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

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 330

RIN 3064–AG06

Clarification of Deposit Insurance Coverage for Branches of U.S. Banks in the Federated States of Micronesia, the Marshall Islands, and Palau

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is adopting a final rule to provide that the FDIC will insure deposits of all branches of U.S.-insured depository institutions (IDIs) in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, whether operating presently or in the future. This final rule follows an interim final rule with request for comment issued by the FDIC in August 2024.

DATES: The final rule is effective April 22, 2026.

FOR FURTHER INFORMATION CONTACT: Legal Division: Ryan McCarthy, Counsel, 202–898–7301, *rymccarthy@fdic.gov;* James Watts, Counsel, 202–898–6678, *jwatts@fdic.gov;* Shilpa Shah, Acting Associate Director, International Affairs Branch, 202–898–8546, *shshah@fdic.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In 1981, Congress amended the Federal Deposit Insurance Act (FDI Act) to permit the FDIC to provide deposit insurance coverage to branches of U.S.-chartered IDIs located in the Trust Territory of the Pacific Islands (Trust Territory). At that time, the Trust Territory included what is now the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (Marshall Islands), the Republic of Palau (Palau), and the Northern Mariana Islands. Between 1986 and 1994, the FSM, the Marshall Islands, and Palau became independent nations (collectively known as the Freely Associated States), and each entered a Compact of Free Association (Compacts) with the United States. The Compacts and associated agreements authorize certain government agencies, including the FDIC, to provide specific services to each of the Freely Associated States. In 2023, the United States and each of the Freely Associated States entered new agreements relating to their respective Compacts, which were subsequently approved by Congress. The new agreements authorize the FDIC to provide deposit insurance to IDIs chartered by any of the Freely Associated States.

Three U.S.-chartered IDIs also operate branches in the Freely Associated States that have historically been insured under authority in the FDI Act. After the Compacts and the related agreements were concluded, the FDIC adopted an interim final rule [1] to clarify that it insures the deposits of legacy branches of U.S. IDIs operating in the Freely Associated States, and requested public comment. The interim final rule defined ''legacy branches'' as the number of branches operating in the Freely Associated States by each U.S. IDI as of the rule's effective date, August 9, 2024. The FDIC received one comment supporting the clarification but requesting that the FDIC remove language limiting coverage to legacy branches. In response to that feedback, the FDIC is adopting this final rule pursuant to its authorities under section 11 of the FDI Act, relating to deposit insurance, as well as authorities under sections 9 and 10, to make deposit insurance available to all branches of U.S.-chartered IDIs in the Freely Associated States, whether present or future.

II. Legal Framework and Overview of the Interim Final Rule

A. Deposit Insurance Coverage for Foreign Branches of U.S. IDIs

Under the FDIC's regulations, an obligation of an IDI that is payable solely at an office of the IDI located outside any State is not considered a ''deposit'' for purposes of the deposit insurance regulations.[2] Where an obligation of an IDI is carried on the books and records of an office of the IDI located outside any State, the regulations provide that it shall not be considered an insured deposit, even if it is also made payable at an office of the IDI located within any State.[3] That is, where obligations booked outside the U.S. are made dually payable (meaning that the deposits are expressly payable in an office of the IDI in the United States),[4] they may be entitled to depositor preference (payment ahead of the institution's other creditors), but under the FDIC's rules, are not generally eligible for deposit insurance coverage.

B. Deposit Insurance Coverage for U.S. Branches in the Freely Associated States

The interim final rule amended the FDIC's regulations to provide that legacy branches of U.S. IDIs in the Freely Associated States are not considered to be offices located outside any State for purposes of the deposit insurance rules. Therefore, deposits in those branches, if dually payable (meaning that the deposits are expressly payable in an office of the IDI in the United States), are insured by the FDIC. The interim final rule defined ''legacy branches'' as the number of branches operated by each U.S. IDI as of August 9, 2024. The interim final rule limited coverage to the legacy branches of U.S. IDIs in order to align deposit insurance coverage with the coverage provided historically for U.S. banks operating in the Freely Associated States.

III. Public Comments

The FDIC received one comment letter from the Bank of Guam (commenter), a U.S.-chartered IDI, that operates branches in the Freely Associated States. While the commenter supported the interim final rule to the extent it clarified the application of FDIC deposit insurance to legacy branches of U.S. IDIs in the Freely

[1] 89 FR 65166 (Aug. 9, 2024).

[2] 12 CFR 330.3(e)(1).

[3] 12 CFR 330.3(e)(2).

[4] Obligations of an IDI's foreign branch that would otherwise fall under the definition of ''deposit'' at 12 U.S.C. 1813(*l*) do not constitute a ''deposit'' unless the obligation (1) would be a deposit if carried on the books and records of the IDI in the United States; and (2) is expressly payable at an office of the IDI located in the United States. 12 U.S.C. 3(*l*)(5)(A). This second requirement that the obligation be payable at an office in the United States has historically been referred to as ''dual payability.''

Associated States, the commenter raised concerns about the effect of limiting deposit insurance to just those legacy branches. Specifically, the commenter requested clarity as to whether a relocated branch would qualify as a legacy branch. The commenter also noted that the limitation of coverage to legacy branches would act as a restriction to growth and expansion that never historically existed prior to the interim final rule.

IV. The Final Rule

The final rule removes the reference to ''legacy branches'' in the FDIC's regulations. Under the amended rule, all branches of U.S. IDIs in the Freely Associated States, whether present or future, are not considered to be offices located outside any State for purposes of deposit insurance coverage. As a result, dually payable deposits of all branches of U.S.-chartered banks in the Freely Associated States, whether present or future, will be insured by the FDIC.

Providing deposit insurance to all branches of U.S. IDIs in the Freely Associated States achieves the FDIC's intent to align its deposit insurance regulations with the historical availability of FDIC deposit insurance in the Freely Associated States. The final rule also puts U.S. IDIs operating in the Freely Associated States on equal footing with IDIs chartered by the Freely Associated States. Further, removing a limitation that may have served as a barrier to entry will support a competitive banking environment in the Freely Associated States. Additionally, the FDIC does not have a clear rationale to limit deposit insurance only to existing branches of U.S. IDIs and not new branches of U.S. IDIs.

V. Expected Effects

In 2024, the FDIC adopted an interim final rule that provided deposit insurance to legacy branches of U.S. IDIs operating in the Freely Associated States. This final rule further amends 12 CFR part 330 to remove the requirement that the branches be ''legacy'' branches. Under the final rule, FDIC will insure dually payable deposits of all branches of U.S. IDIs operating in the Freely Associated States.

As described above, the interim final rule clarified continuing deposit insurance coverage for all legacy branches in the Freely Associated States—that is, all eight branches operating as of August 9, 2024, the effective date of the interim final rule, by three U.S. IDIs. of the quarter ending June 30, 2025, there are still eight branches operated in the Freely Associated States by three U.S. IDIs.[5] Taken together, these branches have approximately $803.47 million in deposits.

As discussed above, the interim final rule did not alter deposit insurance coverage at the eight branches currently operating in the Freely Associated States. Costs imposed by the interim final rule on the operators of these branches, if any, were likely limited to costs associated with clarifications to their customers regarding the nature of deposit insurance for products offered at these branches. The FDIC does not have data to quantify these costs but believes they were *de minimis.*

The final rule extends deposit insurance coverage to all branches of U.S.-insured depository institutions in the Freely Associated States. In contrast to the interim final rule, any new branches formed by U.S. IDIs in the Freely Associated States will now be eligible to have their deposits insured under the final rule. As such, the final rule may affect the formation of new branches in the Freely Associated States. The FDIC believes that more branches may potentially be opened as a result of the final rule. In the absence of the final rule, it is more likely that U.S. IDIs operating in the Freely Associated States would continue to endeavor to attract new customers and depositors but without opening new branches. The FDIC does not have data to estimate these impacts.

Additionally, the FDIC notes that given the very small size of the Freely Associated States relative to the U.S. population and economy, and the preexisting availability of deposit insurance for IDIs operating in the Freely Associated States, the final rule is expected to have a *de minimis* impact on the Deposit Insurance Fund.

VI. Administrative Law Matters

A. Administrative Procedure Act

The Administrative Procedure Act requires an agency to publish a substantive rule not less than 30 days before its effective date, except when an agency otherwise publishes in the final rule good cause for providing for an earlier effective date.[6] Accordingly, the final rule is effective as of the date set forth above in this document under the **DATES** heading.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency, in connection with a final rule, to prepare and make available for public comment a final regulatory flexibility analysis that describes the impact of the final rule on small entities.[7] However, a final regulatory flexibility analysis is not required if the agency certifies that the final rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The SBA has defined ''small entities'' to include banking organizations with total assets of less than or equal to $850 million.[8] Generally, the FDIC considers a significant economic impact to be a quantified effect in excess of 5 percent of total annual salaries and benefits or 2.5 percent of total noninterest expenses. The FDIC believes that effects in excess of one or more of these thresholds typically represent significant economic impacts for FDIC-supervised institutions. The final rule applies to U.S.-chartered IDIs that operate in the Freely Associated States presently or in the future. As of the quarter ending June 30, 2025, there are three U.S. IDIs with eight total branches in the Freely Associated States.[9] Of these, one U.S. IDI is considered small for purposes of the RFA.

The FDIC does not believe that the final rule will have a significant impact on a substantial number of small entities. The sole small entity affected by the interim final rule has a single branch. As discussed in the Expected Effects section, the FDIC expects any effects of the final rule on this branch and its customers to be *de minimis.* The FDIC does not have information on the extent the final rule may affect business decisions—such as marketing and deposit solicitation and future branch openings—of IDIs that are not currently doing business in the Freely Associated

[5] FDIC Summary of Deposits data as of June 30, 2025. The FDIC currently insures deposits of one bank chartered by the Federated States of Micronesia, the Bank of the Federated States of Micronesia, pursuant to the Compacts negotiated by the U.S. government and the Freely Associated States. The final rule does not affect deposit insurance coverage for this bank.

[6] 5 U.S.C. 553(d).

[7] 5 U.S.C. 601 *et seq.*

[8] The SBA defines a small banking organization as having $850 million or less in assets, where an organization's ''assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' See 13 CFR 121.201 (as amended by 87 FR 69118, effective Dec. 19, 2022). In its determination, the ''SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates.'' See 13 CFR 121.103. Following these regulations, the FDIC uses an insured depository institution's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the insured depository institution is ''small'' for the purposes of RFA.

[9] FDIC Summary of Deposits data as of June 30, 2025.

States but may choose to do so in the future. However, the single small entity affected by the interim final rule and any additional small entities that may open a branch in the Freely Associated States are unlikely to constitute a substantial number of small entities.

In light of the foregoing, the FDIC certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a final regulatory flexibility analysis is not required.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) [10] states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The final rule does not create any new, or revise any of these existing assessment information collections pursuant to the PRA; consequently, no submissions in connection with these OMB control numbers will be made to the OMB for review.

Any new branch applications that result from this rule will be reflected in the next information collection renewal.

D. Riegle Community Development and Regulatory Improvement Act of 1994

The Riegle Community Development and Regulatory Improvement Act of 1994 generally provides that new regulations or amendments to regulations prescribed by a Federal banking agency that impose additional reporting, disclosure, or other new requirements on IDIs shall take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form, unless the agency determines, for good cause published with the rule, that the rule should become effective before such time.[11] The rule does not impose any reporting, disclosure, or other requirements on IDIs.

E. Plain Language

Section 722 of the Gramm-Leach-Bliley Act [12] requires the Federal banking agencies to use plain language in all proposed and final rulemakings published in the **Federal Register** after January 1, 2000. The FDIC has sought to present the final rule in a simple and straightforward manner and did not receive any comments relating to plain language.

F. Congressional Review Act

For purposes of the Congressional Review Act, the OMB makes a determination as to whether a final rule constitutes a ''major'' rule.[13] If a rule is deemed a ''major rule'' by the OMB, the Congressional Review Act generally provides that the rule may not take effect until at least 60 days following its publication.[14]

The Congressional Review Act defines a ''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs of the OMB finds has resulted in or is likely to result in (1) an annual effect on the economy of $100,000,000 or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.[15]

The OMB has determined that the final rule is not a major rule for purposes of the Congressional Review Act.

G. Executive Order 12866

Executive Order 12866, as amended, provides that the Office of Information and Regulatory Affairs (OIRA) will review all ''significant regulatory actions'' as defined therein. The FDIC has submitted this regulatory act to OIRA for review. OIRA has determined that this final rule is not a ''significant regulatory action'' for purposes of Executive Order 12866. For more information on the analysis conducted in connection with Executive Order 12866, refer to other sections of this **SUPPLEMENTARY INFORMATION**.

H. Executive Order 14192

Executive Order 14192 directs agencies, unless prohibited by law, to identify at least 10 existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation with total costs greater than zero. Executive Order 14192 further requires that new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations. An Executive Order 14192 deregulatory action is an action that has been finalized and has total costs less than zero. This final rule is considered an Executive Order 14192 deregulatory action.

List of Subjects in 12 CFR Part 330

Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

Authority and Issuance

For the reasons stated in the preamble, the Federal Deposit Insurance Corporation adopts as final the interim final rule amending 12 CFR part 330, which was published at 89 FR 65166 on August 9, 2024, with the following change:

PART 330—DEPOSIT INSURANCE COVERAGE

■ 1. The authority citation for part 330 continues to read as follows:

Authority: 12 U.S.C. 1813(*l*), 1813(m), 1817(i), 1818(q), 1819(a)(Tenth), 1820(f), 1820(g), 1821(a), 1821(d), 1822(c).

■ 2. Amend § 330.3 by revising and republishing paragraph (e)(3) to read as follows:

§ 330.3 General principles.

* * * * *

(e) * * *

(3) *Rule of construction.* For purposes of this paragraph (e), the following are not considered to be offices located outside any State, as referred to in paragraph (e)(1) of this section:

(i) Overseas Military Banking Facilities operated under U.S. Department of Defense regulations, 32 CFR parts 230 and 231; and

(ii) Branches of U.S.-insured depository institutions in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

* * * * *

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, March 19, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–05652 Filed 3–20–26; 8:45 am]

BILLING CODE 6714–01–P

[10] 44 U.S.C. 3501 through 3521.

[11] 12 U.S.C. 4802.

[12] Public Law 106–102, section 722, 113 Stat. 1338, 1471 (1999), 12 U.S.C. 4809.

[13] 5 U.S.C. 801 *et seq.*

[14] 5 U.S.C. 801(a)(3).

[15] 5 U.S.C. 804(2).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–5027; Project Identifier MCAI–2025–00023–A; Amendment 39–23283; AD 2026–05–10]

RIN 2120–AA64

Airworthiness Directives; Baykar Piaggio Aerospace S.p.A. (Type Certificate Previously Held by Piaggio Aviation S.p.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Baykar Piaggio Aerospace S.p.A. (type certificate previously held by Piaggio Aviation S.p.A.) (Piaggio) Model P–180 airplanes. This AD was prompted by a report of chafing in the flap transmission shafts. This AD requires inspecting the flap transmission shaft for chafing or any damage (surface abrasions, grooves or rubbing tracks, and metallic smears or transfers), measuring specific gaps, and, depending on findings, accomplishing applicable corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 27, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 27, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–5027; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Piaggio Aerospace material identified in this AD, contact Piaggio, P180 Customer Support, via Pionieri e Aviatori d'Italia, snc—16154 Genoa, Italy; phone: +39 331 679 74 93; email: *technicalsupport@piaggioaerospace.it.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Frank Huynh, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (404) 983–5288; email: *frank.huynh@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Piaggio Aviation S.p.A. (type certificate currently held by Baykar Piaggio Aerospace S.p.A.) Model P–180 airplanes. The NPRM was published in the **Federal Register** on December 10, 2025 (90 FR 57170). The NPRM was prompted by European Union Aviation Safety Agency (EASA) AD 2025–0014, dated January 13, 2025 (EASA AD 2025–0014) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that an occurrence was reported where, during scheduled airplane maintenance, chafing was detected on the flap transmission shafts. A subsequent investigation identified a limited clearance between flap transmission shafts 1 and 7 and the wing rib at wing station 440 and between flap transmission shaft 7 and the cabin door seal inflation system pneumatic pipe. This condition, if not detected and corrected, could affect the integrity of the flap transmission and lead to reduced control of the airplane.

In the NPRM, the FAA proposed to require inspecting the flap transmission shafts for chafing or any damage (surface abrasions, grooves or rubbing tracks, and metallic smears or transfers), measuring specific gaps, and, depending on the findings, accomplishing corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–5027.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Explanation of Change To Type Certificate Holder Name

The FAA has revised the applicability of this AD to identify the type certificate holder's name as published in the most recent type certificate data sheet for the affected models.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Piaggio Aerospace Service Bulletin (SB) 80–0498, Revision 0, dated August 2, 2024 (Piaggio SB 80–0498, Revision 0). This material specifies procedures for inspecting the flap transmission shaft for chafing or any damage (surface abrasions, grooves or rubbing tracks, and metallic smears or transfers), measuring specific gaps, and depending on findings, accomplishing applicable corrective actions. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the Referenced Material

The referenced material requires contacting Piaggio for approved repair instructions. This AD requires contacting either the Manager, International Validation Branch, FAA; EASA; or Piaggio's EASA Design Organization Approval (DOA), for approved repair instructions.

Costs of Compliance

The FAA estimates that this AD affects 98 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S operators
Initial inspection of flap transmission shafts	28 work-hours × $85 per hour = $2,380	$0	$2,380	$233,240

The FAA estimates the following costs to do any rework, repairs or replacements that would be required based on the results of the inspection. Any corrective action that may be needed as a result of the inspection can vary from airplane to airplane. The agency has no way of determining the number of airplanes that might need this rework, repairs, or replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repetitive inspections of flap transmission shafts	28 work-hours × $85 per hour = $2,380, per inspection.	$0	$2,380, per inspection.
Rework of wing rib(s)	40 work-hours × $85 per hour = $3,400, per rework.	0	$3,400, per rework.
Repair of pneumatic pipe	20 work-hours × $85 per hour = $1,700, per repair.	0	$1,700, per repair.
Replacement of flap transmission shaft (all four) ..	20 work-hours × $85 per hour = $1,700	21,282	$22,982.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–05–10 Baykar Piaggio Aerospace S.p.A. (Type Certificate Previously Held by Piaggio Aviation S.p.A.): Amendment 39–23283; Docket No. FAA–2025–5027; Project Identifier MCAI–2025–00023–A.

(a) Effective Date

This airworthiness directive (AD) is effective April 27, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Baykar Piaggio Aerospace S.p.A. (type certificate previously held by Piaggio Aviation S.p.A.) Model P–180 airplanes, serial numbers 1002, 1004 through 3016, and 3018, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2700, Flight Control System.

(e) Unsafe Condition

This AD was prompted by a report of chafing in the flap transmission shafts. The FAA is issuing this AD to detect and address chafing or any damage (surface abrasions, grooves or rubbing tracks, and metallic smears or transfers) in the flap transmission shafts. The unsafe condition, if not addressed, could affect the integrity of the flap transmission, which could lead to reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within 220 hours time-in-service (TIS) after the effective date of this AD, inspect the outboard and inboard flap transmission shafts (#1 and #7) at the crossing holes and openings on wing rib 440 and inspect the left-hand (LH) inboard flap transmission shaft (#7) and the pneumatic pipe for chafing or any damage (surface abrasions, grooves or rubbing tracks, and metallic smears or transfers). Additionally, measure the gaps between the outboard and inboard flap transmission shafts (#1 and #7) and their respective crossing holes and openings on wing rib 440, and the gap between the LH inboard flap transmission shaft (#7) and the pneumatic pipe. Perform these actions in accordance with the ACCOMPLISHMENT INSTRUCTIONS, paragraph B. PROCEDURE/MODIFICATION, steps (10) and (11) in Piaggio Aerospace Service Bulletin (SB) 80–0498, Revision 0, dated August 2, 2024 (Piaggio SB 80–0498, Revision 0).

(2) If chafing or any damage (surface abrasions, grooves or rubbing tracks, and metallic smears or transfers) (referred to as discrepancies) is found during the inspections required by paragraph (g)(1) of

this AD, perform any rework, repair, replacement, and repetitive inspections, as applicable, as specified in paragraphs (g)(2)(i) through (iv) of this AD.

(i) If no discrepancies are found or discrepancies are found that meet the criteria in Case 1 of paragraph 14 of Part A, paragraph B. PROCEDURE/MODIFICATION, of the ACCOMPLISHMENT INSTRUCTIONS section in Piaggio SB 80–0498, Revision 0, no further action is required by this AD.

(ii) If discrepancies are found that meet the criteria in Case 2 of paragraph 14 of Part A, paragraph B. PROCEDURE/MODIFICATION, of the ACCOMPLISHMENT INSTRUCTIONS section in Piaggio SB 80–0498, Revision 0, accomplish the actions of paragraph (g)(2)(ii)(A) and (B):

(A) Repetitively perform the inspections of paragraph (g)(1) at intervals not to exceed 220 hours TIS until the rework required by paragraph (g)(2)(ii)(B) of this AD is done.

(B) Within 660 hours TIS after the initial inspection required by paragraph (g)(1) of this AD, rework the wing rib(s) 440 (LH part number (P/N) 80–201367–001, right-hand (RH) P/N 80–201367–002) in accordance with Steps 14 through 21 of Part A and Part B, paragraph B. PROCEDURE/MODIFICATION, of the ACCOMPLISHMENT INSTRUCTIONS section in Piaggio SB 80–0498, Revision 0.

(iii) If discrepancies are found that meet the criteria in Case 3 of paragraph 14 of Part A, paragraph B. PROCEDURE/MODIFICATION, of the ACCOMPLISHMENT INSTRUCTIONS section in Piaggio SB 80–0498, Revision 0, accomplish the actions of paragraph (g)(2)(iii)(A) and (B):

(A) Repetitively perform the inspections of paragraph (g)(1) of this AD at intervals not to exceed 110 hours TIS until the rework required by paragraph (g)(2)(iii)(B) of this AD is done.

(B) Within 220 hours TIS after the initial inspection required by paragraph (g)(1) of this AD, rework the wing rib(s) 440 (LH P/N 80–201367–001, RH P/N 80–201367–002) in accordance with Steps 14 through 21 of Part A and Part B, paragraph B. PROCEDURE/MODIFICATION, of the ACCOMPLISHMENT INSTRUCTIONS section in Piaggio SB 80–0498, Revision 0.

(iv) If discrepancies are found that meet the criteria in Case 4 of paragraph 14 of Part A, paragraph B. PROCEDURE/MODIFICATION, of the ACCOMPLISHMENT INSTRUCTIONS section in Piaggio SB 80–0498, Revision 0, before further flight, perform the following:

(A) Rework the wing rib(s) 440 (LH P/N 80–201367–001, RH P/N 80–201367–002) in accordance with Steps 14 through 21 of Part A and Part B, paragraph B. PROCEDURE/MODIFICATION, of the ACCOMPLISHMENT INSTRUCTIONS section in Piaggio SB 80–0498, Revision 0.

(B) Repair the pneumatic pipe (P/N 80–207493–401*)* in accordance with Steps 22 through 42 of Part B, paragraph B. PROCEDURE/MODIFICATION, of the ACCOMPLISHMENT INSTRUCTIONS section in Piaggio SB 80–0498, Revision 0.

(C) Replace any damaged transmission shaft with an airworthy one.

(3) If clearance cannot be obtained during Steps 21, 41, or 42 of Part B, paragraph B. PROCEDURE/MODIFICATION, of the ACCOMPLISHMENT INSTRUCTIONS section in Piaggio SB 80–0498, Revision 0, as required by paragraphs (g)(2)(ii)(B), (g)(2)(iii)(B), or (g)(2)(iv)(B) of this AD, contact the Manager, International Validation Branch, FAA; the European Union Aviation Safety Agency (EASA); or Piaggio's EASA Design Organization Approval (DOA) for approved repair instructions, and before further flight, perform the repair. If the repair is approved by the DOA, the approval must include the DOA-authorized signature.

