law enforcement, diplomacy, and potential offensive actions. It is further the policy of the United States to provide support to victims of these crimes, expand public alerts, and prioritize protection for those most at risk to end the exploitation and victimization of Americans.

**Sec. 2. Combating Scam Centers and Cybercrime.** (a) The Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, and the Secretary of Homeland Security, in consultation with the Office of the National Cyber Director, and in coordination with the Assistant to the President and Homeland Security Advisor (APHSA), shall:

(i) within 60 days of the date of this order, review the relevant operational, technical, diplomatic, and regulatory frameworks in place to determine how each can be improved to best combat TCOs engaged in cyber-enabled crime and similar predatory schemes against Americans; and

(ii) within 120 days of the date of this order, using the results of the review directed in subsection (a)(i) of this section, submit to the President, through the APHSA, an action plan that identifies the TCOs responsible for scam centers and cybercrime and proposes solutions to prevent, disrupt, investigate, and dismantle these TCOs. This action plan shall provide for the creation of an operational cell within the National Coordination Center (NCC) established pursuant to section 6(d) of Executive Order 14159 of January 20, 2025 (Protecting the American People Against Invasion), which will be responsible for coordinating Federal efforts to detect, disrupt, dismantle, and deter—including by involving the private sector as appropriate—cyber-enabled criminal activity conducted by foreign TCOs and associated networks that target United States persons, businesses, critical infrastructure, or public services.

(b) The action plan shall describe how, consistent with applicable law, the Attorney General and the Secretary of Homeland Security, supported by the Secretary of War, shall use relevant technical capabilities, threat intelligence, and operational insights from commercial cybersecurity firms and other non-Federal entities, as appropriate, to enhance attribution, tracking, and disruption of malicious cyber actors and enabling infrastructure engaged in cybercrime, fraud, and predatory schemes.

(c) The action plan and NCC operational cell shall include mechanisms to improve information sharing, operational coordination, and rapid response across the Federal Government, and shall align with existing law enforcement frameworks and efforts to counter cyber-enabled threats emanating from foreign jurisdictions.

(d) The Attorney General shall continue to prioritize prosecutions of defendants engaged in cyber-enabled fraud, including scam centers and sextortion schemes, and, consistent with the principles of Federal prosecution, shall pursue the most serious, provable offenses encompassed by such fraudulent schemes.

(e) To the maximum extent permitted by law, the Secretary of Homeland Security, acting through the Director of the Cybersecurity and Infrastructure Security Agency, shall partner with the NCC to provide training, technical assistance, and resilience building to support State, local, Tribal, and territorial (SLTT) partners, including to expand defensive capacity, share threat intelligence, and harden SLTT partners' critical infrastructure systems against cybercrime exploitation by TCOs.

**Sec. 3. *Victim Restoration Program.*** Within 90 days of the date of this order, the Attorney General shall submit a recommendation to the President, through the APHSA, regarding the establishment of a Victims Restoration Program designed to provide, to the greatest extent authorized by law and in consideration of the Department of Justice's goal of serving all victims of crime, restoration or remission to victims of cyber-enabled fraud schemes from funds clawed back, forfeited, or seized from the TCOs that perpetrate such schemes.

**Sec. 4. *International Engagement.*** The Secretary of State, in coordination with the NCC, shall engage with foreign governments to demand enforcement actions against TCOs operating within their borders and greater cooperation with United States law enforcement. The Secretary of State shall take all necessary and appropriate steps to ensure that nations that tolerate such predatory activity shall face consequences consistent with United States law and policy, such as the limitation of foreign assistance, the application of targeted sanctions, visa restrictions, trade penalties, and, where appropriate, the immediate expulsion from the United States of foreign officials and diplomats complicit in these schemes. The Secretary of State shall also coordinate these actions with allies and partners to enhance the consequences of actions taken against nations that tolerate predatory activity.

**Sec. 5. *General Provisions.*** (a) Nothing in this order shall be construed to impair or otherwise effect:

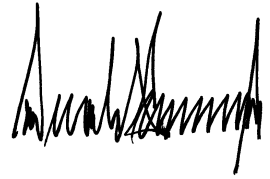
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Department of Homeland Security.

A handwritten signature in black ink, appearing to be a stylized name, possibly "Donald Trump", written in a cursive script.

THE WHITE HOUSE,  
*March 6, 2026.*

[FR Doc. 2026-04826  
Filed 3-10-26; 11:15 am]  
Billing code 4410-10-P

# Reader Aids

Federal Register

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## CUSTOMER SERVICE AND INFORMATION

<b>Federal Register/Code of Federal Regulations</b>	
General Information, indexes and other finding aids	<b>202-741-6000</b>
<b>Laws</b>	<b>741-6000</b>
<b>Presidential Documents</b>	
Executive orders and proclamations	<b>741-6000</b>
<b>The United States Government Manual</b>	<b>741-6000</b>
<b>Other Services</b>	
Electronic and on-line services (voice)	<b>741-6020</b>
Privacy Act Compilation	<b>741-6050</b>

## ELECTRONIC RESEARCH

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