(h) No Reporting Requirement

Although Piaggio SB 80–0498, Revision 0, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(i) Alternative Methods of Compliance (AMOCs)

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

(j) Additional Information

For more information about this AD, contact Frank Huynh, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (404) 983–5288; email: *frank.huynh@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Piaggio Aerospace Service Bulletin 80–0498, Revision 0, dated August 2, 2024.

(ii) [Reserved]

(3) For Piaggio Aerospace material identified in this AD, contact Baykar Piaggio Aerospace S.p.A., P180 Customer Support, via Pionieri e Aviatori d'Italia, snc—16154 Genoa, Italy; phone: +39 331 679 74 93; email: *technicalsupport@piaggioaerospace.it.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on March 17, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–05576 Filed 3–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2025–2645; Airspace Docket No. 25–AEA–9]

RIN 2120–AA66

Amendment of Restricted Area R–5201; Fort Drum, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends restricted area R–5201, Fort Drum, NY, by modifying the time of designation to be ''continuous'' to align with actual usage. This change does not add additional airspace to the designated restricted area. This action also updates the using agency for R–5201 to follow the FAA's current airspace description format guidance and adds two geographic coordinates to the description of restricted area R–5201.

DATES: Effective date 0901 UTC, July 9, 2026.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends restricted area airspace at Fort Drum, NY, to enhance aviation safety and accommodate essential United States (U.S.) Army training activities.

History

The FAA published an NPRM for Docket No. FAA–2025–2645 in the **Federal Register** (90 FR 58522; December 17, 2025), proposing to amend restricted area R–5201 at Fort Drum, NY. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received in favor of the proposal.

The Rule

This action amends 14 CFR part 73 by amending the time of designation for restricted area R–5201, Fort Drum, NY, from ''Continuous April 1 through September 30 and 0600 through 1800 hours local time, October 1 through March 31; other times by Notice to Airmen (NOTAM) 48 hours in advance'' to ''continuous'' to align with actual usage and support Army training requirements. Additionally, the FAA updates the using agency from ''Commanding Officer, Fort Drum, NY'' to ''U.S. Army, Commanding Officer, Fort Drum, NY,'' to follow the FAA's current airspace description format guidance.

Further, the FAA makes a minor technical amendment by adding two geographic coordinates to the description of restricted area R–5201. Adding these coordinates to the description of restricted area R–5201 does not change the boundaries of the restricted area, but rather ensures coincident boundary alignment with the adjacent restricted areas R–5202A and R–5202B. The geographic coordinates ''lat. 44°09′34″ N, long. 75°40′00″ W'' and ''lat. 44°06′00″ N, long. 75°28′49″ W'' are added to the description of restricted area R–5201.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of amending the time of designation, updating the using agency, and making a minor technical amendment for restricted area R–5201, Fort Drum, NY, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and in accordance with FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures,* paragraph B–2.5(a), which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (*see* 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points).

Additionally, the FAA, as a Cooperating Agency to the Army's Lead Agency proposed action, and having regulatory jurisdiction over the National Airspace System (NAS), has adopted the Army's Record of Environmental Consideration (REC) and categorical exclusion (CATEX) determination that Army CATEX 32 CFR 651, Appendix B, Section II (j)(2) is applicable to this action. This CATEX applies to ''[f]lying activities in compliance with Federal Aviation Administration Regulations and in accordance with normal flight patterns and elevations for that facility, where the flight patterns/elevations have been addressed in an installation master plan or other planning document that has been subject to NEPA public review.''. The FAA has adopted this CATEX determination in accordance with FAA Order 1050.1G, paragraph 1–4(h). In accordance with the FAA's NEPA implementation policy and procedures regarding extraordinary circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact statement. As such, this action is not expected to result in any potentially significant environmental impacts.

Lists of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

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

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

§ 73.52 New York (NY) [Amended]

■ 2. Section 73.52 is amended as follows:

* * * * *

R–5201 Fort Drum, NY [Amended]

Boundaries. Beginning at lat. 44°01′05″ N, long. 75°37′14″ W; to lat. 44°03′20″ N, long. 75°40′49″ W; to lat. 44°06′55″ N, long. 75°42′09″ W; to lat. 44°09′34″ N, long. 75°40′00″ W; to lat. 44°10′50″ N, long. 75°38′59″ W; to lat. 44°16′07″ N, long. 75°32′41″ W; to lat. 44°11′24″ N, long. 75°22′59″ W; to lat. 44°07′10″ N, long. 75°26′49″ W; to lat. 44°06′00″ N, long. 75°28′49″ W; thence to the point of beginning.

Designated altitudes. Surface to 23,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Boston ARTCC.

Using agency. U.S. Army, Commanding Officer, Fort Drum, NY.

* * * * *

Issued in Washington, DC, on March 18, 2026.

Brian Eric Konie,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2026–05581 Filed 3–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2026–2470; Airspace Docket No. 25–ASO–17]

RIN 2120–AA66

Renaming of Restricted Areas R–3002A, R–3002B, R–3002C, R–3002D, R–3002E, R–3002F, and R–3002G; Fort Moore, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action makes administrative changes to rename the facility within the airspace legal description titles for restricted areas R–3002A, R–3002B, R–3002C, R–3002D, R–3002E, R–3002F, and R–3002G; Fort Moore, GA, and to update the using agency descriptions to reflect the changed facility name. This action does not alter airspace boundaries or impose additional operating requirements on users of the affected airspace.

DATES: Effective date 0901 UTC, July 9, 2026.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it updates the information in the airspace descriptions of restricted areas R–3002A, R–3002B, R–3002C, R–3002D, R–3002E, R–3002F, and R–3002G; Fort Moore, GA.

History

On March 3, 2025, the Secretary of Defense directed the United States Army to change the name of ''Fort Moore, GA'' by redesignating it as ''Fort Benning, GA.'' Consequently, this rulemaking action implements the requisite changes to part 73 by updating the airspace descriptions of restricted areas R–3002A, R–3002B, R–3002C, R–3002D, R–3002E, R–3002F, and R–3002G to reflect the new name.

The Rule

This action amends 14 CFR part 73 by updating the airspace titles and using agency descriptions for restricted areas R–3002A, R–3002B, R–3002C, R–3002D, R–3002E, R–3002F, and R–3002G by removing the name ''Fort Moore, GA'' and replacing it with ''Fort Benning, GA.'' The using agency for all seven restricted areas is changed to ''U.S. Army, Commanding General, Fort Benning, GA.''

Good Cause for Bypassing Notice and Comment

Under 5 U.S.C. 553, federal agencies engaged in informal rulemaking must provide the public with a notice of proposed rulemaking and an opportunity for public participation. However, 5 U.S.C. 553(b)(B) exempts a rule from these requirements ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' Courts have construed these exceptions narrowly, but have nonetheless accepted determinations of good cause that notice and comment is unnecessary in ''those situations in which the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.'' See Mack Trucks, Inc. v. EPA, 682 F.3d 87, 94 (D.C. Cir. 2012). This action consists of administrative name changes and minor technical amendments only. It does not affect the boundaries, altitudes, time of designation, operating requirements, or activities conducted in the restricted areas. Therefore, FAA has determined that good cause exists to find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of making an administrative change to rename the facility associated with restricted areas R–3002A, R–3002B, R–3002C, R–3002D, R–3002E, R–3002F, and R–3002G; Fort Moore, GA, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and in accordance with FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures,* paragraph B–2.5(a), which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (*see* 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph B–2.5(d), which categorically excludes from further environmental impact review the modification of the technical description of special use airspace (SUA) that does not alter the dimensions, altitudes, or times of designation of the airspace (such as changes in designation of the controlling or using agency, or correction of typographical errors). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with the FAA's NEPA implementation policy and procedures regarding extraordinary circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant

preparation of an environmental assessment or environmental impact statement.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for 14 CFR part 73 continues to read as follows:

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

§ 73.30 Georgia (GA) [Amended]

■ 2. Section 73.30 is amended as follows:

* * * * *

R–3002A Fort Moore, GA [Revoke]

R–3002B Fort Moore, GA [Revoke]

R–3002C Fort Moore, GA [Revoke]

R–3002D Fort Moore, GA [Revoke]

R–3002E Fort Moore, GA [Revoke]

R–3002F Fort Moore, GA [Revoke]

R–3002G Fort Moore, GA [Revoke]

R–3002A Fort Benning, GA [Established]

Boundaries. Beginning at lat. 32°31′12″ N, long. 84°50′11″ W; to lat. 32°19′03″ N, long. 84°41′42″ W; thence along the Central of Georgia Railroad to lat. 32°19′09″ N, long. 84°42′27″ W; to lat. 32°19′14″ N, long. 84°42′52″ W; to lat. 32°19′23″ N, long. 84°43′18″ W; to lat. 32°19′35″ N, long. 84°43′49″ W; to lat. 32°19′43″ N, long. 84°44′29″ W; to lat. 32°19′55″ N, long. 84°45′06″ W; to lat. 32°20′13″ N, long. 84°45′54″ W; to lat. 32°20′30″ N, long. 84°46′32″ W; to lat. 32°20′53″ N, long. 84°46′55″ W; to lat. 32°20′55″ N, long. 84°47′38″ W; to lat. 32°15′25″ N, long. 84°47′32″ W; to lat. 32°15′26″ N, long. 84°48′37″ W; to lat. 32°15′17″ N, long. 84°48′37″ W; thence along River Bend Road to lat. 32°15′17″ N, long. 84°48′48″ W; to lat. 32°15′06″ N, long. 84°49′08″ W; to lat. 32°14′48″ N, long. 84°49′26″ W; to lat. 32°14′38″ N, long. 84°49′53″ W; to lat. 32°14′32″ N, long. 84°50′15″ W; to lat. 32°14′22″ N, long. 84°50′30″ W; to lat. 32°14′12″ N, long. 84°50′36″ W; to lat. 32°14′22″ N, long. 84°52′22″ W; to lat. 32°15′07″ N, long. 84°52′21″ W; to lat. 32°15′06″ N, long. 84°52′38″ W; to lat. 32°15′33″ N, long. 84°52′37″ W; to lat. 32°15′34″ N, long. 84°53′11″ W; to lat. 32°20′15″ N, long. 84°58′36″ W; thence along Dixie Rd./First Division Rd. to lat. 32°20′36″ N, long. 84°58′15″ W; to lat. 32°20′53″ N, long. 84°57′55″ W; to lat. 32°21′03″ N, long. 84°57′40″ W; to lat. 32°21′11″ N, long. 84°57′24″ W; to lat. 32°21′08″ N, long. 84°56′55″ W; to lat. 32°21′13″ N, long. 84°56′04″ W; to lat. 32°21′33″ N, long. 84°55′35″ W; to lat. 32°21′50″ N, long. 84°55′16″ W; to lat. 32°21′53″ N, long. 84°55′00″ W; to lat. 32°22′06″ N, long. 84°54′41″ W; to lat. 32°23′01″ N, long. 84°55′44″ W; to lat. 32°24′48″ N, long. 84°52′52″ W; to lat. 32°25′36″ N, long. 84°52′52″ W; to lat. 32°25′44″ N, long. 84°53′30″ W; to lat. 32°26′19″ N, long. 84°53′31″ W; to lat. 32°26′20″ N, long. 84°53′54″ W; to lat. 32°27′19″ N, long. 84°53′53″ W; to lat. 32°27′17″ N, long. 84°52′10″ W; to lat. 32°28′46″ N, long. 84°52′08″ W; to lat. 32°28′44″ N, long. 84°50′47″ W; to lat. 32°29′43″ N, long. 84°50′59″ W; to lat. 32°30′35″ N, long. 84°50′50″ W; to lat. 32°30′39″ N, long. 84°50′23″ W; thence to the point of beginning.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. Intermittent, 0600–0200 local time, daily; other times by NOTAM 6 hours in advance.

Controlling agency. FAA, Atlanta TRACON.

Using agency. U.S. Army, Commanding General, Fort Benning, GA.

R–3002B Fort Benning, GA [Established]

Boundaries. Beginning at lat. 32°31′12″ N, long. 84°50′11″ W; to lat. 32°19′03″ N, long. 84°41′42″ W; thence along the Central of Georgia Railroad to lat. 32°19′09″ N, long. 84°42′27″ W; to lat. 32°19′14″ N, long. 84°42′52″ W; to lat. 32°19′23″ N, long. 84°43′18″ W; to lat. 32°19′35″ N, long. 84°43′49″ W; to lat. 32°19′43″ N, long. 84°44′29″ W; to lat. 32°19′55″ N, long. 84°45′06″ W; to lat. 32°20′13″ N, long. 84°45′54″ W; to lat. 32°20′30″ N, long. 84°46′32″ W; to lat. 32°20′53″ N, long. 84°46′55″ W; to lat. 32°20′55″ N, long. 84°47′38″ W; to lat. 32°15′25″ N, long. 84°47′32″ W; to lat. 32°15′26″ N, long. 84°48′37″ W; to lat. 32°15′17″ N, long. 84°48′37″ W; thence along River Bend Road to lat. 32°15′17″ N, long. 84°48′48″ W; to lat. 32°15′06″ N, long. 84°49′08″ W; to lat. 32°14′48″ N, long. 84°49′26″ W; to lat. 32°14′38″ N, long. 84°49′53″ W; to lat. 32°14′32″ N, long. 84°50′15″ W; to lat. 32°14′22″ N, long. 84°50′30″ W; to lat. 32°14′12″ N, long. 84°50′36″ W; to lat. 32°14′22″ N, long. 84°52′22″ W; to lat. 32°15′07″ N, long. 84°52′21″ W; to lat. 32°15′06″ N, long. 84°52′38″ W; to lat. 32°15′33″ N, long. 84°52′37″ W; to lat. 32°15′34″ N, long. 84°53′11″ W; to lat. 32°20′15″ N, long. 84°58′36″ W; thence along Dixie Rd/First Division Rd to lat. 32°20′36″ N, long. 84°58′15″ W; to lat. 32°20′53″ N, long. 84°57′55″ W; to lat. 32°21′03″ N, long. 84°57′40″ W; to lat. 32°21′11″ N, long. 84°57′24″ W; to lat. 32°21′08″ N, long. 84°56′55″ W; to lat. 32°21′13″ N, long. 84°56′04″ W; to lat. 32°21′33″ N, long. 84°55′35″ W; to lat. 32°21′50″ N, long. 84°55′16″ W; to lat. 32°21′53″ N, long. 84°55′00″ W; to lat. 32°22′06″ N, long. 84°54′41″ W; to lat. 32°23′01″ N, long. 84°55′44″ W; to lat. 32°24′48″ N, long. 84°52′52″ W; to lat. 32°25′36″ N, long. 84°52′52″ W; to lat. 32°25′44″ N, long. 84°53′30″ W; to lat. 32°26′19″ N, long. 84°53′31″ W; to lat. 32°26′20″ N, long. 84°53′54″ W; to lat. 32°27′19″ N, long. 84°53′53″ W; to lat. 32°27′17″ N, long. 84°52′10″ W; to lat. 32°28′46″ N, long. 84°52′08″ W; to lat. 32°28′44″ N, long. 84°50′47″ W; to lat. 32°29′43″ N, long. 84°50′59″ W; to lat. 32°30′35″ N, long. 84°50′50″ W; to lat. 32°30′39″ N, long. 84°50′23″ W; thence to the point of beginning.

Designated altitudes. 4,000 feet MSL to 8,000 feet MSL.

Time of designation. Intermittent, 0600–0200 local time, daily; other times by NOTAM 6 hours in advance.

Controlling agency. FAA, Atlanta TRACON.

Using agency. U.S. Army, Commanding General, Fort Benning, GA.

R–3002C Fort Benning, GA [Established]

Boundaries. Beginning at lat. 32°31′12″ N, long. 84°50′11″ W; to lat. 32°19′03″ N, long. 84°41′42″ W; thence along the Central of Georgia Railroad to lat. 32°19′09″ N, long. 84°42′27″ W; to lat. 32°19′14″ N, long. 84°42′52″ W; to lat. 32°19′23″ N, long. 84°43′18″ W; to lat. 32°19′35″ N, long. 84°43′49″ W; to lat. 32°19′43″ N, long. 84°44′29″ W; to lat. 32°19′55″ N, long. 84°45′06″ W; to lat. 32°20′13″ N, long. 84°45′54″ W; to lat. 32°20′30″ N, long. 84°46′32″ W; to lat. 32°20′53″ N, long. 84°46′55″ W; to lat. 32°20′55″ N, long. 84°47′38″ W; to lat. 32°15′25″ N, long. 84°47′32″ W; to lat. 32°15′26″ N, long. 84°48′37″ W; to lat. 32°15′17″ N, long. 84°48′37″ W; thence along River Bend Road to lat. 32°15′17″ N, long. 84°48′48″ W; to lat. 32°15′06″ N, long. 84°49′08″ W; to lat. 32°14′48″ N, long. 84°49′26″ W; to lat. 32°14′38″ N, long. 84°49′53″ W; to lat. 32°14′32″ N, long. 84°50′15″ W; to lat. 32°14′22″ N, long. 84°50′30″ W; to lat. 32°14′12″ N, long. 84°50′36″ W; to lat. 32°14′22″ N, long. 84°52′22″ W; to lat. 32°15′07″ N, long. 84°52′21″ W; to lat. 32°15′06″ N, long. 84°52′38″ W; to lat. 32°15′33″ N, long. 84°52′37″ W; to lat. 32°15′34″ N, long. 84°53′11″ W; to lat. 32°20′15″ N, long. 84°58′36″ W; thence

along Dixie Rd/First Division Rd to lat. 32°20′36″ N, long. 84°58′15″ W; to lat. 32°20′53″ N, long. 84°57′55″ W; to lat. 32°21′03″ N, long. 84°57′40″ W; to lat. 32°21′11″ N, long. 84°57′24″ W; to lat. 32°21′08″ N, long. 84°56′55″ W; to lat. 32°21′13″ N, long. 84°56′04″ W; to lat. 32°21′33″ N, long. 84°55′35″ W; to lat. 32°21′50″ N, long. 84°55′16″ W; to lat. 32°21′53″ N, long. 84°55′00″ W; to lat. 32°22′06″ N, long. 84°54′41″ W; to lat. 32°23′01″ N, long. 84°55′44″ W; to lat. 32°24′48″ N, long. 84°52′52″ W; to lat. 32°25′36″ N, long. 84°52′52″ W; to lat. 32°25′44″ N, long. 84°53′30″ W; to lat. 32°26′19″ N, long. 84°53′31″ W; to lat. 32°26′20″ N, long. 84°53′54″ W; to lat. 32°27′19″ N, long. 84°53′53″ W; to lat. 32°27′17″ N, long. 84°52′10″ W; to lat. 32°28′46″ N, long. 84°52′08″ W; to lat. 32°28′44″ N, long. 84°50′47″ W; to lat. 32°29′43″ N, long. 84°50′59″ W; to lat. 32°30′35″ N, long. 84°50′50″ W; to lat. 32°30′39″ N, long. 84°50′23″ W; thence to the point of beginning.

Designated altitudes. 8,000 feet MSL to 14,000 feet MSL.

Time of designation. Intermittent by NOTAM 6 hours in advance.

Controlling agency. FAA, Atlanta TRACON.

Using agency. U.S. Army, Commanding General, Fort Benning, GA.

R–3002D Fort Benning, GA [Established]

Boundaries. Beginning at lat. 32°31′12″ N, long. 84°50′11″ W; to lat. 32°31′52″ N, long. 84°50′25″ W; to lat. 32°33′05″ N, long. 84°45′27″ W; thence along the Central of Georgia Railroad to lat. 32°32′52″ N, long. 84°45′00″ W; to lat. 32°32′43″ N, long. 84°44′08″ W; to lat. 32°32′34″ N, long.84°43′40″ W; to lat. 32°32′22″ N, long. 84°43′13″ W; to lat. 32°32′18″ N, long. 84°42′53″ W; to lat. 32°32′08″ N, long. 84°42′38″ W; to lat. 32°32′05″ N, long. 84°42′26″ W; to lat. 32°32′11″ N, long. 84°42′12″ W; to lat. 32°32′13″ N, long. 84°41′54″ W; to lat. 32°32′10″ N, long. 84°41′38″ W; to lat. 32°32′06″ N, long. 84°41′25″ W; to lat. 32°32′08″ N, long. 84°41′17″ W; to lat. 32°32′15″ N, long. 84°41′01″ W; to lat. 32°32′20″ N, long. 84°40′56″ W; to lat. 32°32′07″ N, long. 84°40′44″ W; to lat. 32°31′06″ N, long. 84°41′43″ W; to lat. 32°31′04″ N, long. 84°40′54″ W; to lat. 32°32′04″ N, long. 84°38′16″ W; to lat. 32°29′16″ N, long. 84°38′17″ W; to lat. 32°29′10″ N, long. 84°39′25″ W; to lat. 32°18′35″ N, long. 84°39′30″ W; to lat. 32°18′23″ N, long. 84°41′09″ W; to lat. 32°19′03″ N, long. 84°41′42″ W; thence to the point of beginning.

Designated altitudes. Surface to 8,000 feet MSL.

Time of designation. Intermittent, 0600–0200 local time, daily; other times by NOTAM 6 hours in advance.

Controlling agency. FAA, Atlanta TRACON.

Using agency. U.S. Army, Commanding General, Fort Benning, GA.

R–3002E Fort Benning, GA [Established]

Boundaries. Beginning at lat. 32°31′12″ N, long. 84°50′11″ W; to lat. 32°31′52″ N, long. 84°50′25″ W; to lat. 32°33′05″ N, long. 84°45′27″ W; thence along the Central of Georgia Railroad to lat. 32°32′52″ N, long. 84°45′00″ W; to lat. 32°32′43″ N, long. 84°44′08″ W; to lat. 32°32′34″ N, long. 84°43′40″ W; to lat. 32°32′22″ N, long. 84°43′13″ W; to lat. 32°32′18″ N, long. 84°42′53″ W; to lat. 32°32′08″ N, long. 84°42′38″ W; to lat. 32°32′05″ N, long. 84°42′26″ W; to lat. 32°32′11″ N, long. 84°42′12″ W; to lat. 32°32′13″ N, long. 84°41′54″ W; to lat. 32°32′10″ N, long. 84°41′38″ W; to lat. 32°32′06″ N, long. 84°41′25″ W; to lat. 32°32′08″ N, long. 84°41′17″ W; to lat. 32°32′15″ N, long. 84°41′01″ W; to lat. 32°32′20″ N, long. 84°40′56″ W; to lat. 32°32′07″ N, long. 84°40′44″ W; to lat. 32°31′06″ N, long. 84°41′43″ W; to lat. 32°31′04″ N, long. 84°40′54″ W; to lat. 32°32′04″ N, long. 84°38′16″ W; to lat. 32°29′16″ N, long. 84°38′17″ W; to lat. 32°29′10″ N, long. 84°39′25″ W; to lat. 32°18′35″ N, long. 84°39′30″ W; to lat. 32°18′23″ N, long. 84°41′09″ W; to lat. 32°19′03″ N, long. 84°41′42″ W; thence along the Central of Georgia Railroad to lat. 32°19′09″ N, long. 84°42′27″ W; to lat. 32°19′14″ N, long. 84°42′52″ W; to lat. 32°19′23″ N, long. 84°43′18″ W; to lat. 32°19′35″ N, long. 84°43′49″ W; to lat. 32°19′43″ N, long. 84°44′29″ W; to lat. 32°19′55″ N, long. 84°45′06″ W; to lat. 32°20′13″ N, long. 84°45′54″ W; to lat. 32°20′30″ N, long. 84°46′32″ W; to lat. 32°20′53″ N, long. 84°46′55″ W; to lat. 32°20′55″ N, long. 84°47′38″ W; thence to the point of beginning..

Designated altitudes. 14,000 feet MSL to FL 250.

Time of designation. Intermittent by NOTAM 6 hours in advance.

Controlling agency. FAA, Atlanta TRACON.

Using agency. U.S. Army, Commanding General, Fort Benning, GA.

R–3002F Fort Benning, GA [Established]

Boundaries. Beginning at lat. 32°27′17″ N, long. 84°52′10″ W; to lat. 32°28′46″ N, long. 84°52′08″ W; to lat. 32°28′44″ N, long. 84°50′47″ W; to lat. 32°29′43″ N, long. 84°50′59″ W; to lat. 32°30′35″ N, long. 84°50′50″ W; to lat. 32°30′39″ N, long. 84°50′23″ W; to lat. 32°31′12″ N, long. 84°50′11″ W; to lat. 32°31′52″ N, long. 84°50′25″ W; to lat. 32°33′05″ N, long. 84°45′27″ W; thence along the Central of Georgia Railroad to lat. 32°32′52″ N, long. 84°45′00″ W; to lat. 32°32′43″ N, long. 84°44′08″ W; to lat. 32°32′34″ N, long. 84°43′40″ W; to lat. 32°32′22″ N, long. 84°43′13″ W; to lat. 32°32′18″ N, long. 84°42′53″ W; to lat. 32°32′08″ N, long. 84°42′38″ W; to lat. 32°32′05″ N, long. 84°42′26″ W; to lat. 32°32′11″ N, long. 84°42′12″ W; to lat. 32°32′13″ N, long. 84°41′54″ W; to lat. 32°32′10″ N, long. 84°41′38″ W; to lat. 32°32′06″ N, long. 84°41′25″ W; to lat. 32°32′08″ N, long. 84°41′17″ W; to lat. 32°32′15″ N, long. 84°41′01″ W; to lat. 32°32′20″ N, long. 84°40′56″ W; to lat. 32°32′07″ N, long. 84°40′44″ W; to lat. 32°31′06″ N, long. 84°41′43″ W; to lat. 32°31′04″ N, long. 84°40′54″ W; to lat. 32°32′04″ N, long. 84°38′16″ W; to lat. 32°29′16″ N, long. 84°38′17″ W; to lat. 32°29′10″ N, long. 84°39′25″ W; to lat. 32°18′35″ N, long. 84°39′30″ W; to lat. 32°18′23″ N, long. 84°41′09″ W; to lat. 32°19′03″ N, long. 84°41′42″ W; thence to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Intermittent, 0600–0200 Eastern time daily; other times by NOTAM 6 hours in advance.

Controlling agency. FAA, Atlanta TRACON.

Using agency. U.S. Army, Commanding General, Fort Benning, GA.

* * * * *

Issued in Washington, DC, on March 18, 2026.

Brian Eric Konie,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2026–05579 Filed 3–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2026–2473; Airspace Docket No. 25–ASO–18]

RIN 2120–AA66

Renaming of Restricted Areas R–2103A, R–2103B, and R–2103C; Fort Novosel, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action implements administrative changes to rename the facility associated with restricted areas R–2103A, R–2103B, and R–2103C, Fort Novosel, AL, and to update the using agency description to reflect the change. This action does not alter airspace boundaries or impose additional operating requirements on users of the affected airspace.

DATES: Effective date 0901 UTC, July 9, 2026.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it updates the information in the airspace descriptions of restricted areas R–2103A, R–2103B, and R–2103C, Fort Novosel, AL.

History

On June 11, 2025, the Secretary of Defense directed the United States Army to change the name of ''Fort Novosel, AL'' by redesignating it as, ''Fort Rucker, AL.'' Consequently, this rulemaking action implements the requisite changes to part 73 by updating the airspace descriptions and titles of restricted areas R–2103A, R–2103B, and R–2103C to reflect the new name.

The Rule

This action amends 14 CFR part 73 by updating the airspace titles and using agency descriptions for restricted areas R–2103A, R–2103B, and R–2103C by removing the name ''Fort Novosel, AL'' and replacing it with ''Fort Rucker, AL.'' The using agency for all three restricted areas is changed to the ''Commanding General, U.S. Army Aviation Center, Fort Rucker, AL.''

Good Cause for Bypassing Notice and Comment

Under 5 U.S.C. 553, federal agencies engaged in informal rulemaking must provide the public with a notice of proposed rulemaking and an opportunity for public participation. However, 5 U.S.C. 553(b)(B) exempts a rule from these requirements ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' Courts have construed these exceptions narrowly but have nonetheless accepted determinations of good cause that notice and comment is unnecessary in ''those situations in which the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.'' See *Mack Trucks, Inc.* v. *EPA,* 682 F.3d 87, 94 (D.C. Cir. 2012). This action consists of administrative name changes and minor technical amendments only. It does not affect the boundaries, altitudes, time of designation, operating requirements, or activities conducted in the restricted areas. Therefore, FAA has determined that good cause exists to find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of making an administrative change to rename restricted areas R–2103A, R–2103B, and R–2103C, from Fort Novosel, AL to Fort Rucker, AL, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and in accordance with FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures,* paragraph B–2.5(a), which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (*see* 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph B–2.5(d), which categorically excludes from further environmental impact review the modification of the technical description of special use airspace (SUA) that does not alter the dimensions, altitudes, or times of designation of the airspace (such as changes in designation of the controlling or using agency, or correction of typographical errors). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with the FAA's NEPA implementation policy and procedures regarding extraordinary circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental

assessment or environmental impact statement.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for 14 CFR part 73 continues to read as follows:

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

§ 73.21 Alabama (AL) [Amended]

■ 2. Section 73.21 is amended as follows:

* * * * *

R–2103A Fort Novosel, AL [Revoke]

R–2103B Fort Novosel, AL [Revoke]

R–2103C Fort Novosel, AL [Revoke]

R–2103A Fort Rucker, AL [Established]

Boundaries. A circular area with a radius of 4 miles centered at lat. 31°26′56″ N, long. 085°47′45″ W.

Designated altitudes. Surface to but not including 5,000 feet. MSL.

Time of designation. Continuous.

Controlling agency. U.S. Army, Cairns Approach Control.

Using agency. Commanding General, U.S. Army Aviation Center, Fort Rucker, AL.

R–2103B Fort Rucker, AL [Established]

Boundaries. A circular area with a radius of 4 miles centered at lat. 31°26′56″ N, long. 085°47′45″ W.

Designated altitudes. 5,000 feet MSL to but not including 10,000 feet MSL.

Time of designation. Continuous.

Controlling agency. U.S. Army, Cairns Approach Control.

Using agency. Commanding General, U.S. Army Aviation Center, Fort Rucker, AL.

R–2103C Fort Rucker, AL [Established]

Boundaries. A circular area with a radius of 4 miles centered at lat. 31°26′56″ N, long. 085°47′45″ W.

Designated altitudes. 10,000 feet MSL to 15,000 feet MSL.

Time of designation. By NOTAM 6 hours in advance.

Controlling agency. FAA, Jacksonville ARTCC.

Using agency. Commanding General, U.S. Army Aviation Center, Fort Rucker, AL.

* * * * *

Issued in Washington, DC, on March 18, 2026.

Brian Eric Konie,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2026–05580 Filed 3–20–26; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

RIN 3038–AF67

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231 and 241

[Release Nos. 33–11412; 34–105020; File No. S7–2026–09]li

RIN 3235–AN56

Application of the Federal Securities Laws to Certain Types of Crypto Assets and Certain Transactions Involving Crypto Assets

AGENCY: Securities and Exchange Commission; Commodity Futures Trading Commission

ACTION: Final rule; interpretation; guidance

SUMMARY: The Securities and Exchange Commission (''Commission'' or ''SEC'') issues herein an interpretation regarding the application of the Federal securities laws to certain types of crypto assets and certain transactions involving crypto assets. The references in this release to ''we'' and ''our'' are to the Commission. The Commodity Futures Trading Commission (''CFTC'') provides herein guidance relating to that interpretation.

DATES: *Effective Date:* March 23, 2026.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/comments/s7-2026-09/application-federal-securities-laws-certain-types-crypto-assets-certain-transactions-involving*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–2026–09 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 S7–2026–09. 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 of submission. The Commission will post all comments on the Commission's website (*https://www.sec.gov/comments/s7-2026-09/application-federal-securities-laws-certain-types-crypto-assets-certain-transactions-involving*). Do not include personally identifiable information in submissions; you should submit only information that you wish to make available publicly. The Commission may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

FOR FURTHER INFORMATION CONTACT: SEC: Andrew Schoeffler, Office of Chief Counsel, at (202) 551–3500, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549; CFTC: Mark Fajfar, Senior Assistant General Counsel, Office of the General Counsel, at (202) 418–6636, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

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I. Introduction

The Commission has engaged with crypto assets [1] for more than a decade.[2] In 2017, the Commission issued a report pursuant to section 21(a) of the Securities Exchange Act of 1934 (the ''Exchange Act'') [3] regarding offers and sales of crypto assets by an unincorporated organization named ''The DAO.'' [4] The Commission, in The DAO Report, determined, among other things, that crypto assets issued by The DAO were offered and sold as investment contracts and, therefore, securities under section 2(a)(1) of the Securities Act of 1933 (the ''Securities Act'') [5] and section 3(a)(10) of the Exchange Act.[6] In making this determination, the Commission applied the ''*Howey* test,'' which the U.S. Supreme Court (the ''Supreme Court'') has used to determine whether a contract, transaction, or scheme is an investment contract and therefore a security.[7] In the years following publication of The DAO Report, the Commission applied the *Howey* test, mostly in the context of enforcement actions, to determine whether crypto assets were offered and sold as investment contracts and therefore as securities. Some Commissioners and other commentators expressed concerns about the Commission's approach to crypto assets during this period. Some described that approach as ''regulation by enforcement,'' stating that the Commission pursued enforcement actions against crypto asset issuers for alleged violations of the Federal securities laws rather than developing a tailored regulatory framework that accommodates crypto asset innovation and entrepreneurship.[8]

Applying the *Howey* test to crypto assets and transactions involving crypto assets can be challenging because of the varying degrees of control that persons or groups may have over crypto systems, the diversity of the types of crypto assets with varying characteristics, uses, and functionality, and the evolving nature of crypto assets and crypto systems. These unique attributes of crypto assets have prompted divergent views among market participants, financial regulators, and the courts over the application of the *Howey* test to crypto assets and transactions involving crypto assets, particularly with respect to secondary market transactions involving crypto assets. Accordingly, market participants have requested guidance from the Commission regarding the circumstances under which the Commission will characterize crypto assets as securities and transactions involving crypto assets as securities transactions.[9]

On January 21, 2025, Acting Chairman Mark T. Uyeda established the Crypto Task Force to help provide greater clarity on the application of the Federal securities laws to the crypto asset markets.[10] The Crypto Task Force's focus is to support, among other things, the Commission's efforts to draw clear regulatory lines, appropriately distinguish securities from non-securities, craft tailored disclosure frameworks, provide realistic paths to registration for crypto asset offerings and intermediaries subject to the Federal securities laws, and ensure that investors have the information necessary to make informed investment decisions.[11] To this end, the Crypto Task Force has hosted a series of roundtables, including a March 21, 2025 roundtable on security status titled, ''How We Got Here and How We Get Out—Defining Security Status.'' [12] The Crypto Task Force also has requested and received written input from,[13] and held meetings with, members of the public.[14] To date, the Crypto Task Force has received over 300 written submissions from issuers, investors (both individual and institutional), law firms and legal professionals, audit and accounting professionals and firms, academics, professional and investor associations and organizations, investment companies and advisors,

[1] For purposes of this release: a ''crypto asset'' is any digital representation of value that is recorded on a cryptographically secured distributed ledger; a ''crypto network'' is a blockchain or similar distributed ledger technology network; and a ''crypto application'' is a software application running on a crypto network. We refer to crypto networks and crypto applications together in this release as ''crypto systems.'' Further, for purposes of this release, ''onchain'' refers to transactions or data that are processed and recorded directly on a crypto network and ''offchain'' refers to transactions or data that are processed and recorded outside of a crypto network. The foregoing definition of ''crypto asset'' is identical to the definition of ''Digital Asset'' in section 2(6) of the Guiding and Establishing National Innovation for U.S. Stablecoins Act, Public Law 119–27, 139 Stat. 419 (2025) (''GENIUS Act'').

[2] For example, the first registration statement for the offer and sale of a crypto asset exchange-traded product was filed with the Commission in 2013. *See* Form S–1 Registration Statement filed with the Commission on July 1, 2013, available at *https://www.sec.gov/Archives/edgar/data/1579346/000119312513279830/d562329ds1.htm.*

[3] 15 U.S.C. 78a *et seq.*

[4] *See Report of Investigation Pursuant to Section 21(a) of the Securities Exchange Act of 1934: The DAO,* Release No. 34–81207 (July 25, 2017) (''The DAO Report'').

[5] 15 U.S.C. 77a *et seq.*

[6] *See* The DAO Report at 11–15.

[7] *See SEC* v. *W.J. Howey Co.,* 328 U.S. 293 (1946) (''*Howey*''). The *Howey* test defines an investment contract as a contract, transaction, or scheme involving (1) an investment of money, (2) in a common enterprise, (3) with an expectation of profits derived from the efforts of others. Courts have concluded that the ''*Howey* test has three elements,'' including ''a common enterprise.'' *SEC* v. *Barry,* 146 F.4th 1242, 1251 (9th Cir. 2025); *accord SEC* v. *Scoville,* 913 F.3d 1204, 1220 (10th Cir. 2019) (the *Howey* test has been broken down into ''three requirements,'' including a ''common enterprise''). To the extent the Commission's opinion in *In re Barkate,* Release No. 34–49542, 2004 WL 762434, at *3 n.13 (Apr. 8, 2004), or other such prior statements by the Commission or its staff indicate that the Commission does not view commonality as a requirement for an ''investment contract'' under *Howey,* the Commission concludes and clarifies that, based on courts' post-*Barkate* decisions, the common enterprise element must be satisfied.

[8] *See, e.g.,* Commissioner Hester M. Peirce, *Outdated: Remarks before the Digital Assets at Duke Conference* (Jan. 20, 2023), available at *https://www.sec.gov/newsroom/speeches-statements/peirce-remarks-duke-conference-012023#_ftn35;* Commissioner Mark T. Uyeda, *Remarks at the ''SEC Speaks'' Conference 2022,* available at *https://www.sec.gov/newsroom/speeches-statements/uyeda-speech-sec-speaks-090922;* Commissioner Mark T. Uyeda, *Remarks at the ''SEC Speaks'' Conference 2025,* available at *https://www.sec.gov/newsroom/speeches-statements/uyeda-remarks-sec-speaks-051925.*

[9] *See, e.g.,* Coinbase, Petition for Rulemaking—Digital Asset Securities Regulation (July 21, 2022), available at *https://www.sec.gov/rules/petitions/2022/petn4-789.pdf;* Letter from Robinhood Markets, Inc. (Mar. 13, 2025), available at *https://www.sec.gov/files/ctf-input-robinhood-2025-03-13.pdf;* Letter from Andreessen Horowitz (Mar. 13, 2025), available at *https://api.a16zcrypto.com/wp-content/uploads/2025/03/a16z-Crypto-SEC-RFI-Questions-1-through-6-March-13-2025.pdf;* Letter from Coinbase Global, Inc. (Mar. 19, 2025), available at *https://www.sec.gov/files/ctf-input-grewal-2025-3-19.pdf;* Letter from SIFMA and SIFMA AMG (May 9, 2025), available at *https://www.sifma.org/wp-content/uploads/2025/05/SIFMA-SEC-Crypto-RFI-Initial-Response-May-2025.pdf.*

[10] *See* U.S. Securities and Exchange Commission, Crypto Task Force, available at *https://www.sec.gov/about/crypto-task-force.*

[11] *Id.*

[12] *See* U.S. Securities and Exchange Commission, Crypto Task Force Roundtables, available at *https://www.sec.gov/about/crypto-task-force/crypto-task-force-roundtables.*

[13] *See* U.S. Securities and Exchange Commission, Crypto Task Force Written Input, available at *https://www.sec.gov/about/crypto-task-force/crypto-task-force-written-input.*

[14] *See* U.S. Securities and Exchange Commission, Crypto Task Force Meetings, available at *https://www.sec.gov/about/crypto-task-force/crypto-task-force-meetings.*

market intermediaries, service providers, network foundations, foreign entities, other crypto asset market participants, and other members of the public.[15]

In July 2025, the President's Working Group on Digital Asset Markets released a report titled, ''Strengthening American Leadership in Digital Financial Technology'' that, among other things, addresses the need for a taxonomy for crypto assets and sets forth a number of recommended regulatory reforms relating to the crypto asset markets.[16] In particular, the report recommended that the ''SEC and CFTC should use their existing authorities to provide fulsome regulatory clarity that best keeps blockchain-based innovation within the United States.'' [17] In connection with the release of the report, Chairman Paul S. Atkins launched ''Project Crypto,'' a Commission-wide initiative to modernize rules and regulations under the Federal securities laws in accordance with the President's Working Group's recommendations to enable America's financial markets to move onchain.[18] Among other things, Chairman Atkins directed the staff to ''work to develop clear guidelines that market participants can use to determine whether a crypto asset is a security or subject to an investment contract.'' [19] On January 29, 2026, Chairman Atkins and CFTC Chairman Michael S. Selig announced that Project Crypto—previously an SEC-led initiative—will proceed as a joint effort between the SEC and the CFTC to harmonize federal oversight of crypto asset markets.[20]

In light of the concerns raised about the Commission's approach to crypto assets before 2025, the regulatory developments beginning in 2025, and the public input provided to the Crypto Task Force, the Commission has determined to issue herein an interpretation of the definition of ''security'' as applied to crypto assets and transactions involving crypto assets as part of its efforts to provide greater clarity regarding the Commission's treatment of crypto assets under the Federal securities laws. We first discuss the definition of ''security'' under the Federal securities laws, including the term ''investment contract.'' We then classify crypto assets into categories based on their characteristics, uses, and functions, and analyze each category under the definition of ''security.'' We also address how a ''non-security crypto asset''—which is a crypto asset that itself is not a security—may become subject to, and how it may cease to be subject to, an investment contract. Further, we discuss the Federal securities laws status of the crypto asset activities known as ''protocol mining,'' ''protocol staking,'' and ''wrapping.'' Finally, we discuss the application of the *Howey* test to certain crypto asset disseminations known as ''airdrops.''

The interpretation in this release does not supersede or replace the *Howey* test, which is binding legal precedent. Rather, the interpretation conveys the Commission's views, informed by the extensive feedback the Commission and its staff have received to date on these topics (including from the Crypto Task Force's roundtables, written input, and meetings), regarding how certain aspects of the *Howey* test apply to crypto assets and transactions involving crypto assets.[21] The Commission and its staff will administer the Federal securities laws consistent with the interpretation, including with respect to enforcement actions. The interpretation is the Commission's first step toward developing a clearer regulatory framework for the treatment of crypto assets under the Federal securities laws.[22]

Further, the CFTC provides herein guidance that the CFTC and its staff will administer the Commodity Exchange Act [23] consistent with the interpretation,[24] and that certain non-security crypto assets could meet the definition of ''commodity'' under the Commodity Exchange Act.[25]

The interpretation in this release is based on the Commission's current understanding of the crypto asset markets, including the typical transactional and structural features of these markets and the typical characteristics, uses, and functions of crypto assets. To help inform the Commission's ongoing consideration of the topics addressed in this release, we are soliciting public comment on the views set forth in the interpretation, including the descriptions of the crypto assets and crypto asset transactions contained herein. Based on the feedback received, the Commission may refine, revise, or expand upon the interpretation in order to provide further clarity regarding the Commission's treatment of crypto assets under the Federal securities laws.

II. Definition of ''Security''

In delineating the scope of the Federal securities laws, Congress ''enacted a broad definition of 'security,' sufficient to encompass virtually any instrument that might be sold as an investment.'' [26] While the definition of ''security'' includes an enumerated list of ''the commonly known documents traded for speculation or investment,'' including ''stock,'' ''bond,'' and ''note,'' it also includes instruments ''of a more variable character,'' such as ''investment contract,'' ''certificate of interest or participation in a profit-sharing agreement,'' and ''any interest or instrument commonly known as a security.'' [27] In addition, the definition of ''security'' includes any ''receipt for, guarantee of, or warrant or right to subscribe to or purchase'' any of the financial instruments enumerated in the definition of ''security.'' [28]

The Supreme Court has said that ''[b]ecause securities transactions are economic in character Congress intended the application of these statutes to turn on the economic realities underlying a transaction, and not the name appended thereto.'' [29] The Supreme Court has reasoned that ''in searching for the meaning and scope of the word 'security' . . . , form should be disregarded for substance and the

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[15] *See supra* note 13.

[16] *See Strengthening American Leadership in Digital Financial Technology* (July 30, 2025) (''PWG Report''), available at *https://www.whitehouse.gov/wp-content/uploads/2025/07/Digital-Assets-Report-EO14178.pdf.*

[17] *Id.* at 54.

[18] *See* Chairman Paul S. Atkins, *American Leadership in the Digital Finance Revolution* (July 31, 2025), available at *https://www.sec.gov/newsroom/speeches-statements/atkins-digital-finance-revolution-073125.*

[19] *Id.*

[20] *See* Chairman Paul S. Atkins, Opening Remarks at Joint SEC–CFTC Harmonization Event—Project Crypto (Jan. 29, 2026), available at *https://www.sec.gov/newsroom/speeches-statements/atkins-remarks-joint-sec-cftc-harmonization-event-project-crypto-012926;* Chairman Michael S. Selig, *The Next Phase of Project Crypto: Unleashing Innovation for the New Frontier of Finance* (Jan. 29, 2026), available at *https://www.cftc.gov/PressRoom/SpeechesTestimony/opaselig1.*

[21] The interpretation supersedes the Commission staff's *Framework for* ''*Investment Contract*'' *Analysis of Digital Assets* (Apr. 3, 2019), available at *https://www.sec.gov/corpfin/framework-investment-contract-analysis-digital-assets.*

[22] *See, e.g.,* U.S. Securities and Exchange Commission, *Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions,* available at *https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=3235.*

[23] 7 U.S.C. 1 *et seq.*

[24] Nothing in this release should be construed as altering the respective statutory authorities of the SEC or CFTC.

[25] *See infra* note 48.

[26] *SEC* v. *Edwards,* 540 U.S. 389, 393 (2004). The definition of ''security'' is ''essentially identical in meaning'' under section 2(a)(1) of the Securities Act (15 U.S.C. 77b(a)(1)) and section 3(a)(10) of the Exchange Act (15 U.S.C. 78c(a)(10)). *Id.* (citing *Reves* v. *Ernst & Young,* 494 U.S. 56, 61 n.1 (1990)).

[27] *Howey,* 328 U.S. at 297.

[28] 15 U.S.C. 77b(a)(1).

[29] *United Housing Foundation, Inc.* v. *Forman,* 421 U.S. 837, 849 (1975).

emphasis should be on economic reality.'' [30] Nonetheless, the definition of ''security'' is not boundless: ''Congress, in enacting the securities laws, did not intend to provide a broad federal remedy for all fraud.'' [31] While the securities laws cover ''those instruments ordinarily and commonly considered to be securities in the commercial world,'' not every instrument is ''the type of instrument that comes to mind when the term 'security' is used,'' and not every instrument falls within ''the ordinary concept of a security.'' [32] Importantly, the Federal securities laws generally do not apply to items that are purchased for use or consumption,[33] whether they are physical or digital.

There is no universal test to determine whether an instrument is a security.[34] Instead, it must be analyzed to determine if it constitutes one of the financial instruments enumerated in the definition of ''security.'' The financial instruments enumerated in the definition of ''security'' generally are not defined in statute or Commission rules,[35] but the Supreme Court and other Federal courts have interpreted many of them based on economic reality. For example, the Supreme Court has established tests for determining whether an instrument that is designated as a ''note'' [36] or ''stock'' [37] is a security for purposes of the Federal securities laws.

The definition of ''security'' is not limited to ''obvious and commonplace'' instruments.[38] In cases involving a ''[n]ovel, uncommon, or irregular device,'' courts often evaluate whether the instrument is an ''investment contract,'' a term that is not defined in statute or Commission rules.[39] The Commission and Federal courts typically have evaluated the security status of crypto assets and crypto asset transactions under an investment contract analysis.[40]

In *Howey,* the Supreme Court defined the term ''investment contract'' in a way that it intended to be ''capable of adaptation to meet the countless and variable schemes devised by those who seek the use of the money of others on the promise of profits.'' [41] Under *Howey,* the term ''investment contract'' means any contract, transaction, or scheme whereby a person invests money in a common enterprise and reasonably expects profits to be derived from the efforts of others.[42] This definition, known as the ''*Howey* test,'' [43] is intended to afford ''the SEC and the courts sufficient flexibility to ensure that those who market investment contracts are not able to escape the coverage of the Federal securities laws by creating new instruments that would not be covered by a more determinate definition.'' [44] Since the Supreme Court decided *Howey* in 1946, Federal courts have applied the *Howey* test to a broad range of contracts, transactions, and schemes.[45]

III. Classification of Crypto Assets

Virtually any type of security, good, service, right, or interest can be represented in a digital format as a crypto asset. The developer of a crypto asset can determine the quantity of units of a crypto asset that will be generated, the parameters for distribution of the crypto asset, and the functionality (or lack thereof) of the crypto asset, among other things. The developer can generate crypto assets as fungible units or as non-fungible units (commonly known as ''non-fungible tokens'' or ''NFTs'').[46] As such, crypto assets encompass a broad range of instruments with varying characteristics, uses, and functions. For purposes of this release, we classify crypto assets into five categories based on their characteristics, uses, and functions: (i) digital commodities; (ii) digital collectibles; (iii) digital tools; (iv) stablecoins; and (v) digital securities.

Digital commodities, digital collectibles, and digital tools, each as further described below, are not themselves securities. However, as with any asset that is not a security, a non-security crypto asset can be offered and sold subject to an investment contract, which is a security.[47] Stablecoins, as further described below, are a broad category of crypto assets that may or may not be securities depending on their characteristics. Digital securities, as further described below, are securities. Given the variations in crypto assets and the constantly evolving

[30] *Id.*

[31] *Marine Bank* v. *Weaver,* 455 U.S. 551, 556 (1982).

[32] *Id.* at 559.

[33] *Forman,* 421 U.S. at 852–53 (''[W]hen a purchaser is motivated by a desire to use or consume the item purchased—'to occupy the land or to develop it themselves,' as the Howey court put it, *ibid.*—the securities laws do not apply.'' (quoting *Howey,* 328 U.S. at 300)).

[34] Louis Loss (late), Joel Seligman & Troy Paredes, *Securities Regulation* 3.A.1 (6th and 7th eds., 2025 Cum. Supp. 2018–2023) (''Each type of financial instrument included in the statutory definition of security is susceptible to a separate analysis, employing separate analytical concepts. There is no universal or generic test of the term.'').

[35] Certain financial instruments enumerated in the definition of ''security'' are defined in statute and Commission rules and regulations, such as ''security future'' and ''security-based swap.'' *See, e.g.,* 15 U.S.C. 78c(a)(55) and (68).

[36] *See Reves,* 494 U.S. at 60–61 (holding that all notes are presumptively securities, with that presumption rebuttable where Reves's four-factor analysis indicates that the note was delivered in a commercial or consumer context and not in an investment context).

[37] *See Landreth Timber Co.* v. *Landreth,* 471 U.S. 681, 686 (1985) (holding that the characteristics typical of ''stock'' are ''(i) the right to receive dividends contingent upon an apportionment of profits; (ii) negotiability; (iii) the ability to be pledged or hypothecated; (iv) the conferring of voting rights in proportion to the number of shares owned; and (v) the capacity to appreciate in value'').

[38] *SEC* v. *C.M. Joiner Leasing Corp.,* 320 U.S. 344, 351 (1943).

[39] *Id.*

[40] *See, e.g.,* The DAO Report; *SEC* v. *Telegram Grp. Inc.,* 448 F. Supp. 3d 352 (S.D.N.Y. 2020).

[41] *Howey,* 328 U.S. at 299.

[42] *Id.* at 298–99. The *Howey* test's ''efforts of others'' requirement is satisfied when ''the efforts made by those other than the investor are the undeniably significant ones, those essential managerial efforts which affect the failure or success of the enterprise.'' *See, e.g., SEC* v. *v. Glenn W. Turner Enterprises, Inc.,* 474 F.2d 476, 482 (9th Cir. 1973). Federal courts also have stated that administrative and ministerial activities are not managerial efforts that satisfy *Howey's* ''efforts of others'' requirement. *See, e.g., First Fin. Fed. Sav. & Loan* v. *E.F. Hutton Mortgage,* 834 F.2d 685 (8th Cir. 1987) (activities performed were merely administrative and ministerial in nature and therefore did not constitute the managerial efforts of others); *Union Planters National Bank of Memphis* v. *Commercial Credit Business Loans, Inc.,* 651 F.2d 1174 (6th Cir. 1981) (stating that administrative tasks and services are not managerial under *Howey*); *see also Donovan* v. *GMO–Z.com Tr. Co., Inc.,* 779 F. Supp. 3d 372, 388 (S.D.N.Y. 2025) (''Ministerial, technical, and clerical tasks often are 'necessary' for an investment scheme to operate and thereby generate a profit, but courts have long found such efforts to be insufficient under *Howey's* third prong.''). In this release, we refer to managerial efforts that meet the *Howey* test's ''efforts of others'' requirement as ''essential managerial efforts.''

[43] *See supra* note 7.

[44] *Reves,* 494 U.S. at 63 n.2.

[45] As noted above, the definition of ''security'' also includes a ''certificate of interest or participation in any profit-sharing agreement.'' The term ''certificate of interest or participation in any profit-sharing agreement'' does not have a meaning broader than that of ''investment contract.'' *See Int'l Brotherhood of Teamsters* v. *Daniel,* 439 U.S. 551, 558 n.11 (1979) (stating that a ''certificate of interest . . . in any profit-sharing agreement'' does not have ''any broader meaning under the Securities Acts than an 'investment contract'''). Accordingly, a financial instrument that is not an investment contract cannot be a certificate of interest or participation in any profit-sharing agreement. It is possible, but not necessarily the case, that an instrument that is an ''investment contract'' could also be a ''certificate of interest or participation in any profit-sharing agreement.'' *See, e.g., Tcherepnin* v. *Knight,* 389 U.S. 332, 336 (1967).

[46] An NFT is a non-interchangeable crypto asset with a unique digital identifier. Because NFTs constitute unique crypto assets, they cannot be replicated. In contrast, fungible crypto assets are interchangeable, which means that they are identical and of equal value and substitutable for one another.

[47] *See infra* section IV. The fact that a non-security crypto asset is subject to an investment contract does not transform the non-security crypto asset itself into a security.

nature of the crypto asset markets, including the underlying technology, there may be crypto assets that do not fall within any of these five categories, as well as crypto assets with hybrid characteristics that may fall within more than one category.

A. Digital Commodities [48]

A digital commodity is a crypto asset that is intrinsically linked to and derives its value from the programmatic operation of a crypto system that is ''functional,[49] as well as supply and demand dynamics, rather than from the expectation of profits from the essential managerial efforts of others.[50] A digital commodity does not have intrinsic economic properties or rights, such as generating a passive yield or conveying rights to future income, profits, or assets of a business enterprise or other entity, promisor, or obligor, but may have certain other rights (as discussed below). Examples of digital commodities include Aptos (APT); Avalanche (AVAX); Bitcoin (BTC); Bitcoin Cash (BCH); Cardano (ADA); Chainlink (LINK); Dogecoin (DOGE); Ether (ETH); Hedera (HBAR); Litecoin (LTC); Polkadot (DOT); Shiba Inu (SHIB); Solana (SOL); Stellar (XLM); Tezos (XTZ); and XRP (XRP).[51]

A digital commodity is necessary to participate in or use certain aspects of an associated functional crypto system. The programmed purpose of a digital commodity is to facilitate and incentivize the validation, ordering, and confirmation of transactions on the associated functional crypto system, serve as a mechanism to maintain the functioning and/or security of the associated functional crypto system, and foster network effects.[52] Accordingly, a digital commodity is integral to the operation of the associated functional crypto system. For example, a digital commodity typically conveys to holders certain technical rights with respect to the associated functional crypto system, such as enabling holders to participate in the system's consensus mechanism by staking (or locking up) the system's native digital commodity.[53] A digital commodity also may convey to holders certain governance rights with respect to the associated functional crypto system. Such a ''governance token'' typically allows holders to vote on certain technical or governance matters, such as software upgrades and treasury expenditures. Further, a functional crypto system may require users to pay transaction (or ''gas'') fees in the system's native digital commodity. These gas fees—in addition to units of the digital commodity newly generated by the protocol—typically are used as an incentive mechanism to reward participation in and use of the associated functional crypto system.

A digital commodity itself, as described in this release, is not a security because it does not have the economic characteristics of a security. A digital commodity does not constitute any of the financial instruments enumerated in the definition of ''security'' because, among other things, it does not represent a digitized form of any such instruments, including an investment contract. Like commodities generally, a digital commodity has intrinsic value derived from the value of the goods and services that may be produced or accessed using that commodity, as well as from supply and demand dynamics. Users of a functional crypto system use the system's native digital commodity to interact with the system's features and functionalities. A functional crypto system incorporates economic mechanisms that reward voluntary cooperation and coordination among the system's users. Users are encouraged to participate in a functional crypto system based on its economic mechanism design, and developers are incentivized to build crypto applications for functional crypto systems that successfully attract users. A functional crypto system does not have a central party [54] that oversees participation or distributes rewards to users. As a result, the value of a digital commodity is intrinsically linked to the programmatic functioning of the associated functional crypto system. Therefore, given that a digital commodity is associated with a functional crypto system, a purchaser would not reasonably expect to profit based on the essential managerial efforts of others.

B. Digital Collectibles

A digital collectible is a crypto asset that is designed to be collected and/or used and may represent or convey rights to artwork, music, videos, trading cards, in-game items, or digital representations or references to internet memes, characters, current events, or trends, among other things. A digital collectible does not have intrinsic economic properties or rights, such as generating a passive yield or conveying rights to future income, profits, or assets of a business enterprise or other entity, promisor, or obligor. Examples of digital collectibles available in the markets today, based on our understanding of their characteristics, terms, and functions as of the date of this release, include CryptoPunks,[55] Chromie Squiggles,[56] Fan Tokens,[57] WIF,[58] and VCOIN.[59]

Like physical collectibles, digital collectibles do not provide holders with any legal rights or interest in or with respect to a business enterprise or other entity, promisor, or obligor associated with the creator of the digital collectible

[48] For purposes of this release, we are using the term ''commodity'' in an economic and commercial sense (*i.e.,* assets that are fungible, have utility, and whose value is determined by supply and demand). However, any non-security crypto asset, other than a ''payment stablecoin issued by a permitted payment stablecoin issuer,'' as such terms are defined in section 2 of the GENIUS Act, could meet the definition of ''commodity'' under the Commodity Exchange Act. *See* 7 U.S.C. 1a(9).

[49] For purposes of this release, a crypto system is ''functional'' if the system's native crypto asset can be used on the system in accordance with the programmatic utility of the system. The term ''native'' in the context of a crypto asset refers to a crypto asset generated for use on a particular crypto system.

[50] A digital commodity may be native to a crypto system that is decentralized. For purposes of this release, a crypto system is ''decentralized'' if the crypto system functions and operates autonomously with no person, entity, or group of persons or entities having operational, economic, or voting control of the crypto system.

[51] Based on our understanding of their characteristics, terms, and functions as of the date of this release, the Commission concludes that each of these crypto assets is a digital commodity because they are intrinsically linked to and derive their value from the programmatic operation of a crypto system that is functional, as well as supply and demand dynamics, rather than from the expectation of profits from the essential managerial efforts of others. As of the date of this release, each of these digital commodities underlies a futures contract that has been made available to trade on a designated contract market operating under the regulatory oversight of the CFTC. To be clear, it is not necessary that a crypto asset underlie such a futures contract to be a digital commodity; rather, the fact that these digital commodities underlie such a futures contract explains their selection as examples for this release. For example, based on their characteristics, terms, and functions as of the date of this release, Algorand (ALGO) and LBRY Credits (LBC), neither of which underlies such a futures contract, are digital commodities because they are intrinsically linked to and derive their value from the programmatic operation of a crypto system that is functional, as well as supply and demand dynamics, rather than from the expectation of profits from the essential managerial efforts of others.

[52] For purposes of this release, ''network effects'' refers to the phenomenon where the value, use, and security of a crypto system increase as more users participate and interact with the crypto system.

[53] *See infra* section V for a more detailed explanation of ''staking'' and ''consensus mechanism.''

[54] For purposes of this release, a ''central party'' is a person, entity, or group of persons or entities having operational, economic, or voting control of a crypto system.

[55] *See https://cryptopunks.app.*

[56] *See https://chromie-squiggles.com.*

[57] *See https://www.socios.com/fan-tokens.* Fan Tokens have hybrid characteristics and could be classified as digital tools.

[58] *See https://dogwifhat.us.*

[59] *See https://vcoin.imvu.com.*

or otherwise.[60] Digital collectibles may provide holders with a limited license or other intellectual property rights, often pursuant to an end user agreement. For example, creators of unique artwork digital collectibles often provide holders with the right to display and commercialize the acquired artwork.[61] Social media platforms, video games, and other consumer applications sometimes incorporate digital collectibles to enhance the user experience and facilitate network effects. The developers of these applications often reward early users with digital collectibles or allow active users to earn digital collectibles by engaging with the application. These digital collectibles include badges, video game ''skins,'' and rewards points.

Some digital collectibles have limited or no functionality. For example, a ''meme coin'' is a type of crypto asset inspired by internet memes, characters, current events, or trends for which the creator seeks to attract an enthusiastic online community to purchase the meme coin and engage in its trading.[62] Meme coins typically are acquired for artistic, entertainment, social, and cultural purposes, and their value is driven by supply and demand, rather than any essential managerial efforts of others. Nonetheless, meme coin holders may create uses for meme coins, such as by limiting access to a chatroom to meme coin holders or whitelisting meme coin holders for an airdrop.[63] Further, a crypto asset may be offered and sold initially as a meme coin that has no functionality within an associated functional crypto system (and no related representations or promises to create such functionality or crypto system) and that derives its value from the asset's artistic, entertainment, social, or cultural significance, but later become a digital commodity because it becomes functional within an associated functional crypto system.

A digital collectible itself, as described in this release, is not a security because it does not have the economic characteristics of a security.[64] A digital collectible does not constitute any of the financial instruments enumerated in the definition of ''security'' because, among other things, it does not represent a digitized form of any such instruments, including an investment contract. Digital collectibles generally have artistic, entertainment, social, or cultural value or utility. The purchase of a digital collectible is not an investment in any business enterprise or other entity, promisor, or obligor associated with the creator of the digital collectible.

Like a physical collectible, a digital collectible's value is not based on the expectation of profits from any essential managerial efforts of its creator following creation but rather on supply and demand, which in many cases depends on the subject matter, popularity, or scarcity of the digital collectible, as is the case with physical collectibles. For example, buying a digital collectible with the hope that its subject matter, popularity, or scarcity will increase its price is like buying a piece of art with the hope that market forces will create demand for the art and increase its price. While the value of a digital collectible may be impacted directly or indirectly by the activities or reputation of the creator—as may occur with respect to a physical collectible—the creator of a digital collectible typically does not make representations or promises to undertake essential managerial efforts from which a purchaser would reasonably expect to derive profits.[65]

However, as can be the case with physical collectibles,[66] the offer and sale of a digital collectible that either is fractionalized or otherwise enables individuals to acquire a fractional ownership interest of a single digital collectible, could constitute the offer or sale of a security because it may involve essential managerial efforts from which a purchaser would reasonably expect to derive profits and, therefore, may be offered and sold as an investment contract.[67]

C. Digital Tools

A digital tool is a crypto asset that performs a practical function, such as a membership, ticket, credential, title instrument, or identity badge. Digital tools are commonly issued for use in connection with crypto systems and are designed to perform practical functions within such systems. Digital tools often are non-transferrable or ''soul-bound,'' [68] and their value is derived from their practical functionality. Digital tools may be issued by a central party or autonomously in accordance with the programmatic functioning of a crypto system. A digital tool does not have intrinsic economic properties or rights, such as generating a passive yield

[60] Digital collectibles may be programmed to transmit automatically a portion of the sale price of the collectible to the creator as a royalty each time that it is resold or otherwise transferred. These royalties may provide the creator of the digital collectible with a long-term payment stream from the creator's work, even after the initial sale (*i.e.,* when subsequent sales or transfers of the digital collectible are solely between third parties). Royalties typically are based on a percentage of the transaction value each time a digital collectible is resold. The creator sets the percentage at the time the digital collectible is created, and the ongoing payments are automated. As such, whenever the digital collectible is resold, the amount of the royalties is automatically calculated and transferred to the creator. The digital collectible holder does not receive any share of the creator royalty, and the digital collectible holder has no rights or interest in or with respect to a business enterprise or other entity, promisor, or obligor associated with the creator. Accordingly, the existence of a creator royalty does not change a digital collectible into a security.

[61] Digital collectibles sometimes are issued as part of a digital collection (*i.e.,* a group of digital collectibles that share a common theme, style, or project). A digital collection typically follows a particular aesthetic theme and includes a wide variety of unique traits, which allows the creator of the digital collection to incorporate slight variations with varying degrees of rarity or scarcity throughout the collection. A digital collection is analogous to a series of artworks based on a single theme, such as Andy Warhol's ''Campbell's Soup Cans'' series containing 32 different paintings. The inclusion of a digital collectible in a digital collection does not change the digital collectible into a security.

[62] The Division of Corporation Finance (''Corporation Finance'') issued a statement addressing the characterization of meme coins under the definition of ''security.'' *See* U.S. Securities and Exchange Commission, Division of Corporation Finance, *Staff Statement on Meme Coins* (Feb. 27, 2025), available at *https://www.sec.gov/newsroom/speeches-statements/staff-statement-meme-coins.* That statement and any other staff statement referenced in this release is not a rule, regulation, guidance, or statement of the Commission, and the Commission has neither approved nor disapproved its content. Staff statements have no legal force or effect: they do not alter or amend applicable law, and they create no new or additional obligations for any person. For the avoidance of doubt, the views expressed by the Commission in this release supersede any prior statements by the Commission or its staff on these topics.

[63] For purposes of this release, ''whitelisting'' is the practice of explicitly allowing only pre-approved applications, users, email addresses, or IP addresses to access a crypto system or service. For a description of ''airdrops,'' *see infra* section VII.

[64] Digital collectibles are onchain analogues to physical collectibles, which generally have not been regulated as securities.

[65] If the creator of a digital collectible facilitates network effects, including through the use of a digital collectible, such activities do not constitute essential managerial efforts. *See infra* section IV.A.

[66] For example, fractionalized interests in artwork may in some circumstances be deemed securities even though the underlying artwork itself is not a security because interests in the fractional pool may constitute investment contracts.

[67] In *Howey,* the Supreme Court held that offers and sales of individual parcels of a citrus grove, when paired with service contracts giving the offeror/seller exclusive rights to access and manage the land, and providing purchasers a share of the profits, were offers and sales of investment contracts, rather than just offers and sales of real estate. While selling the whole citrus grove to a single, active owner might have been a real estate sale, the subdivision of the citrus grove combined with centralized management of the parcels meant that purchasers depended on the seller's essential managerial efforts for profits.

[68] Soul-bound digital tools are designed for permanent association with a specific digital identity and are intended to represent aspects of an individual's or entity's identity that typically are not transferable, such as academic degrees, professional certifications, memberships, or verifiable work history.

or conveying rights to future income, profits, or assets of a business enterprise or other entity, promisor, or obligor. Examples of digital tools available in the markets today, based on our understanding of their characteristics, terms, and functions as of the date of this release, include Ethereum Name Service domain names[69] and CoinDesk's 'Microcosms' NFT Consensus Ticket.[70]

A digital tool itself, as described in this release, is not a security because it does not have the economic characteristics of a security.[71] A digital tool does not constitute any of the financial instruments enumerated in the definition of ''security'' because, among other things, it does not represent a digitized form of such instruments, including an investment contract. Persons acquire digital tools for their functional utility and do not have any rights or interest in or with respect to a business enterprise or other entity, promisor, or obligor just as persons acquiring a museum membership do not expect to realize a profit from the essential managerial efforts of the museum's operators. The price at which the digital tool may be resold, if it may be resold at all, is based upon its functional utility rather than any expectation of profits from any essential managerial efforts of its developer. While the value of a digital tool may be impacted directly or indirectly by the activities of the developer, the creator of a digital tool typically does not make representations or promises to undertake any essential managerial efforts from which a purchaser would reasonably expect to derive profits.[72]

D. Stablecoins

A stablecoin is a crypto asset that is designed to maintain a stable value relative to a reference asset like the U.S. dollar.[73] In July 2025, Congress enacted the GENIUS Act, which creates a comprehensive regulatory framework for a specific type of stablecoin called a ''payment stablecoin.''[74] The GENIUS Act excludes from the definition of ''security'' any ''payment stablecoin issued by a permitted payment stablecoin issuer,'' as such terms are defined in section 2 of the GENIUS Act.[75] A ''payment stablecoin'' is defined as a digital asset that is, or is designed to be, used as a means of payment or settlement, and the issuer of which generally is obligated to convert, redeem, or repurchase the digital asset for a fixed amount of monetary value, and represents that it will maintain, or create the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value.[76]

A ''permitted payment stablecoin issuer'' is defined as a person formed in the United States that is: (1) a subsidiary of an insured depository institution that has been approved to issue payment stablecoins under section 5 of the GENIUS Act; (2) a Federal qualified payment stablecoin issuer; or (3) a State qualified payment stablecoin issuer.[77] A permitted payment stablecoin issuer is prohibited under the GENIUS Act from paying any form of interest or yield to the permitted stablecoin holders (whether in cash, tokens, or other consideration) solely in connection with the holding, use, or retention of the payment stablecoin.[78] These crypto assets categorically will not be securities by operation of statute after the effective date of the GENIUS Act. Stablecoins other than payment stablecoins issued by a permitted payment stablecoin issuer may meet the definition of ''security'' depending on the facts and circumstances.

Prior to the enactment of the GENIUS Act, Corporation Finance issued a statement addressing the characterization of certain stablecoins—referred to therein as ''Covered Stablecoins''—under the definition of ''security.''[79] Given that the GENIUS Act is not yet effective,[80] and to clarify the Commission's views on the application of the *Howey* test to stablecoins, the Commission interprets that, for the reasons set forth in the Staff Stablecoin Statement, the offer and sale of Covered Stablecoins does not involve the offer and sale of securities within the meaning of section 2(a)(1) of the Securities Act or section 3(a)(10) of the Exchange Act.[81] Accordingly, persons involved in the process of issuing and redeeming Covered Stablecoins do not need to register those transactions with the Commission under the Securities Act or fall within one of the Securities Act's exemptions from registration. The foregoing interpretation does not address stablecoins other than Covered Stablecoins as described in the Staff Stablecoin Statement.

E. Digital Securities

A digital security (commonly known as a ''tokenized'' security) is a financial instrument enumerated in the definition ''security'' that is formatted as or represented by a crypto asset, where the record of ownership is maintained in whole or in part on or through one or more crypto networks.[82] There are a variety of models used to tokenize securities, but they may vary in terms of structure and the rights afforded to holders. As such, the rights of a holder of the crypto asset may be materially different from the rights of a holder of the underlying security, including economic and voting rights. Tokenized securities generally fall into two categories: (1) securities tokenized by or on behalf of the issuers of such securities; and (2) securities tokenized by third parties unaffiliated with the issuers of such securities, which may involve the third party issuing a separate security that derives its value from or is otherwise linked to the subject security.

A security is a security regardless of whether it is issued, or otherwise represented, offchain or onchain. All devices and instruments that have the

[69] *See https://ens.domains.*

[70] *See https://www.coindesk.com/business/2024/01/31/coindesk-brings-back-microcosms-nft-consensus-ticket.*

[71] Digital tools are onchain analogues to physical utilities, which generally have not been regulated as securities.

[72] If the creator of a digital tool facilitates network effects, including through the use of a digital tool, such activities do not constitute essential managerial efforts. *See infra* section IV.A.

[73] *See* PWG Report.

[74] *See supra* note 1.

[75] *See* section 17 of the GENIUS Act.

[76] *See* section 2(22) of the GENIUS Act.

[77] *See* section 2(23) of the GENIUS Act.

[78] *See* section 4(a)(11) of the GENIUS Act.

[79] *See* U.S. Securities and Exchange Commission, Division of Corporation Finance, *Staff Statement on Stablecoins* (Apr. 4, 2025), available at *https://www.sec.gov/newsroom/speeches-statements/statement-stablecoins-040425* (the ''Staff Stablecoin Statement''). The Staff Stablecoin Statement and any other staff statement referenced in this release is not a rule, regulation, guidance, or statement of the Commission, and the Commission has neither approved nor disapproved its content. Staff statements have no legal force or effect: they do not alter or amend applicable law, and they create no new or additional obligations for any person. For the avoidance of doubt, the views expressed by the Commission in this release supersede any prior statements by the Commission or its staff on these topics.

[80] The GENIUS Act will become effective on the earlier of 18 months after its date of enactment (July 18, 2025) or the date that is 120 days after the date on which the primary Federal payment stablecoin regulators issue any final regulations implementing the GENIUS Act.

[81] Although not included in the statutory exclusion from the definition of ''security'' in section 17 of the GENIUS Act, payment stablecoins issued by a ''foreign permitted stablecoin issuer'' (as the term is defined in the GENIUS Act) registered with the Comptroller of the Currency will generally not meet the definition of ''security,'' as such payment stablecoins will generally be considered ''Covered Stablecoins.'' *See* section 18 of the GENIUS Act; Staff Stablecoin Statement.

[82] Tokenization is the process of creating a digital representation of a tangible or intangible asset using blockchain or similar distributed ledger technology. *See* PWG Report. A non-security crypto asset that is subject to an investment contract is not a tokenized security. *See supra* note 47. Further, a stablecoin that meets the definition of ''security'' based on its particular facts and circumstances is a tokenized security. *See supra* section III.D.

economic characteristics of a security are securities regardless of format or label. Many digital securities convey the same legal rights with respect to a business enterprise or other entity, promisor, or obligor as offchain securities. Some digital securities do not convey the same legal rights as offchain securities but instead entitle the holder to receive economic distributions from a central party that manages a business enterprise or other entity, promisor, or obligor on behalf of digital security holders. Purchasers of this latter type of digital security invest in a business enterprise or other entity, promisor, or obligor operated by a central party and look to the central party to earn such distributions. Further, digital securities may provide non-financial benefits to holders, similar to a digital commodity, digital collectible, or digital tool. A digital security does not fall outside of the definition of ''security'' merely because it provides such non-financial benefits.

IV. Crypto Assets That Are Subject to an Investment Contract

A. How Crypto Assets Become Subject to an Investment Contract

How an issuer [83] markets and promotes a contract, transaction, or scheme is relevant to assessing whether the issuer is offering or selling an investment contract.[84] A non-security crypto asset becomes subject to an investment contract when an issuer offers it by inducing an investment of money in a common enterprise with representations or promises to undertake essential managerial efforts from which a purchaser would reasonably expect to derive profits.[85] A purchaser's reasonable profit expectations depend on the issuer's representations or promises to engage in such essential managerial efforts.[86] Absent such representations or promises being conveyed to purchasers,[87] it would not be reasonable for a purchaser to expect profits from the contract, transaction, or scheme.

Whether it would be reasonable for a purchaser to expect profits based on representations or promises to engage in essential managerial efforts depends on the specific facts and circumstances, taken as a whole, under which those representations and promises are made.[88] For example, the source of the representations or promises is relevant to a purchaser's reasonable expectations. Because the issuer establishes the essential managerial efforts that it intends to undertake, it would be reasonable for a purchaser to expect profits based on the explicit representations or promises to engage in essential managerial efforts made by or on behalf of the issuer and conveyed to purchasers. In contrast, it would not be reasonable for a purchaser to expect profits based on representations or promises made by third parties,[89] such as unaffiliated proponents of the relevant crypto system or holders of the relevant crypto asset, unless the representations or promises are authorized by the issuer and conveyed to purchasers.[90] Moreover, the timing of the representations or promises is relevant to a purchaser's reasonable expectations.[91] Of necessity, in order to shape a purchaser's expectations, the representations or promises must be conveyed to the purchaser prior to or contemporaneously with the issuer's offer or sale to the purchaser. As such, the issuer's post-sale representations or promises would not convert the prior sale into an offer or sale of an investment contract.

Similarly, the manner in which the representations or promises are made is relevant to a purchaser's reasonable expectations. It is reasonable for a purchaser to expect profits based on representations or promises conveyed to purchasers in written or oral agreements, public communications through which the issuer has established a regular pattern of communicating (such as the issuer's website or official social media accounts), direct private communications between the issuer and purchasers, regulatory filings publicly available to purchasers, or documents clearly attributable to the issuer (such as a whitepaper).[92] Outside of such channels, the reasonableness of a purchaser's expectations of profit depends on whether the representations or promises are widely disseminated, the specific means by which the representations or promises are conveyed, and the issuer's established communication practices.

Further, representations or promises are more likely to create reasonable expectations of profit when they are explicit and unambiguous as to the essential managerial efforts to be undertaken by the issuer, contain sufficient details demonstrating the issuer's ability to implement the proposed project, and explain how the issuer's efforts will produce the profits that purchasers reasonably expect. Representations or promises by an issuer conveyed to purchasers to develop and achieve functionality for a non-security crypto asset and/or develop an associated crypto system together with a business plan containing detailed milestones, a timeline, information about personnel, sources of funding and other resources needed to meet those milestones, and an explanation of how holders of the non-security crypto asset will profit from those efforts, likely would reasonably create an expectation of profit because

[83] For purposes of this release, references to an ''issuer'' include affiliates and agents of the issuer or a promoter.

[84] For example, in finding that certain instruments issued by a housing cooperative were not ''securities,'' the Supreme Court in *Forman* specifically noted that: ''Nowhere does the [co-operative's Information] Bulletin seek to attract investors by the prospect of profits resulting from the efforts of the promoters or third parties. On the contrary, the Bulletin repeatedly emphasizes the 'nonprofit' nature of the endeavor.'' 421 U.S. at 854; *see also Joiner,* 320 U.S. at 352–53.

[85] Courts have similarly determined that other types of non-securities, such as real estate, have been offered and sold subject to investment contracts. *See, e.g., Howey,* 328 U.S. 293 (real estate); *Continental Marketing Corporation* v. *SEC,* 387 F.2d 466 (10th Cir. 1967), cert. denied, 391 U.S. 905 (1968) (beavers); *Miller* v. *Central Chinchilla Group, Inc.,* 494 F.2d 414 (8th Cir. 1974) (chinchillas); *Glen-Arden Commodities* v. *Costantino,* 493 F.2d 1027 (2nd Cir. 1974) (Scotch whisky warehouse receipts). The Commission expects that contracts for the purchase and delivery of a ''payment stablecoin issued by a permitted payment stablecoin issuer'' (as defined in the GENIUS Act) that do not involve a reasonable expectation of profit to be derived from the essential managerial efforts of others generally would not be considered to be offered and sold as investment contracts, regardless of when delivery occurs.

[86] As the Supreme Court stated in *Howey* with respect to citrus groves subject to an investment contract, purchasers ''have no desire to occupy the land or develop it themselves; they are attracted solely by the prospects of a return on their investment.'' *Howey,* 328 U.S. at 300. The purchasers' motivations were demonstrated by their granting the issuer exclusive rights to occupy and develop the land in exchange for a share in the profits resulting from that development.

[87] For purposes of this release, references to a ''purchaser'' include prospective purchasers.

[88] This release addresses the scope of representations or promises relevant to a reasonable expectation of profits under *Howey,* and is distinct from and does not delineate the scope of other provisions of the Federal securities laws, including the antifraud provisions (*e.g.,* 15 U.S.C. 77q, 78j), and disclosure obligations applicable to registration statements and periodic reports by reporting companies (*e.g.,* 15 U.S.C. 77g, 77aa, 78m).

[89] However, where the third party and the issuer collude to convey representations or promises, it would be reasonable for a purchaser to expect profits based on those explicit representations or promises.

[90] *See, e.g.,* the definition of a ''person acting on behalf of an issuer'' in section 101(c) of Regulation FD (17 CFR 243.101(c)).

[91] For additional discussion of the timing of representations or promises, *see infra* section IV.B.2.

[92] For purposes of this release, ''whitepaper'' refers to a document that describes the technical aspects of a crypto asset project (*i.e.,* a crypto asset and the associated crypto system) along with other relevant details.

they speak directly to those essential managerial efforts that affect the failure or success of the project.[93] In contrast, representations or promises that are vague or contain no semblance of an actionable business plan, such as those lacking milestones, funding, or other plans for needed resources, likely would not create reasonable expectations of profit.

The issuer's representations or promises to engage in essential managerial efforts from which a purchaser would reasonably expect to derive profits, when combined with an investment of money in a common enterprise, creates an investment contract under the *Howey* test. As is the case with other non-security assets,[94] the fact that a non-security crypto asset is subject to an investment contract does not transform the non-security crypto asset itself into a security. For this reason, a non-security crypto asset that has been subject to an investment contract does not remain subject to the associated investment contract in secondary market transactions where purchasers would not reasonably expect such representations or promises to remain connected to the non-security crypto asset. If, on the other hand, purchasers would reasonably expect such representations or promises to remain connected to the non-security crypto asset, the non-security crypto asset would continue to be subject to the associated investment contract in secondary market transactions. Under such circumstances, secondary market offers and sales of such a non-security crypto asset would constitute securities transactions that must be registered under the Securities Act or conducted pursuant to an available exemption from registration. The associated investment contract will continue to be transferred to subsequent purchasers of the non-security crypto asset in secondary market transactions until the non-security crypto asset separates from the issuer's representations or promises, as discussed below.

B. Separation of a Non-Security Crypto Asset From the Issuer's Representations or Promises

A non-security crypto asset that was offered and sold subject to an investment contract does not necessarily remain subject to the associated investment contract in perpetuity. A non-security crypto asset remains subject to the associated investment contract if purchasers continue to have a reasonable expectation of profits to be derived from the issuer's essential managerial efforts. For that to be so, purchasers must continue to reasonably expect the issuer's representations or promises to engage in essential managerial efforts to remain connected to the non-security crypto asset.

When a purchaser of a non-security crypto asset that has been subject to an investment contract could no longer reasonably expect the issuer's representations or promises to engage in essential managerial efforts to remain connected to the non-security crypto asset, the non-security crypto asset separates from such representations or promises, and thereafter the non-security crypto asset is not subject to the Federal securities laws. This separation of the non-security crypto asset from the issuer's representations or promises to engage in essential managerial efforts may occur at any time after the offer of the associated investment contract, such as immediately upon delivery of the non-security crypto asset to purchasers or at a future date. As discussed below, we would not expect a non-security crypto asset to be subject to an investment contract when any of the following non-exclusive indicia of separation is present.

1. Fulfillment of the Issuer's Representations or Promises

A non-security crypto asset that was offered and sold subject to an investment contract is no longer subject to the associated investment contract once the issuer has fulfilled its representations or promises to engage in essential managerial efforts, even if the issuer continues to provide efforts that are not essential managerial efforts with respect to the non-security crypto asset or an associated crypto system or other software project.[95] Because the issuer has fulfilled the essential managerial efforts it represented or promised it would undertake, purchasers no longer have any reasonable expectations of profits to be derived from those efforts. Such representations or promises to engage in essential managerial efforts could, for example, relate to developing certain functionalities or features for the non-security crypto asset or the associated crypto system or other software project, achieving certain software development milestones on a roadmap, or open-sourcing related computer code.[96] Upon the issuer's fulfillment of such representations or promises, the issuer is no longer offering or selling an investment contract and the investment contract itself ceases to exist. Accordingly, the issuer's subsequent offers or sales of the non-security crypto asset would not constitute securities transactions unless the issuer creates a new investment contract to which the non-security crypto asset is subject.

To illustrate, a non-security crypto asset may be offered and sold subject to an investment contract in a primary offering for immediate delivery or delayed delivery. In an offering involving immediate delivery, such as through an ''initial coin offering,'' the issuer agrees to deliver newly generated non-security crypto assets immediately to investors in exchange for their investment. In an offering involving delayed delivery, such as through a ''simple agreement for future tokens,'' the issuer agrees to deliver non-security crypto assets that have not yet been generated to investors at a later date in exchange for their investment today. In either case, the sale of the non-security crypto assets occurs at the time of entry into the agreement with the investors (with settlement occurring either immediately or at a future date),[97] at which time the non-security crypto assets become subject to an investment contract regardless of when they are delivered.

Upon delivery, where a purchaser would not reasonably expect profit from the efforts of the issuer (such as where the issuer has publicly disclosed that it completed the essential managerial efforts it represented or promised it would undertake), the non-security crypto assets are no longer subject to the associated investment contract because a necessary element of an investment contract no longer exists. In contrast, upon delivery, where a purchaser would reasonably expect profits from the

[93] This discussion addresses one example, and the presence or absence of any single activity may not be outcome determinative when determining whether any particular contract, transaction, or scheme constitutes an investment contract.

[94] *See supra* note 85.

[95] For examples of activities that the Commission does not view as ongoing essential managerial efforts, *see supra* section IV.A.

[96] Whether an issuer fulfills its representations or promises to engage in essential managerial efforts depends on how the issuer defines or otherwise describes such efforts in marketing and promoting the investment contract. For example, if the issuer represents or promises to achieve decentralization of an associated crypto system, whether the issuer has achieved decentralization would be based on how the issuer defined or otherwise described decentralization, not a general market conception of what constitutes decentralization. Similarly, if the issuer represents or promises to achieve certain functionality for a crypto asset and its associated crypto network, whether the issuer has achieved functionality would be based on how the issuer defined or otherwise described functionality, not a general market conception of what constitutes functionality.

[97] *See Securities Offering Reform,* Release No. 33–8591 (July 19, 2005) [70 FR 44721, 44765 n.391 (Aug. 3, 2005)].

efforts of the issuer (such as where the issuer has continued providing essential managerial efforts in accordance with its representations or promises or has not publicly disclosed that it completed the essential managerial efforts it represented or promised it would undertake), the non-security crypto assets would continue to be subject to the associated investment contract.

2. Failure To Satisfy Issuer's Representations or Promises

A non-security crypto asset that was offered and sold subject to an investment contract is no longer subject to an investment contract if a purchaser would not reasonably expect the issuer to be able to fulfill or to continue to engage in the essential managerial efforts it represented or promised it would undertake. There are several reasons why this could occur. For example, a sufficiently long period of time may have passed since the issuer's offer and sale of the investment contract and, during this time period, it has become clear to investors that the issuer has neither conducted the essential managerial efforts it represented or promised it would undertake nor indicated that it still intends to conduct such efforts. Similarly, the issuer may publicly announce that it will no longer perform the essential managerial efforts it represented or promised it would undertake (*e.g.,* where the issuer effectively ''abandons'' the development of a crypto system).[98]

Under these circumstances, a purchaser of the non-security crypto asset would not reasonably expect an issuer's past representations or promises to engage in essential managerial efforts to continue to remain connected to the non-security crypto asset. Accordingly, such purchaser would not reasonably expect the non-security crypto asset to be subject to the associated investment contract. An issuer that fails to perform or otherwise complete the essential managerial efforts it represented or promised it would undertake may face liabilities under the Federal securities laws for these failures, including under the anti-fraud provisions of the Federal securities laws.

To illustrate, a non-security crypto asset is offered and sold subject to an investment contract comprising the issuer's representations or promises to undertake certain essential managerial efforts in connection with the development of a crypto system. The offer and sale of that investment contract must be registered under the Securities Act or conducted pursuant to an exemption from registration. As the issuer endeavors to develop the crypto system, the issuer experiences difficulties that affect its ability to fulfill the essential managerial efforts it represented or promised to undertake, such as insufficient funding or other resources, poor system architecture, technical issues (*e.g.,* scalability problems, smart contract flaws, or security vulnerabilities), competition, poor management, and market conditions. Based on these difficulties, the issuer decides that it is unable or unwilling to fulfill the essential managerial efforts it promised to undertake and abandons the development of the crypto system.

In such case, if the issuer publicly announces through a widely disseminated communication that it is abandoning the development of the crypto asset and will no longer perform the essential managerial efforts it represented or promised it would undertake when the investment contract was created, it would not be reasonable to expect the issuer's representations or promises to engage in such essential managerial efforts to remain connected to the non-security crypto asset. Accordingly, the non-security crypto asset would no longer be subject to the associated investment contract, and the associated investment contract would cease to exist. Nevertheless, the issuer would continue to be potentially liable for material misstatements or omissions in connection with its failure to perform or otherwise complete the essential managerial efforts that it represented or promised that it would undertake.

3. Application of the Interpretation

The interpretation above assumes that an investment contract has been created and does not address or otherwise affect the analysis regarding its creation under the *Howey* test. The interpretation only addresses certain circumstances under which a non-security crypto asset that is subject to an existing investment contract may separate from that investment contract and no longer be subject to that investment contract. Consequently, the interpretation only applies after an investment contract is created, even if the investment contract later ceases to exist because the issuer is unable or unwilling to complete the essential managerial efforts it represented or promised to undertake when the investment contract was created.

Similarly, the fact that a non-security crypto asset may separate from the associated investment contract at some time following its creation does not affect the application of the Federal securities laws with respect to that investment contract. For example, the offer and sale of a non-security crypto asset that is subject to an investment contract must be registered under the Securities Act or conducted pursuant to an available exemption. If the issuer fails to register the offering of that investment contract or conduct it pursuant to an available exemption, the issuer will violate the Securities Act and investors will have certain rights against the issuer under the Federal securities laws for this failure to register or use an applicable exemption, even if the non-security crypto asset subsequently separates from the associated investment contract and that investment contract ceases to exist. Moreover, if the issuer makes material misstatements or omissions in connection with the creation of the associated investment contract or at any time during the existence of that investment contract, the issuer may be subject to liability under the anti-fraud provisions of the Federal securities laws for such conduct, even if the non-security crypto asset subsequently separates from the associated investment contract and that investment contract ceases to exist.

The interpretation in this section IV is intended to underscore the Commission's view that how an issuer markets and promotes a contract, transaction, or scheme impacts whether the issuer is offering or selling an investment contract. To the extent issuers make representations or promises about essential managerial efforts they plan to undertake, we encourage issuers to clearly and in sufficient detail outline those efforts, provide a timeline and milestones for completing those efforts, explain the resources needed to complete those efforts, and publicly disclose the completion of those efforts.

V. Federal Securities Laws Status of The Crypto Asset Activities Known as ''Protocol Mining'' and ''Protocol Staking''

Crypto networks rely on cryptography and economic mechanism design to eliminate the need for designated trusted intermediaries to verify crypto network transactions and provide settlement assurances to users. The operation of each crypto network is governed by an underlying software protocol, consisting of computer code, which programmatically enforces certain rules, technical requirements, and reward distributions. Each protocol incorporates a ''consensus mechanism,''

[98] A public announcement of non-performance should be widely disseminated to market participants and unambiguous in order for investors to no longer reasonably expect the issuer to perform the essential managerial efforts.

which is a method for enabling the distributed network of unrelated computers (known as ''nodes'') that maintain the peer-to-peer network to agree on the ''state'' (or authoritative record of network address ownership balances, transactions, smart contract code, and other data) of the network. Public, permissionless crypto networks allow anyone to participate in the crypto network's operation, including the validation of new transactions to the crypto network in accordance with the crypto network's consensus mechanism.

In the following discussion, we provide an interpretation regarding the application of the Federal securities laws to: (1) certain digital commodity activities known as ''mining'' on public, permissionless crypto networks that use proof-of-work (''PoW'') as a consensus mechanism (''PoW Networks''); and (2) certain digital commodity activities known as ''staking'' on public, permissionless crypto networks that use proof-of-stake (''PoS'') as a consensus mechanism (''PoS Networks''). In this release, we refer to mining digital commodities on PoW Networks as ''Protocol Mining'' [99] and staking digital commodities on PoS Networks as ''Protocol Staking.'' [100]

[99] Corporation Finance previously issued a statement addressing Protocol Mining. *See* U.S. Securities and Exchange Commission, Division of Corporation Finance, *Staff Statement on Certain Proof-of-Work Mining Activities* (Mar. 20, 2025), available at *https://www.sec.gov/newsroom/speeches-statements/statement-certain-proof-work-mining-activities-032025*. That statement and any other staff statement referenced in this release is not a rule, regulation, guidance, or statement of the Commission, and the Commission has neither approved nor disapproved its content. Staff statements have no legal force or effect: they do not alter or amend applicable law, and they create no new or additional obligations for any person. For the avoidance of doubt, the views expressed by the Commission in this release supersede any prior statements by the Commission or its staff on these topics.

[100] Corporation Finance previously issued two statements addressing Protocol Staking. *See* U.S. Securities and Exchange Commission, Division of Corporation Finance, *Staff Statement on Certain Protocol Staking Activities* (May 29, 2025), available at *https://www.sec.gov/newsroom/speeches-statements/statement-certain-protocol-staking-activities-052925,* and *Staff Statement on Certain Liquid Staking Activities* (Aug. 5, 2025), available at *https://www.sec.gov/newsroom/speeches-statements/corpfin-certain-liquid-staking-activities-080525*. That statement and any other staff statement referenced in this release is not a rule, regulation, guidance, or statement of the Commission, and the Commission has neither approved nor disapproved its content. Staff statements have no legal force or effect: they do not alter or amend applicable law, and they create no new or additional obligations for any person. For the avoidance of doubt, the views expressed by the Commission in this release supersede any prior statements by the Commission or its staff on these topics.

A. Protocol Mining

1. Protocol Mining Activities Generally

PoW is a consensus mechanism that incentivizes transaction validation by rewarding participants, called ''miners,'' who operate nodes adding computational resources to the PoW Network. PoW involves validating transactions on a PoW Network and adding them in blocks to the distributed ledger. The ''work'' in PoW is the computational resources that miners contribute to validate transactions and add new blocks to the PoW Network. Miners do not have to own the PoW Network's digital commodity to validate transactions.

Miners use computers to solve complex mathematical equations in the form of cryptographic puzzles. Miners compete with their peers to solve these puzzles, and the first miner to solve a puzzle is charged with accepting batches of transactions from other nodes and validating (or proposing) new blocks of transactions to the PoW Network. In exchange for providing validation services, miners earn rewards in the form of newly generated digital commodities that are delivered under the terms of the PoW Network's software protocol.[101] In this way, PoW provides an incentive for miners to invest the resources necessary to add valid blocks to the PoW Network.

A miner providing validation services receives the reward only after the other nodes on the PoW Network verify, through the software protocol, that the solution is correct and valid. To this end, once a miner finds the correct solution, it broadcasts this information to other miners who can verify whether the miner properly solved the puzzle to receive the reward. Once verified, all miners then add the new block to their own copies of the PoW Network. PoW is designed to secure the PoW Network by requiring miners to spend considerable time and computational resources to authenticate transactions. When the validation process functions in this way, it not only makes it less likely that someone would seek to undermine a PoW Network but also makes it less likely that miners could include altered transactions, such as those enabling the ''double spending'' of digital commodities.[102]

In addition to self (or solo) mining, miners can join ''mining pools,'' which allow miners to combine their computational resources to increase their chances of successfully validating transactions and mining new blocks on the PoW Network. There are several types of mining pools, each with differing methods of operation and reward distribution.[103] A pool operator typically is responsible for coordinating the miners' computational resources, maintaining the pool's mining hardware and software, overseeing the pool's security measures to protect against theft and cyberattacks, and ensuring that the miners are paid their rewards. In return, the pool operator charges a fee that is deducted from the rewards earned by the mining pool. Reward payouts vary among pools, although rewards often are distributed across the mining pool in proportion to the amount of computational resources that each miner contributes to the pool. Miners generally have no obligation to stay in a pool and can choose to leave a pool at any time.

2. Covered Protocol Mining Activities

The interpretation below pertains to the following Protocol Mining activities when such activities conform to the descriptions in this release (''Protocol Mining Activities'' and each a ''Protocol Mining Activity''): (1) mining digital commodities on a PoW Network; and (2) the roles of mining pools and pool operators involved in the Protocol Mining process, including their roles in connection with the earning and distribution of rewards. Only Protocol Mining Activities undertaken in connection with the following types of Protocol Mining are addressed in this release:

Self (or Solo) Mining, which involves a miner mining digital commodities using its own computational resources. The miner may work alone or together with others to operate a node and mine digital commodities.

Mining Pool, which involves miners combining their computational resources with other miners to increase their chances of successfully validating transactions and mining new blocks on the PoW Network. Reward payments may flow from the PoW Network directly to the miners or indirectly to them through the pool operator.

[101] The protocol establishes rules on rewards. Miners cannot change the rewards they receive as the reward structure is predetermined by the protocol.

[102] Double spending involves the same crypto assets being sent to two recipients and can occur when ledger entries are altered.

[103] For example, in a ''pay-per-share'' model, miners receive a payment for each valid share or block they contribute to the mining pool, regardless of whether the pool successfully mines a block; in a ''peer-to-peer'' model, the pool operator's role is decentralized among pool members; and in a ''proportional'' model, miners receive rewards proportional to the amount of work they contribute to successfully mine a block. There also may be hybrid pools that offer a combination of different operational and payout methods.

3. Interpretation Regarding Protocol Mining Activities

Protocol Mining Activities, in the manner and under the circumstances described in this release, do not involve the offer and sale of a security within the meaning of section 2(a)(1) of the Securities Act and section 3(a)(10) of the Exchange Act. Accordingly, participants in Protocol Mining Activities do not need to register transactions with the Commission under the Securities Act or fall within an available exemption from registration in connection with these Protocol Mining Activities.

As noted above,[104] a digital commodity itself does not constitute any of the financial instruments enumerated in the definition of ''security.'' Accordingly, we conduct our analysis of certain transactions involving digital commodities in the context of Protocol Mining under the *Howey* test.

Self (or Solo) Mining. A miner's self (or solo) mining is not undertaken with a reasonable expectation of profits to be derived from the essential managerial efforts of others. Rather, a miner contributes its own computational resources, which secure the PoW Network and enable the miner to earn rewards issued by the PoW Network in accordance with its software protocol. To earn rewards, the miner's activities must comply with the rules of the PoW Network's software protocol. By adding its computational resources to the PoW Network, the miner merely is engaging in an administrative or ministerial activity to secure the PoW Network, validate transactions and add new blocks, and receive rewards. A miner's expectation to receive rewards is not derived from any third party's essential managerial efforts upon which the PoW Network's success depends. Instead, the expected financial incentive from the PoW Network's software protocol is derived from the administrative or ministerial act of Protocol Mining performed by the miner. As such, rewards are payments to the miner in exchange for services it provides to the PoW Network rather than profits derived from the essential managerial efforts of others.

Mining Pool. Likewise, when a miner combines its computational resources with other miners to increase their chances of successfully mining new blocks on the PoW Network, the miner has no expectation of profit derived from the essential managerial efforts of others. By adding its own computational resources to a mining pool, the miner merely is engaging in an administrative or ministerial activity to secure the PoW Network, validate transactions and add new blocks, and receive rewards. In addition, any expectation of profits that the miners have is not derived from the efforts of a third party, such as a pool operator. Even when participating in a mining pool, individual miners still perform the actual mining activity by contributing their computational power to solve the cryptographic puzzles for validation of new blocks.[105] Moreover, whether a miner self (or solo) mines or mines as a member of a mining pool does not alter the nature of Protocol Mining for purposes of the *Howey* test. In either case, Protocol Mining, as described in this release, remains an administrative or ministerial activity. Further, a pool operator's activities in operating the mining pool using the combined computational resources of participating miners are administrative or ministerial in nature. While some of the pool operator's activities may benefit the group of miners, any such efforts are not sufficient to constitute essential managerial efforts because miners are expecting the computational resources that they provide in conjunction with other members to the mining pool to earn profits.[106] To this end, a miner does not join a mining pool based on the ability to earn profits passively from the activities of the pool operator.

B. Protocol Staking

1. Protocol Staking Activities Generally

PoS is a consensus mechanism used to prove that operators of nodes (''Node Operators'') participating in the PoS Network have contributed value to the PoS Network that, in some cases, can be forfeited if they act dishonestly.[107] In a PoS Network, a Node Operator must stake the PoS Network's digital commodity to be selected programmatically by the PoS Network's software protocol to validate new blocks of data to, and update the state of, the PoS Network.[108] When selected, the Node Operator serves as a ''Validator.'' In exchange for providing validation services, Validators earn rewards of two types: (1) newly generated digital commodities that are programmatically distributed to the Validator by the PoS Network in accordance with its software protocol; and (2) a percentage of the transaction fees, paid in digital commodities, by parties who are seeking to add their transactions to the PoS Network.[109]

In PoS Networks, Node Operators must commit or ''stake'' digital commodities to be eligible to validate and earn rewards, which typically is effected using a smart contract. When initially staked, digital commodities are subject to a ''bonding period,'' which is a length of time set by the terms of the applicable PoS Network's software protocol after which the staked digital commodities become eligible to earn rewards. While staked, the digital commodities are locked up and cannot be transferred.[110] The Validator does not take possession or control of the staked digital commodities, which means that ownership and control of the staked digital commodities do not change.

Each PoS Network's software protocol contains the rules for operating and maintaining the PoS Network, including the method of selecting Validators among Node Operators. Some software protocols provide for random selection of Validators while others employ specific criteria for selecting Validators, such as the number of digital commodities staked by the Node Operators. Protocols also may contain rules intended to deter activities that are detrimental to the PoS Network's security and integrity, such as validating invalid blocks or double signing (which occurs when a Validator attempts to add the same transaction to the PoS Network multiple times, effectively spending the same crypto assets more than once).[111]

[104] *See supra* section III.A.

[105] This assumes miners receive a pro rata share of the rewards from the pool based on their contribution of computational power, rather than where non-miners can purchase interests in the pool, or miners can pay to receive greater than a pro rata share of the rewards from the pool based on their contribution of computational power.

[106] In contrast, where miners passively rely on the pool operator to provide the computational resources, the pool operator's activities constitute essential managerial efforts.

[107] This release does not address ''restaking,'' which is a process that allows digital commodities staked on their associated crypto network to be used on additional crypto systems. The specific staking activities covered by this release are discussed below in ''Covered Protocol Staking Activities.''

[108] Validation is the process by which the Node Operator checks and confirms transactions effected on the crypto network.

[109] While the protocol establishes rules on rewards, Node Operators generally are free to share rewards or impose fees for their services in ways that differ from those of the protocol. Some protocols permit a Node Operator to propose and receive a reward that differs from the protocol's standard reward.

[110] The minimum staking or lock-up period varies among PoS networks. Further, staked digital commodities typically are subject to an ''unbonding period,'' which is a length of time set by the terms of the applicable PoS Network's software protocol after which digital commodities that are unstaked are unlocked and can be transferred.

[111] A Node Operator or Validator may have its staked digital commodities forfeited or ''slashed'' if it engages in such detrimental activities or fails to

Continued

Rewards from Protocol Staking provide an economic incentive for participants to use their digital commodities to secure the PoS Network and ensure its continued operation. An increase in the amount of staked digital commodities can increase the security of PoS Networks and mitigate the risk of a hostile party gaining control of a majority of the total staked digital commodities, which would allow the party to manipulate the PoS Network by influencing the validation of transactions and potentially altering the PoS Network's transaction history.

Digital commodity owners (''Owners'') can earn rewards by serving as a Node Operator and staking their own digital commodities. When self (or solo) staking, the Owner maintains ownership and control of its digital commodities and cryptographic private ''keys'' at all times.

Alternatively, Owners can participate in the PoS Network validation process without running their own nodes by using self-custodial staking directly with a third party. Owners grant their validation rights to a third-party Node Operator.[112] When using a third-party Node Operator, the Owner receives a portion of the rewards, with the Node Operator also earning a portion of the rewards for its services in validating transactions. When self-custodial staking directly with a third party, the Owner retains ownership and control of its digital commodities and its private keys.

In addition to self (or solo) staking and self-custodial staking directly with a third party, a third form of Protocol Staking is ''custodial'' staking, in which a third party (a ''Custodian'') takes custody of an Owner's digital commodities and facilitates staking them on behalf of the Owner. When Owners (in this context, ''Depositors'') deposit their digital commodities with a Custodian, the Custodian holds the deposited digital commodities in a cryptographic wallet that the Custodian controls. The Custodian stakes the digital commodities on the Depositor's behalf for an agreed-upon portion of any rewards, either using a node the Custodian operates or through a third-party Node Operator the Custodian selects. At all times during the staking process, the deposited digital commodities remain in the control of the Custodian, and the Depositor is intended to retain ownership of the digital commodities held by the Custodian.[113] Further, the deposited digital commodities: (1) are not used by the Custodian for operational or general business purposes; (2) are not lent, pledged, or rehypothecated for any reason; and (3) are held in a manner designed not to subject them to claims by third parties. To this end, the Custodian may not use the deposited digital commodities to engage in leverage, trading, speculation, or discretionary activities.

A fourth type of Protocol Staking is ''Liquid Staking,'' whereby Depositors receive newly generated crypto assets (''Staking Receipt Tokens'') that evidence Depositors' ownership of the deposited digital commodities and any rewards that accrue to the deposited digital commodities.[114] As part of Liquid Staking, Staking Receipt Tokens are issued to Depositors on a one-for-one basis to the amount of the deposited digital commodities.[115] Staking Receipt Tokens enable their holders to maintain liquidity without having to withdraw the deposited digital commodities from staking. For example, holders can use Staking Receipt Tokens as collateral or to participate in crypto applications, including those that can provide a return to the holder, although any such transactions are separate and independent of the Protocol Staking activities. Staking Receipt Tokens do not change any of the rights or obligations of the deposited digital commodities and are characterized as receipts for the deposited digital commodities. Depositors can redeem the Staking Receipt Tokens for the deposited digital commodities and any rewards that accrue to the deposited digital commodities,[116] subject to any applicable unbonding period.[117]

Persons can participate in Liquid Staking through protocol-based or third-party service providers (both referred to in this release as ''Liquid Staking Providers''). The Liquid Staking Provider facilitates the staking of the deposited digital commodities on behalf of the Depositor. The Liquid Staking Provider holds the deposited digital commodities either in a cryptographic wallet that the Liquid Staking Provider controls or in a smart contract. The Liquid Staking Provider stakes the deposited digital commodities on behalf of the Depositor for an agreed-upon fee that reduces the amount of rewards that would otherwise accrue to the deposited digital commodities, either using a node the Liquid Staking Provider operates or through a third-party Node Operator the Liquid Staking Provider selects.[118] In the latter case, this selection is the Liquid Staking Provider's only decision in the staking process, and that decision may be automated. At all times during this Liquid Staking arrangement, the deposited digital commodities remain in the control of the Liquid Staking Provider and the Depositor (or any subsequent transferee of the Depositor's Staking Receipt Tokens) is intended to retain ownership of the deposited digital commodities.[119]

When using a protocol-based Liquid Staking Provider, Depositors deposit their digital commodities into a software protocol that holds the deposited digital commodities in a smart contract on behalf of the Depositors, stakes the deposited digital commodities on behalf of the Depositors, and issues Staking Receipt Tokens to the Depositors, all in a programmatic manner through self-executing computer code. The generating, issuing, and redeeming of the Staking Receipt Tokens is performed without the need for or reliance on a third-party intermediary.

When using a third-party Liquid Staking Provider, such as a Custodian, Depositors deposit their digital commodities with the third-party Liquid Staking Provider, who holds the

adhere to the PoS Network's technical requirements.

[112] On certain PoS Networks, Owners can stake their digital commodities and receive validation rights that they can grant to a third party, thereby allowing the third party to use the staked digital commodities to verify transactions on the PoS Network on behalf of the Owners. For example, some PoS Networks may facilitate this by allowing an Owner to ''delegate'' its validation rights to a Node Operator. In this case, the Node Operator acts as a ''Delegate'' in the staking process. Other PoS Networks may use ''Nominators'' to whom an Owner may grant its validation rights to act on the Owner's behalf in selecting Validators.

[113] The Custodian typically enters into an agreement with the Depositor, such as a user agreement or terms of service, providing that the Depositor retains ownership of the digital commodities.

[114] As discussed below, slashing losses are deducted from the staked digital commodities.

[115] While issued on a one-for-one basis, the Staking Receipt Token that is issued may not be a whole unit because at the time of deposit one whole unit of the deposited digital commodity may represent a fraction of one whole unit of the Staking Receipt Token.

[116] When redeemed, the Staking Receipt Tokens are ''burned,'' which is a process through which the Staking Receipt Tokens are permanently removed from circulation.

[117] *See supra* note 110 for an explanation of ''unbonding period.''

[118] The amount of rewards that otherwise would accrue to the deposited digital commodities also would be reduced by any fees owed to a third-party Node Operator.

[119] The Liquid Staking Provider typically enters into an agreement with the Depositor, such as a user agreement or terms of service, providing that the Depositor retains ownership of the digital commodities.

deposited digital commodities in a cryptographic wallet on behalf of the Depositors, stakes the deposited digital commodities on behalf of the Depositors, and issues Staking Receipt Tokens to the Depositors. The generating, issuing, and redeeming of the Staking Receipt Tokens is performed by the third-party Liquid Staking Provider.

In a Liquid Staking arrangement, rewards accrue to, and slashing [120] losses are deducted from, the staked digital commodities. Rewards are deposited with the Liquid Staking Provider, and staked digital commodities are forfeited if there are slashing losses, in either case in a programmatic manner through self-executing computer code. There are two methods through which Staking Receipt Tokens reflect rewards and/or slashing losses. In the first method, the Staking Receipt Token itself evidences ownership of more digital commodities as and when rewards accrue and fewer digital commodities as and when slashing losses occur. This means that the ratio of one Staking Receipt Token to one digital commodity changes as rewards accrue and/or slashing losses occur. For example, as rewards accrue the ratio changes from one-to-one to one-to-more-than-one, with one Staking Receipt Token representing more than one digital commodity. In the second method, Staking Receipt Token holders receive additional Staking Receipt Tokens as and when rewards accrue and lose Staking Receipt Tokens as and when slashing losses occur. This means that the ratio of Staking Receipt Tokens to digital commodities always remains one-to-one. In either case, the Staking Receipt Tokens can be redeemed with the Liquid Staking Provider at any time for the deposited digital commodities, subject to any applicable unbonding period.

2. Covered Protocol Staking Activities

The interpretation below pertains to the following Protocol Staking activities when such activities conform to the descriptions in this release (''Protocol Staking Activities'' and each a ''Protocol Staking Activity''): (1) staking digital commodities on a PoS Network; (2) the activities undertaken by third parties involved in the Protocol Staking process—including, but not limited to, third-party Node Operators, Validators, Custodians, Delegates, Nominators, and Liquid Staking Providers (collectively, ''Service Providers'')—including their roles in connection with the earning and distribution of rewards; (3) the activities undertaken by Liquid Staking Providers in connection with generating, issuing, and redeeming Staking Receipt Tokens; and (4) providing Ancillary Services (as defined below). Only Protocol Staking Activities undertaken in connection with the following types of Protocol Staking are addressed in this release:

Self (or Solo) Staking, which involves a Node Operator staking digital commodities it owns and controls using its own resources. The Node Operator may include one or more persons acting together to operate a node and stake their digital commodities.

Self-Custodial Staking Directly with a Third Party, which involves a Node Operator, under the terms of the PoS Network's protocol, being granted Owners' validation rights. Reward payments may flow from the PoS Network directly to the Owners or indirectly to them through the Node Operator.

Custodial Arrangement, which involves a Custodian staking on behalf of Depositors. For example, a crypto asset trading platform holding deposited digital commodities may stake such digital commodities on behalf of Depositors on a PoS Network that permits delegation on behalf of and with the consent of the Depositors. The Custodian will stake the deposited digital commodities using its own node or select a third-party Node Operator. In the latter case, this selection is the Custodian's only decision in the staking process.

Liquid Staking, which involves a Liquid Staking Provider staking on behalf of Depositors who receive a Staking Receipt Token that evidences their ownership of the deposited digital commodities and any rewards that accrue to the deposited digital commodities. The Liquid Staking Provider will stake the deposited digital commodities using its own node or select a third-party Node Operator. In the latter case, this selection is the Liquid Staking Provider's only decision in the Liquid Staking process.

3. Interpretation Regarding Protocol Staking Activities

Protocol Staking Activities, in the manner and under the circumstances described in this release, do not involve the offer and sale of a security within the meaning of section 2(a)(1) of the Securities Act or section 3(a)(10) of the Exchange Act. Accordingly, participants in Protocol Staking Activities do not need to register transactions with the Commission under the Securities Act or fall within an exemption from registration in connection with these Protocol Staking Activities.

As noted above,[121] a digital commodity itself does not constitute any of the financial instruments enumerated in the definition of ''security.'' Accordingly, we conduct our analysis of certain transactions involving digital commodities in the context of Protocol Staking under the *Howey* test.[122]

Self (or Solo) Staking. A Node Operator's self (or solo) staking is not undertaken with a reasonable expectation of profits to be derived from the essential managerial efforts of others. Rather, Node Operators contribute their own resources and stake their own digital commodities, thereby helping to secure the PoS Network and facilitating the PoS Network's operation through the validation of new blocks, which enables them to qualify for rewards issued by the PoS Network in accordance with its underlying software protocol. To earn rewards, the Node Operator's activities must comply with the rules of the PoS Network's software protocol. By staking its own digital commodities and engaging in Protocol Staking, the Node Operator is merely engaging in an administrative or ministerial activity to secure the PoS Network and facilitate its operation. A Node Operator's expectation to receive rewards is not derived from any third party's essential managerial efforts upon which the PoS Network's success depends. Instead, the expected financial incentive from the PoS Network's software protocol is derived solely from the administrative or ministerial act of Protocol Staking. As such, rewards are payments to the Node Operator in exchange for the services it provides to the PoS Network rather than profits derived from the essential managerial efforts of others.

Self-Custodial Staking Directly with a Third Party. Likewise, where an Owner grants its validation rights to a Node Operator, the Owner has no expectation of profit derived from the essential managerial efforts of others. The Node Operator's service to the Owner is administrative or ministerial in nature and does not constitute essential managerial efforts for the reasons discussed above with respect to self (or solo) staking. Whether a Node Operator

[120] *See supra* note 111 for an explanation of ''slashing.''

[121] *See supra* section III.A.

[122] Protocol Staking generally and the ''Protocol Staking Activities'' defined in this release and upon which we express our view in this release do not involve notes or other evidences of indebtedness because at all times during the staking process the Owner or Depositor retains ownership of its digital commodities (either directly or through a Custodian or Liquid Staking Provider).

stakes its own digital commodities or is granted validation rights from Owners does not alter the nature of Protocol Staking for purposes of the *Howey* test. In either case, Protocol Staking remains an administrative or ministerial activity, and the expected financial incentive is derived solely from such activity and not the success of the PoS Network or some other third party. Further, the Node Operator does not guarantee or otherwise set or fix the amount of the rewards owed to Owners, although the Node Operator may subtract from such amount its fees (whether fixed or a percentage of such amount).

Custodial Arrangement. In a custodial arrangement, the Custodian (whether a Node Operator or not) does not provide essential managerial efforts to Depositors for whom it provides this service. These arrangements are like those discussed above where an Owner grants its validation rights to a third party but, in this instance, they also involve the Owner granting custody of its deposited digital commodities. The Custodian does not decide whether, when, or how much of a Depositor's digital commodities to stake. The Custodian acts as an agent in connection with staking the deposited digital commodities on behalf of the Depositor.[123] In addition, the Custodian's taking custody of the deposited digital commodities and in some cases selecting a Node Operator do not constitute essential managerial efforts because these activities are administrative or ministerial in nature. Further, the Custodian does not guarantee or otherwise set or fix the amount of the rewards owed to Depositors, although the Custodian may subtract from such amount its fees (whether fixed or a percentage of such amount).[124]

Liquid Staking. In Liquid Staking, the Liquid Staking Provider (whether a Node Operator or not) does not provide essential managerial efforts to Depositors for whom it provides this service. These arrangements are like those discussed above with respect to a ''Custodial Arrangement.'' The Liquid Staking Provider does not decide whether, when, or how much of a Depositor's digital commodities to stake and is acting as an agent in connection with staking the digital commodities on behalf of the Depositor.[125] In addition, the Liquid Staking Provider's taking custody of the deposited digital commodities and in some cases selecting a Node Operator does not constitute essential managerial efforts because these activities are administrative or ministerial in nature. Further, the Liquid Staking Provider does not guarantee or otherwise set the amount of the rewards owed to Depositors, although the Liquid Staking Provider may subtract from such amount its fees (whether fixed or a percentage of such amount).[126]

Ancillary Services. Service Providers may provide the services described below (''Ancillary Services'') to Owners and Depositors in connection with Protocol Staking. Each of these Ancillary Services is merely administrative or ministerial in nature and does not involve essential managerial efforts. They are facets of a general activity—Protocol Staking—that itself does not constitute essential managerial efforts. Whether offered separately or as a group of services, the Service Provider does not provide essential managerial efforts if it provides any or all of these services.[127]

Slashing Coverage, where the Service Provider reimburses or indemnifies a staking customer against loss resulting from slashing. This protection is similar to that offered by service providers in many types of traditional commercial transactions.

Early Unbonding, where a Service Provider allows digital commodities to be returned to an Owner or Depositor before the end of the applicable unbonding period of a PoS Network's software protocol. This service merely shortens the applicable unbonding period as a convenience to the Owner or Depositor by reducing the burden of the unbonding period.

Alternate Rewards Payment Schedules and Amounts, where the Service Provider delivers earned rewards at a cadence and in an amount that differs from the set schedule of a PoS Network's software protocol and/or where the rewards are paid earlier or less frequently than a PoS Network's software protocol distributes them, provided the reward amounts are not fixed, guaranteed, or greater than those awarded by the PoS Network's software protocol. Similar to early unbonding, this is merely an optional convenience afforded to Owners and Depositors in connection with the administration of rewards allocation and delivery.

Aggregation of Digital Commodities, where the Service Provider offers the ability for Owners or Depositors to aggregate their digital commodities to meet any applicable staking minimum of a PoS Network's software protocol. This service is part of the validation process, which itself is administrative or ministerial in nature. Without more, aggregating the digital commodities of Owners or Depositors to help enable staking is similarly administrative or ministerial in nature.

4. Interpretation Regarding Staking Receipt Tokens

The offer and sale of a Staking Receipt Token that is a receipt for a non-security crypto asset that is not subject to an investment contract, in the manner and under the circumstances described in this release, does not involve the offer and sale of a security within the meaning of section 2(a)(1) of the Securities Act or section 3(a)(10) of the Exchange Act. Accordingly, persons involved in the process of generating, issuing, and redeeming a Staking Receipt Token that is a receipt for a non-security crypto asset that is not subject to an investment contract, in the manner and under the circumstances described in this release, as well as persons involved in secondary market offers and sales of such Staking Receipt Tokens, do not need to register those transactions with the Commission under the Securities Act or fall within an exemption from registration. In contrast, the offer or sale of a Staking Receipt Token that is a receipt for a digital security or a non-security crypto asset that is subject to an investment contract is an offer or sale of a security within the meaning of section 2(a)(1) of the Securities Act or section 3(a)(10) of the Exchange Act.

A Staking Receipt Token that is a receipt for a non-security crypto asset that is not subject to an investment contract does not constitute any of the common financial instruments enumerated in the definition of ''security'' because, among other things, it does not have the economic characteristics of a security. While Depositors are entitled to rewards accruing with respect to their deposited digital commodity, such a Staking Receipt Token itself does not generate rewards. Rather, rewards are generated from the underlying Protocol Staking Activities, which (as discussed above)

[123] If a Custodian does select whether, when, or how much of a Depositor's digital commodities to stake, its activities are outside the scope of this release.

[124] If a Custodian does guarantee or otherwise set the amount of rewards owed to the Depositors, its activities are outside the scope of this release.

[125] If a Liquid Staking Provider does select whether, when, or how much of a Depositor's digital commodities to stake, its activities are outside the scope of this release.

[126] If a Liquid Staking Provider does guarantee or otherwise set the amount of rewards owed to the Depositors, its activities are outside the scope of this release.

[127] To the extent that Service Providers provide services not discussed below, their activities are outside the scope of this release.

do not involve securities transactions. Further, such a Staking Receipt Token does not constitute any of the derivative financial instruments enumerated in the definition of ''security.'' [128] Thus, such a Staking Receipt Token merely evidences the deposited digital commodity held with the Liquid Staking Provider to which the Depositor is entitled as the Owner. The definition of ''security'' specifically includes ''receipt for'' any security.[129] A Staking Receipt Token is a receipt, which is an instrument certifying that a stated amount of a digital commodity has been deposited with the Liquid Staking Provider issuing the receipt, because it evidences the holder's ownership of the deposited digital commodity.[130] Accordingly, a Staking Receipt Token that is a receipt for a non-security crypto asset that is not subject to an investment contract is not a receipt for a security. In contrast, a Staking Receipt Token that is a receipt for a digital security or non-security crypto asset that is subject to an investment contract is a security.

Consideration also must be given to whether a Staking Receipt Token that is a receipt for a non-security crypto asset that is not subject to an investment contract itself may be offered and sold subject to an investment contract. Such a Staking Receipt Token is not offered and sold subject to an investment contract because the parties involved in the process of generating, issuing, and redeeming such a Staking Receipt Token do not provide essential managerial efforts to holders of such a Staked Receipt Token and any economic benefits realized by holders of such a Staking Receipt Token are not derived from any such efforts.[131] That is, the value of such a Staking Receipt Token is derived from the value of the deposited digital commodity and not from the essential managerial efforts of the Liquid Staking Provider or any other third party involved in the process of generating, issuing, and redeeming such a Staking Receipt Token. Moreover, any rewards accruing with respect to the deposited digital commodity are realized from Protocol Staking Activities that, as discussed above, do not involve the offer and sale of a security within the meaning of section 2(a)(1) of the Securities Act or section 3(a)(10) of the Exchange Act.

VI. Federal Securities Laws Status of the Crypto Asset Activity Known as ''Wrapping''

In the following discussion, we provide an interpretation regarding the ''wrapping'' of crypto assets. The ''wrapping'' of crypto assets refer to the process through which a person deposits a crypto asset with a Custodian or cross-chain bridge [132] (the ''Wrapped Token Provider'') and in return the Wrapped Token Provider generates an equivalent amount of ''Redeemable Wrapped Tokens'' [133] on a one-for-one basis without directly or indirectly offering any return, yield, profit opportunity, or additional good or service. The Wrapped Token Provider holds the deposited crypto asset in a manner intended to ensure that, for the Redeemable Wrapped Tokens in circulation, there is an equivalent amount of the deposited crypto asset being held.[134] The Wrapped Token Provider holds the deposited crypto asset for the benefit of the Redeemable Wrapped Token holders and the deposited crypto asset effectively is ''locked up'' and cannot be transferred, lent, pledged, rehypothecated, or otherwise used for any reason. The holder of a Redeemable Wrapped Token—whether the original depositor of the crypto asset or a subsequent transferee—has the right to redeem the Redeemable Wrapped Token for the deposited crypto asset on a one-for-one basis. To redeem, the Redeemable Wrapped Token holder reverses the process described above: the holder sends the Redeemable Wrapped Tokens back to the Wrapped Token Provider, who burns (or destroys) the Redeemable Wrapped Tokens and releases the equivalent amount of the deposited crypto asset back to the holder on a one-for-one basis.

The offer or sale of a Redeemable Wrapped Token that is a receipt for a non-security crypto asset that is not subject to an investment contract, in the manner and under the circumstances described in this release, does not involve the offer and sale of a security within the meaning of section 2(a)(1) of the Securities Act or section 3(a)(10) of the Exchange Act. Accordingly, persons who participate in the offer or sale of a Redeemable Wrapped Token that is a receipt for a non-security crypto asset that is not subject to an investment contract, in the manner and under the circumstances described in this release, do not need to register their transactions with the Commission under the Securities Act or fall within an exemption from registration. In contrast, the offer or sale of a Redeemable Wrapped Token that is a receipt for a digital security or a non-security crypto asset that is subject to an investment contract is an offer or sale of a security within the meaning of section 2(a)(1) of the Securities Act or section 3(a)(10) of the Exchange Act.

A Redeemable Wrapped Token that is a receipt for a non-security crypto asset that is not subject to an investment contract does not constitute any of the common financial instruments enumerated in the definition of ''security'' because, among other things, it does not have the economic characteristics of a security. Further, such a Redeemable Wrapped Token does not constitute any of the derivative financial instruments enumerated in the definition of ''security.'' [135] Thus, such a Redeemable Wrapped Token merely evidences the deposited crypto asset held with the Wrapped Token Provider to which the Redeemable Wrapped Token holder is entitled. The definition

[128] Such a Staking Receipt Token does not constitute: (i) a ''put, call, straddle, option, or privilege on any security'' because it does not have a premium (*i.e.,* there is no price paid for the right to buy or sell an underlying asset), have optionality (*i.e.,* there is no ability to choose whether or not to purchase or sell the underlying asset), or transfer risk between the parties; (ii) a ''security future'' because it is not a contract of sale for future delivery of an asset; or (iii) a ''security-based swap'' because, among other reasons, it provides the holder with a beneficial ownership interest in the deposited digital commodity.

[129] While the financial instruments enumerated in the definition of ''security'' also include ''certificate of deposit for a security,'' that term generally has been interpreted to refer to instruments issued by protective committees during corporate reorganizations. *See Marine Bank,* 455 U.S. at 557 n.5.

[130] *See supra* note 119.

[131] A holder of such a Staking Receipt Token may be able to use the Staking Receipt Token to generate additional returns. Where a Liquid Staking Provider provides the means by which such a Staking Receipt Token can be used to generate such returns, those activities are outside the scope of this release.

[132] A ''cross-chain bridge'' programmatically generates and redeems Redeemable Wrapped Tokens (defined below) without the use of a Custodian. A cross-chain bridge consists of self-executing code that uses smart contracts to facilitate the interoperability between different crypto networks and token standards.

[133] For purposes of this release, a ''Redeemable Wrapped Token'' is a crypto asset issued on a crypto network that represents either a crypto asset native to a different crypto network or a crypto asset based on a different token standard and that both (1) is backed one-for-one by the deposited crypto asset, and (2) can be redeemed on a fixed one-for-one basis for the deposited crypto asset, in which case the Redeemable Wrapped Token is burned (or destroyed) and thereby permanently removed from circulation.

[134] A Custodian typically holds the deposited crypto assets in a cryptographic wallet that the Custodian controls. A cross-chain bridge holds the deposited crypto assets in a smart contract.

[135] Such a Redeemable Wrapped Token does not constitute: (i) a ''put, call, straddle, option, or privilege on any security'' because it does not have a premium (*i.e.,* there is no price paid for the right to buy or sell an asset), have optionality (*i.e.,* there is no ability to choose whether or not to purchase or sell an asset), or transfer risk between the parties; (ii) a ''security future'' because it is not a contract of sale for future delivery of an asset; or (iii) a ''security-based swap'' because, among other reasons, it provides the holder with a beneficial ownership interest in the deposited crypto assets.

of ''security'' specifically lists ''receipt for'' any security. A Redeemable Wrapped Token is a receipt, which is an instrument certifying that a stated amount of a crypto asset has been deposited with the Wrapped Token Provider issuing the receipt, because it evidences the holder's ownership of the deposited crypto asset and does not change any of the rights, obligations, or benefits of the deposited crypto asset.[136] Accordingly, a Redeemable Wrapped Token that is a receipt for a non-security crypto asset that is not subject to an investment contract is not a receipt for a security. In contrast, a Redeemable Wrapped Token that is a receipt for a digital security or non-security crypto asset that is subject to an investment contract is a security.

Consideration also must be given to whether a Redeemable Wrapped Token that is a receipt for a non-security crypto asset that is not subject to an investment contract itself may be offered and sold subject to an investment contract. The offer and sale of such a Redeemable Wrapped Token do not involve an investment in an enterprise and the parties involved in the wrapping process do not provide essential managerial efforts upon which any return would be derived. First, holders of such a Redeemable Wrapped Token are not making an investment in an enterprise. That is, their funds are neither pooled together to be deployed by promoters or other third parties for developing any enterprise, nor are their fortunes tied to the efforts of a promoter or other third party or shared with those of a promoter or other third party. As noted above, the Wrapped Token Provider holds the deposited crypto asset for the benefit of holders of such a Redeemable Wrapped Token, and the deposited crypto asset is locked up and cannot be transferred or otherwise used. Second, any economic benefits realized by holders of such a Redeemable Wrapped Token are not derived from the essential managerial efforts of others. That is, the value of such a Redeemable Wrapped Token is derived from the value of the deposited crypto asset and not from the efforts of any third party involved in the wrapping process. The wrapping process itself is an administrative or ministerial function typically used to facilitate or enhance the interoperability between different crypto networks and different token standards[137] by allowing a crypto asset to be represented and used in a crypto system with which it is not otherwise compatible.[138] In addition, there is no financial incentive derived from the wrapping process because a Redeemable Wrapped Token is redeemable for the deposited crypto asset only on a fixed, one-for-one basis without any additional financial incentive or benefit. Moreover, the activities of the parties involved in the wrapping process, including those of Wrapped Token Providers, are administrative or ministerial in nature and do not constitute essential managerial efforts.

VII. Application of the Howey Test to Certain Crypto Asset Disseminations Known as ''Airdrops''

In the following discussion, we provide an interpretation regarding the investment contract status of certain crypto asset disseminations known as ''airdrops'' for purposes of Section 2(a)(1) of the Securities Act. As discussed below, this interpretation addresses only airdrops of non-security crypto assets by issuers to recipients who do not provide the issuer with money, goods, services, or other consideration in exchange for the airdropped non-security crypto assets.

A. Airdrops Generally

An ''airdrop'' is a means for crypto asset issuers to disseminate their crypto assets in exchange for no or nominal consideration. The issuer, usually in the early stages of development of a crypto system, effectuates an airdrop by transferring its crypto asset to specific cryptographic wallets or other addresses. Issuers use airdrops for a variety of reasons, such as to generate interest in and expand ownership and use of their crypto assets, reward early users or loyalty of users of a crypto system, promote a software application, build a community, decentralize governance authority with respect to an open-source crypto system, or award high-scoring players of an associated video game. An increase in the ownership base of a crypto asset can help grow and increase participation in the associated crypto system by more users, support decentralization of the crypto system, and facilitate network effects.

Issuers choose the recipients and all other terms of their airdrops. For example, an issuer could airdrop its crypto asset only to cryptographic wallets holding another specified crypto asset, with or without minimum ownership thresholds of that other crypto asset, or to cryptographic wallets of users of a particular trading platform that facilitates participation in the airdrop. Or an issuer may airdrop its crypto asset to selected crypto system users who meet specific criteria, such as holding a minimum amount of the crypto asset or based on their prior or current level of activity with the associated crypto system. Further, an issuer may airdrop its crypto asset in exchange for the recipient providing a service. That service could include, for example, a task aimed at raising awareness of the issuer's crypto asset and associated crypto system through various channels, such as following the issuer on social media, ''retweeting'' (or reposting) a post sent by the issuer, writing an article about the associated crypto system, referring another person to the associated crypto system, or fixing bugs in the associated crypto system's software.

B. Covered Airdrops

The interpretation below pertains to airdrops of non-security crypto assets to recipients who do not provide the issuer with money, goods, services, or other consideration in exchange for the airdropped non-security crypto asset.[139] The interpretation does not pertain to any airdrops of non-security crypto assets where the recipient provides the issuer with money, goods, services, or other consideration in exchange for the airdropped non-security crypto asset, such as where the recipient performs a service in exchange for the airdropped non-security crypto asset. The interpretation does, however, pertain to airdrops of non-security crypto assets in which the recipients have provided to the issuer money, goods, services, or other consideration where the consideration was not provided to the issuer in exchange for the airdropped non-security crypto assets. In other words, the recipient must not bargain for or choose to provide such

[136] The Wrapped Token Provider typically issues Redeemable Wrapped Tokens together with a user agreement or terms of service providing that the holder retains ownership of the deposited crypto assets.

[137] A token standard comprises the specifications governing how a crypto asset functions in a crypto system. Such specifications address a wide range of functions including how the crypto asset is transferred, how transactions are approved, and how data is accessed.

[138] Crypto networks have different protocols and may not be interoperable, meaning that crypto assets originating from one crypto network may not be compatible with other crypto networks such that the crypto assets may not be able to be transferred to or otherwise used on such other crypto networks. A crypto asset also may not be able to be used in a crypto application if it is based on a token standard that is not compatible with the token standard(s) required for use in the crypto application.

[139] The non-security crypto assets disseminated in an airdrop may or may not be allocated to recipients on a *pro rata* basis.

consideration in exchange for the airdropped non-security crypto asset for the interpretation to apply. For example, where such consideration was provided to the issuer prior to the announcement [140] of the airdrop and the recipients are not required to provide any further consideration to the issuer after such announcement in order to obtain the airdropped non-security crypto asset, we would not view such consideration as being provided to the issuer in exchange for the airdropped non-security crypto asset.[141]

C. Interpretation Regarding Airdrops [142]

Where an issuer conducts an airdrop of non-security crypto assets in the manner and under the circumstances described in this release, the non-security crypto asset does not become subject to an investment contract because the first element of the *Howey* test—requiring an investment of money [143]—is not met.[144] Recipients of the airdropped non-security crypto asset are not making an ''investment of money'' because they provide no money, goods, services, or other consideration to the issuer in exchange for the airdropped non-security crypto asset, and the issuer is not offering them the non-security crypto asset in exchange for any such consideration.[145] Accordingly, issuers conducting airdrops of non-security crypto assets in the manner and under the circumstances described in this release do not need to register those transactions with the Commission under the Securities Act or fall within one of the Securities Act's exemptions from registration.[146]

This interpretation would include the following scenarios where recipients do not provide consideration to the issuer in exchange for the airdropped non-security crypto asset:

- An issuer airdrops its non-security crypto asset to persons who hold another specified crypto asset in their digital wallets, and the issuer does not announce the airdrop before the non-security crypto asset is disseminated.[147]
- An issuer creates a new crypto system that utilizes a non-security crypto asset. Prior to deploying the crypto system, the issuer deploys a testing environment version of the crypto system and interested users transact using such version during that phase of the crypto system's development. After the crypto system is fully functional and operational, the issuer announces that persons who used the testing environment version during a specific prior period would receive the non-security crypto asset in an airdrop for that prior engagement.[148]
- An issuer airdrops its non-security crypto asset free of charge to users of a related software application who satisfy certain eligibility criteria based upon such users' use of the application. Airdrop eligibility is solely based on the users' use of the application prior to the date of the airdrop, and the issuer does not announce the airdrop before the non-security crypto asset is disseminated.

This interpretation does not address airdrops of digital securities. This interpretation also does not address or otherwise alter our views of what does or does not constitute a ''sale'' under section 2(a)(3) of the Securities Act, which includes ''every contract of sale or disposition of a security or interest in a security, for value,'' or section 3(a)(14) of the Exchange Act. Section 2(a)(3) of the Securities Act and section 3(a)(14) of the Exchange Act by their terms do not apply to airdrops of non-security crypto assets that are not subject to an investment contract.

VIII. Other Matters

Pursuant to the Congressional Review Act,[149] the Office of Management and Budget (''OMB'') has designated the interpretation in this release as a ''major rule,'' as defined by 5 U.S.C. 804(2). Notwithstanding such designation, the interpretation in this release may take effect immediately pursuant to 5 U.S.C. 808(2) because it is an interpretive rule and thus exempt from the Administrative Procedure Act's notice and comment requirements. The interpretation in this release is a significant regulatory action under section 3(f) of Executive Order 12866, as amended, and has been reviewed by OMB. The interpretation in this release concerns the Federal securities laws and the guidance included herein concerns the administration of the Commodity Exchange Act by the CFTC. No interference is intended with respect to any other legal regime, including the Federal tax laws under the Internal Revenue Code or the Bank Secrecy Act of 1970 and the Anti-Money Laundering Act of 2020, which are outside the scope of the interpretation in this release.

IX. Commission Economic Considerations

The interpretation in this release is intended to advise the public on the Commission's views of the application of the Federal securities laws to certain types of crypto assets and certain transactions in crypto assets. The

[140] This view does not foreclose general statements regarding the possibility of an airdrop so long as any such statements do not provide terms or conditions.

[141] If recipients would have to fulfill further conditions subsequent to the announcement of the airdrop, such as buying a specific crypto asset, buying a good or service (whether or not related to a crypto asset), or performing a specific task (whether or not related to a crypto asset), the interpretation would not pertain to such airdrop.

[142] The interpretation does not apply to or otherwise affect existing Commission or staff positions regarding employee compensation and benefit arrangements involving the issuance or award of securities.

[143] The first element of the *Howey* test requires recipients to make an ''investment of money.'' Federal courts have interpreted ''money'' for this purpose to not be limited to cash. *See, e.g., Uselton* v. *Comm. Lovelace Motor Freight, Inc.,* 940 F.2d 564, 574 (10th Cir. 1991) (stating that ''in spite of *Howey's* reference to an 'investment of money,' it is well established that cash is not the only form of contribution or investment that will create an investment contract'' and that ''the 'investment' may take the form of 'goods and services,' or some other 'exchange of value.' '') (citations omitted).

[144] The interpretation in this section of the release only relates to the ''investment-of-money'' requirement of the *Howey* test. *See supra* note 7. The *Howey* test is a conjunctive test, meaning that if any of its three requirements is not met there is no ''investment contract.'' *See, e.g., Revak* v. *SEC Realty Corp.,* 18 F.3d 81, 87 (2d Cir. 1994) (''The three elements of the *Howey* test must all be present for a [ ] contract [, transaction, or scheme] to constitute a security . . . .'').

[145] Applicable Federal case law since *Howey* explains that there is no investment of money where the recipient does not provide consideration for the acquired asset. *See SEC* v. *Sg Ltd.,* 265 F.3d 42, 47 (1st Cir. 2001) (''The determining factor [under the first prong of the *Howey* test] is whether an investor 'chose to give up a specific consideration in return for a separable financial interest with the characteristics of a security.''' (quoting *Int'l Bhd. of Teamsters* v. *Daniel,* 439 U.S. 551, 558 (1979)). ''In every case [where courts have found an investment contract exists] the purchaser gave up some tangible and definable consideration in return for an interest that had substantially the characteristics of a security.'' *Int'l Bhd. of Teamsters* v. *Daniel* at 559.

[146] Although the non-security crypto asset disseminated in the airdrop may not be subject to an investment contract, there may be an investment contract associated with the non-security crypto asset created in connection with other transactions involving the non-security crypto asset, whether prior to or after the airdrop. In such cases, the non-security crypto asset disseminated in the airdrop may become subject to that investment contract in a subsequent transaction, which would constitute a securities transaction, such as where the airdrop recipient sells the non-security crypto asset in a secondary market transaction. Any such transaction would have to be registered under the Securities Act or conducted pursuant to an available exemption from registration, such as the exemption in section 4(a)(1) of the Securities Act.

[147] The result here would be the same regardless of whether the issuer conducting the airdrop itself is the issuer of the other specified crypto asset and regardless of whether the other specified crypto asset itself is a security.

[148] If, however, the issuer announced the airdrop during the testing environment version phase to incentivize engagement during that phase of the crypto system's development and limited the airdrop to persons who use the testing environment version, then the interpretation would not pertain to such airdrop.

[149] 5 U.S.C. 801 *et seq.*

interpretation does not itself create any new legal obligations for issuers of, and investors in, digital securities and crypto asset-related securities (*i.e.,* when a crypto asset is subject to an investment contract). Nonetheless, we recognize that, to the extent the understanding and behavior of issuers and investors are currently not consistent with the interpretation, the interpretation would have economic effects. We discuss the potential economic effects of the interpretation below, including the potential for improvements in efficiency, capital formation, and competition.

The interpretation may affect issuers of and investors in digital securities and crypto asset-related securities; creators and acquirers of non-security crypto assets; users of crypto systems; and financial intermediaries. The main effect of the interpretation will be to reduce uncertainty by finally providing clarity about the Commission's views on the application of the Federal securities laws to certain types of crypto assets and certain transactions in crypto assets. The impact of this clarification, however, is limited in certain respects. First, given the passage of the GENIUS Act, affected parties are already on notice that payment stablecoins issued by a permitted payment stablecoin issuer will be excluded from the statutory definition of ''security'' after the effective date of the GENIUS Act. Second, to the extent that affected parties are already acting consistently with the interpretation, the interpretation will have minimal economic impact.

By providing more clarity, the interpretation should reduce costs for issuers of digital securities and crypto asset-related securities, as well as other market participants and creators of non-security crypto assets by reducing the cost of legal advice to determine their obligations consistent with the Commission's views on the application of the Federal securities laws to crypto assets and transactions involving crypto assets. A reduction in costs could result in more issuers issuing, offering, and selling crypto assets securities and crypto asset-related securities. These effects could spur competition in the market for these securities and lead to increased entrepreneurship and innovation in this market, to the benefit of investors. The added clarity and associated reduction in costs from the interpretation could also spur more activity in the markets for non-security crypto assets, thus increasing competition among creators and among buyers. As a result of these effects, the additional clarity that the interpretation provides could accelerate growth and innovation in blockchain or similar distributed ledger technology.

Further, to the extent that confusion about the Commission's views on the application of the Federal securities laws to certain crypto assets and certain transactions involving crypto assets has chilled activity in the crypto asset markets or encouraged crypto asset activity to shift outside of the United States, added clarity from the interpretation could reduce the perceived risk of engaging in the crypto asset markets and encourage more crypto asset activity in the United States.

It is possible that some issuers of digital securities and crypto asset-related securities may determine that they must change business practices as a result of the interpretation. To the extent that their past understandings and behavior were not consistent with the interpretation, they may incur costs of changing their practices, including potentially with respect to registration and exemption from registration of securities offerings under the Federal securities laws. Other potential issuers of digital securities or crypto asset-related securities may choose either to not undertake future issuances or to alter the form of their crypto asset issuances.

We also expect the interpretation to have some effects on current and potential investors in digital securities and crypto asset-related securities and acquirers of non-security crypto assets. Such investors and acquirers may change their investment behavior if their prior understanding of the application of the Federal securities laws to certain types of crypto assets or certain transactions in crypto assets differs from the interpretation. For instance, some individuals and entities may prefer to hold digital securities or crypto asset-related securities. Because the interpretation provides further clarification about when the Commission believes a crypto asset is itself a security or is subject to an investment contract, it should help inform these investors' investment choices. In addition, clarifying the Commission's views on the application of the Federal securities laws to crypto assets and transactions involving crypto assets could lessen any related uncertainty-driven distortions that may have affected prices for digital securities and crypto asset-related securities, as well as non-security crypto assets, thereby enhancing pricing efficiency.

In sum, we expect the interpretation to enhance clarity for issuers and investors regarding the Commission's views on the application of the Federal securities laws to certain crypto assets and certain crypto asset transactions. For the reasons discussed above, this could: enhance pricing efficiency in digital securities, crypto asset-related securities, and non-security crypto assets; increase capital formation; and improve competition, which could facilitate innovation and entrepreneurship in the markets for crypto assets.

Statutory Authority

The interpretation in this release is being adopted pursuant to sections 2(a)(1) and 19 of the Securities Act and sections 3(a)(10) and 23 of the Exchange Act.

List of Subjects in 17 CFR Parts 231 and 241

Securities.

Text of Amendments

For the reasons set forth above, the Commission is amending title 17, chapter II of the Code of Federal Regulations as set forth below:

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

■ 1. The authority citation for part 231 continues to read as follows:

Authority: 15 U.S.C. 77a *et seq.*

■ 2. Amend part 231 by adding an entry for Release No. 33–11412 at the end of the table to read as follows:

Subject	Release No.	Date	Fed. Reg. vol. and page
* * *	*	*	* *
Application of the Federal Securities Laws to Certain Types of Crypto Assets and Certain Transactions Involving Crypto Assets.	33–11412	March 17, 2026	[INSERT Federal Register DOCUMENT CITATION].

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

■ 3. The authority citation for part 241 continues to read as follows:

Authority: 15 U.S.C. 78a *et seq.*

■ 4. Amend part 241 by adding an entry for Release No. 34–105020 at the end of the table to read as follows:

Subject	Release No.	Date	Fed. Reg. vol. and page
* * *	*	*	* *
Application of the Federal Securities Laws to Certain Types of Crypto Assets and Certain Transactions Involving Crypto Assets.	34–105020	March 17, 2026	[INSERT Federal Register DOCUMENT CITATION].

By the Commissions.

Dated: March 17, 2026.

Vanessa A. Countryman,

Secretary, Securities and Exchange Commission.

Christopher Kirkpatrick,

Secretary, Commodity Futures Trading Commission.

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

CFTC Appendix to Application of the Federal Securities Laws to Certain Types of Crypto Assets and Certain Transactions Involving Crypto Assets—CFTC Voting Summary

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

[FR Doc. 2026–05635 Filed 3–20–26; 8:45 am]

BILLING CODE 8011–01–6351–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–1146]

Schedules of Controlled Substances: Placement of 3-Methoxyphencyclidine (1-(1-(3-Methoxyphenyl)cyclohexyl) piperidine) in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: With the issuance of this final rule, the Drug Enforcement Administration places substance 3-methoxyphencyclidine (1-(1-(3-methoxyphenyl)cyclohexyl)piperidine; 3-MeO–PCP), including its salts, isomers, and salts of isomers, in schedule I of the Controlled Substances Act. This action is being taken, in part, to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle 3-MeO–PCP.

DATES: *Effective date:* April 22, 2026.

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

SUPPLEMENTARY INFORMATION: In this final rule, the Drug Enforcement Administration (DEA) permanently schedules 3-methoxyphencyclidine (1-(1-(3-methoxyphenyl)cyclohexyl) piperidine; 3-MeO–PCP) in schedule I of the Controlled Substances Act (CSA), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

Legal Authority

The United States is a party to the 1971 United Nations Convention on Psychotropic Substances (1971 Convention), Feb. 21, 1971, 32 U.S.T. 543, 1019 U.N.T.S. 175, as amended. Procedures respecting changes in drug schedules under the 1971 Convention are governed domestically by 21 U.S.C. 811(d)(2)–(4). When the United States receives notification of a scheduling decision pursuant to Article 2 of the 1971 Convention indicating that a drug or other substance has been added to a schedule specified in the notification, the Secretary of Health and Human Services (Secretary),[1] after consultation with the Attorney General, shall first determine whether existing legal controls under subchapter I of the CSA and the Federal Food, Drug, and Cosmetic Act meet the requirements of the schedule specified in the notification with respect to the specific

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

drug or substance.[2] In the event that the Secretary did not so consult with the Attorney General, and the Attorney General did not issue a temporary order, as provided under 21 U.S.C. 811(d)(4), the procedures for permanent scheduling set forth in 21 U.S.C. 811(a) and (b) control.

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

Background

3-MeO–PCP is an arylcyclohexylamine that has been identified in the United States' illicit drug market. It is a 3-methoxy derivative of phencyclidine (PCP; schedule II substance) and produces similar hallucinogenic effects as PCP. 3-MeO–PCP has no approved medical use in the United States.

On June 10, 2021, the Secretary-General of the United Nations advised the Secretary of State of the United States that the Commission on Narcotic Drugs (CND), during its 64th Session in April 2021, voted to place 3-MeO–PCP in Schedule II of the 1971 Convention (CND Decision 64/4). As a signatory to the 1971 Convention, the United States is required, by scheduling under the CSA, to place appropriate controls on 3-MeO–PCP to meet the minimum requirements of the treaty.

Because the procedures in 21 U.S.C. 811(d)(3) and (4) for consultation and issuance of a temporary order for 3-MeO–PCP, discussed in the above legal authority section, were not followed, DEA is utilizing the procedures for permanent scheduling set forth in 21 U.S.C. 811(a) and (b) to control 3-MeO–PCP. Such scheduling would satisfy the United States' international obligations.

DEA and HHS Eight-Factor Analyses

In a letter dated November 15, 2022, in accordance with 21 U.S.C. 811(b), and in response to DEA's October 25, 2021, request, the Department of Health and Human Services (HHS) provided to DEA a scientific and medical evaluation and scheduling recommendation for 3-MeO–PCP. DEA reviewed the scientific and medical evaluation and scheduling recommendation for schedule I placement provided by HHS, and all other relevant data, pursuant to 21 U.S.C. 811(b) and (c), and conducted its own analysis under the eight factors stipulated in 21 U.S.C. 811(c). DEA found, under 21 U.S.C. 812(b)(1), that this substance warrants control in schedule I. Both DEA's and HHS' Eight-Factor analyses are available in their entirety under the tab Supporting Documents of the public docket for this action at *https://www.regulations.gov* under docket number DEA–1146.

Notice of Proposed Rulemaking to Schedule 3-MeO–PCP

On June 10, 2025, DEA published a notice of proposed rulemaking (NPRM) to permanently control 3-MeO–PCP in schedule I.[3] Specifically, DEA proposed to add 3-MeO–PCP to the list of hallucinogenic substances under 21 CFR 1308.11(d). The NPRM provided an opportunity for interested persons to file a request for hearing in accordance with DEA's regulations on or before July 10, 2025. DEA did not receive any requests for such a hearing. The NPRM also provided an opportunity for interested persons to submit comments on or before July 10, 2025.

Comments Received

DEA received one anonymous comment in response to the NPRM for the placement of 3-MeO–PCP into schedule I of the CSA. The commenter asserted that the recreational use of 3-MeO–PCP was ''very small'' and that the current ''primary use seems to be for legitimate research.'' The commenter suggested that DEA should wait until there is more information and research into the potential medical use before making the determination for placement into schedule I.

DEA Response: DEA appreciates this comment and would like to provide further clarification regarding the control of 3-MeO–PCP. 3-MeO–PCP has been placed under international control. In order to comply with treaty obligations, DEA must place 3-MeO–PCP under the most appropriate schedule, taking into consideration all appropriate scientific data. Additionally, as set forth in the NPRM, 3-MeO–PCP has no currently accepted medical use in treatment in the United States. Therefore, 3-MeO–PCP must be placed in schedule I of the CSA along with other substances which have no currently accepted medical use, lack accepted safety for use under medical supervision, and possess a high potential for abuse. With respect to research for potential medical use, the placement of substances in schedule I of the CSA does not preclude research on these substances.[4] Those wishing to conduct research on schedule I substances must comply with the processes and requirements for registration with DEA involving schedule I substances.[5]

Scheduling Conclusion

After consideration of the public comment, the scientific and medical evaluation and accompanying scheduling recommendations from HHS, and its own eight-factor evaluation, DEA finds that these facts and all relevant data constitute substantial evidence of potential for abuse of 3-MeO–PCP. As such, DEA is permanently scheduling 3-MeO–PCP as a controlled substance under schedule I of the CSA. The permanent scheduling of 3-MeO–PCP fulfills the United States' obligations as a party to the 1971 Convention.

Determination of Appropriate Schedule

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

(1) 3-MeO–PCP has a high potential for abuse that is comparable to other controlled substances, such as the ethylamine analog of phencyclidine (PCE; schedule I), the thiophene analog of phencyclidine (TCP; schedule I), phencyclidine (PCP, schedule II), and ketamine (schedule III). 3-MeO–PCP, similar to PCP and ketamine, produces dissociative anesthetic and hallucinogenic effects.

(2) 3-MeO–PCP has no currently accepted medical use in treatment in the United States. In HHS' 2022 recommendation to control 3-MeO–PCP, it was noted there are no approved New Drug Applications for 3-MeO–PCP and no known therapeutic applications for 3-MeO–PCP in the United States. DEA is not aware of any other evidence suggesting that 3-MeO–PCP has a

[2] 21 U.S.C. 811(d)(3).

[3] *Schedules of Controlled Substances: Placement of 3-Methoxyphencyclidine (1-(1-(3-methoxyphenyl)cyclohexyl)piperidine) in Schedule I,* 90 FR 24370 (June 10, 2025).

[4] 21 U.S.C. 822(h); 21 U.S.C. 823(g)(2)(A); 21 U.S.C. 823(n).

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

currently accepted medical use in treatment in the United States.[6]

(3) There is a lack of accepted safety for use of 3-MeO–PCP under medical supervision. Because 3-MeO–PCP has no approved medical use and has not been investigated as a new drug, its safety for use under medical supervision has not been determined.

Based on these findings, the Administrator of DEA concludes that 3-MeO–PCP, as well as its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, warrants control in schedule I of the CSA.

Requirements for Handling 3-MeO–PCP

3-MeO–PCP is subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, import, export, engagement in research, conduct instructional activities or chemical analysis with, and possession of, schedule I controlled substances, including the following:

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

1. Registration. Any person who handles (manufactures, distributes, reverse distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses), or who desires to handle, 3-MeO–PCP must register with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312. Any person who currently handles 3-MeO–PCP and is not registered with DEA must submit an application for registration and may not continue to handle 3-MeO–PCP, unless DEA has approved that application for registration pursuant to 21 U.S.C. 822, 823, 957, 958, and in accordance with 21 CFR parts 1301 and 1312. Retail sales of schedule I controlled substances to the general public are not allowed under the CSA. Possession of any quantity in a manner not authorized by the CSA is unlawful and those in possession of any quantity may be subject to prosecution pursuant to the CSA.

2. Disposal of Stocks. Any person unwilling or unable to obtain a schedule I registration must surrender or transfer all quantities of currently held 3-MeO–PCP to a person registered with DEA before the effective date of the final scheduling action in accordance with all applicable Federal, State, local, and Tribal laws. 3-MeO–PCP must be disposed of in accordance with 21 CFR part 1317, in addition to all other applicable Federal, State, local, and Tribal laws.

3. Security. 3-MeO–PCP is subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.71–1301.76, as of the effective date of this final scheduling action. Non-practitioners handling 3-MeO–PCP must comply with the employee screening requirements of 21 CFR 1301.90–1301.93.

4. Labeling and Packaging. All labels, labeling, and packaging for commercial containers of 3-MeO–PCP must comply with 21 U.S.C. 825 and be in accordance with 21 CFR part 1302.

5. Quota. Generally, only registered manufacturers are permitted to manufacture 3-MeO–PCP in accordance with a quota assigned pursuant to 21 U.S.C. 826, and in accordance with 21 CFR part 1303.

6. Inventory. Every DEA registrant who possesses any quantity of 3-MeO–PCP must take an inventory of 3-MeO–PCP on hand, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11(a) and (d).

Any person who registers with DEA must take an initial inventory of all stocks of controlled substances (including 3-MeO–PCP) on hand on the date the registrant first engages in the handling of controlled substances, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11(a) and (b).

After the initial inventory, every DEA registrant must take an inventory of all controlled substances (including 3-MeO–PCP) on hand every two years, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

7. Records and Reports. Every DEA registrant must maintain records and submit reports for 3-MeO–PCP, or products containing 3-MeO–PCP, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1301.74(b) and (c), 1301.76(b), and parts 1304, 1312 and 1317. Manufacturers and distributors must submit reports regarding 3-MeO–PCP to the Automation of Reports and Consolidated Orders System pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304 and 1312.

8. Order Forms. Every DEA registrant who distributes 3-MeO–PCP must comply with the order form requirements, pursuant to 21 U.S.C. 828 and 21 CFR part 1305.

9. Importation and Exportation. All importation and exportation of 3-MeO–PCP must comply with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR parts 1304 and 1312.

10. Liability. Any activity involving 3-MeO–PCP not authorized by, or in violation of, the CSA or its implementing regulations, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866, 13563, 14192, and 14294

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

Executive Order 12988, Civil Justice Reform

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

Executive Order 13132, Federalism

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

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

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

Regulatory Flexibility Act

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

DEA is placing the substance 3-MeO–PCP (chemical name: 1-(1-(3-methoxyphenyl)cyclohexyl)piperidine), including its salts, isomers, and salts of isomers, in schedule I of the CSA to enable the United States to meet its obligations under the 1971 Convention. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle 3-MeO–PCP.

Based on the review of HHS' scientific and medical evaluation and all other relevant data, DEA determined that 3-MeO–PCP has high potential for abuse, has no currently accepted medical use in treatment in the United States, and lacks accepted safety for use under medical supervision. There appear to be no legitimate sources for 3-MeO–PCP as a marketed drug in the United States, but DEA notes that this substance is available for purchase from legitimate suppliers for scientific research. There is no evidence of significant diversion of 3-MeO–PCP from legitimate suppliers. Therefore, this final rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act of 1995

This rule does not impose a new collection or modify an existing collection of information requirement under the Paperwork Reduction Act of 1995.[7] This action does not impose new or modify existing recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. However, this rule requires compliance with the following existing OMB collections: 1117–0003, 1117–0004, 1117–0006, 1117–0008, 1117–0009, 1117–0010, 1117–0012, 1117–0014, 1117–0021, 1117–0023, 1117–0029, and 1117–0056. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act of 1995

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

Congressional Review Act

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

List of Subjects in 21 CFR Part 1308

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

For the reasons set out above, DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

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

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

■ 2. Amend § 1308.11 by adding paragraph (d)(109) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

* * * * * * *

(109) 3-methoxyphencyclidine (Other names: 1-(1-(3-methoxyphenyl)cyclohexyl)piperidine; 3-MeO–PCP)	7457

* * * * *

Signing Authority

This document of the Drug Enforcement Administration was signed on March 17, 2026, by Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Gregory Aul,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–05618 Filed 3–20–26; 8:45 am]

BILLING CODE 4410–09–P

[7] 44 U.S.C. 3501 through 3521.

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Part 404

RIN 1245–AA16

Minor Child Definition for Form LM–30 Labor Organization Officer and Employee Report

AGENCY: Office of Labor-Management Standards, Department of Labor.

ACTION: Final rule.

SUMMARY: This final rule revises the definition of ''minor child'' as that term appears in 29 CFR 404.1(h) and on the Form LM–30 Labor Organization Officer and Employee Report. The definition is changed from ''under 21 years of age'' to ''under 18 years of age.'' This amendment aims to align the definition with the age of majority recognized in the vast majority of United States jurisdictions, thereby reducing the reporting burden on filers while preserving the integrity and purpose of the Labor-Management Reporting and Disclosure Act (LMRDA)'s disclosure requirements. A technical correction is also made to the Form LM–30 Instructions.

DATES: This rule is effective April 22, 2026, and applies to fiscal years beginning on or after July 1, 2026.

FOR FURTHER INFORMATION CONTACT: Andrew C. Hasty, Chief of the Division of Interpretations and Regulations, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5609, Washington, DC 20210, by telephone at (202) 693–0123 (this is not a toll-free number), 711 (TTY/TDD), or by email at *olms-public@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. 401 *et seq.,* mandates specific reporting and disclosure requirements for labor organizations, their officers and employees, employers, labor relations consultants, and surety companies. Under Section 202 of the LMRDA, 29 U.S.C. 432, every officer or employee of a labor organization, or whose spouse or ''minor child,'' directly or indirectly holds any interest, or derives income or benefit from certain employers or businesses dealing with the labor organization, is required to file a disclosure report with the Secretary of Labor. The Secretary of Labor has the authority to prescribe the form for these financial disclosure reports. 29 U.S.C. 438.

The U.S. Department of Labor (Department), Office of Labor-Management Standards (OLMS), uses the Form LM–30 Labor Organization Officer and Employee Report to address actual or potential conflicts of interest involving union officials' personal financial interests, as well as those of their spouse or ''minor child,'' and their labor organization. In 2007, OLMS defined ''minor child'' as a ''son, daughter, stepson, or stepdaughter under 21 years of age''. This definition aimed to provide a uniform, nationwide standard, noting that 21 was the age of majority in most states at the time of the LMRDA's passage. *See generally* 72 FR 36106. In light of the statutory silence on the age at which a child reaches majority, OLMS reasoned that age 21 was sensible because there needed to be a uniform, nationwide definition that Form LM–30 filers, union members, and the public could easily ascertain, and that 21 was already the age of majority in most states at the time of LMRDA passage. *See* Labor Organization Office and Employee Report, Form LM–30, 72 FR 36145 (July 2, 2007).

On July 1, 2025, the Department published a Notice of Proposed Rulemaking (''NPRM'') seeking public comment on amending its regulations to redefine ''minor child'' as a son, daughter, stepson, or stepdaughter under the age of 18. *See* Minor Child Definition for Form LM–30 Labor Organization Officer and Employee Report, 90 FR 28255 (July 1, 2025).

II. Discussion of the Final Rule

After reviewing the one and only comment received in response to the July 1, 2025 NPRM, the Department is now issuing a final rule that implements the proposed rule. This revision aligns the Form LM–30 reporting requirements with current legal norms, where individuals aged 18 and older are generally considered capable of managing their own financial affairs and are legally responsible for their actions. In various areas of the law, such as voting, entering into contracts, and military service, adulthood typically begins at age 18. Currently, 47 states and Washington, DC, recognize 18 as the age of majority, with only Alabama and Nebraska at age 19, and Mississippi at age 21.[1]

As the one public comment received on the proposed rule explicitly stated, ''[t]his proposal to redefine a minor child as an individual 'under 18 years of age' is based on sound reasoning. It correctly aligns the LMRDA's reporting requirements with the legal age of majority now established in 47 states and Washington, DC. This change creates a more consistent, modern, and common-sense standard for filers nationwide.''

Additionally, this change has potential to reduce administrative burdens on filers. Requiring disclosure of financial interests or transactions for children or stepchildren aged 18 to 20 imposed unnecessary administrative burdens without significantly enhancing transparency or the detection of conflicts of interest, especially since union officials lack legal control over the financial affairs of their adult children. This amended definition maintains the essential conflict-of-interest disclosure requirements while alleviating an undue burden. In practice, this means filers are no longer required to obtain, review, or disclose information about the financial

[1] Ala. Stat. Ann. § 26–1–1 (2024) (While the age of majority is 19 in Alabama, individuals over the age of 18 may enter into legal contracts): Alaska Stat. Ann. § 25.20.010 (2024): Ariz. Rev. Stat. Ann. § 1–215 (2025): Ark. Code Ann. § 9–25–101 (2024): Cal. Fam Code §§ 6500, 6501 (2024): Colo. Rev. Stat. § 13–22–101 (2021): Conn. Gen. Stat. Ann. § 1–1d (2024): Del. Code Ann. tit. 1, § 701 (2024): DC Code Ann. § 46–101 (2024): Fla. Stat. Ann. § 1.01(13) (2025): Ga. Code Ann. § 39–1–1 (2022): Haw. Rev. Stat. Ann. § 577–1 (2024): Idaho Code § 32–101 (2024): 755 Ill. Comp. Stat. Ann. 5/11–1 (2024): Ind. Code Ann. § 1–1–4–5 (2024): Iowa Code Ann. § 599.1 (2025), see also § 565B.1, Kan. Stat. Ann. § 38–101 (2024): Ky. Rev. Stat. Ann. § 2.015 (2024): La. Civ. Code Ann. art. 29 (2024); Me. Rev. Stat. Ann. tit. 1 § 72(11) (2021): Md. Gen. Provis. § 1–401 (2025), Mass. Gen. Laws Ann. ch. 4, § 7, cl. 48 (2025): Mich. Comp. Laws Ann. § 722.52 (2024): Minn. Stat. Ann. § 645.45 (2024): Miss. Code. Ann. § 1–3–27 (2024): Miss. Code. Ann. § 93–19–13 (2024) (while the age of majority in Mississippi is 21, individuals over the age of 18 may enter into legal contracts); Mo. Ann. Stat. § 431.055 (2024): Mont. Const. art. II, § 14 (amended by Const. Amend. No. 4 (1978) and Const. Amend. No. 16 (1986)); Neb. Rev. Stat. § 43–2101 (2021); Nev. Rev. Stat. § 129.010 (2024); N.H. Rev. Stat. Ann. § 21:44 (2023); N.J. Stat. Ann. § 9:17B–3 (2024); N.M. Stat. Ann. § 28–6–1 (2025); N.Y. Gen. Oblig. Law § 1–202 (2024); N.C. Gen. Stat. § 48A–2 (2025); N.D.C.C. § 14–10–02 (2024); Ohio Rev. Code Ann. § 3109.01 (2024); Okla. Stat. Ann. tit. 15, § 13 (2024); Or. Rev. Stat. Ann. § 109.510 (2023); 23 Pa. Stat. and Cons. Stat. Ann. § 5101 (2024); 15 R.I. Gen. Laws Ann. § 15–12–1 (2024); S.C. Code Ann. § 15–1–320 (2025); S.D. Codified Laws § 26–1–1 (2025); Utah Code Ann. § 15–2–1 (2024); Tenn. Code Ann. § 1–3–105(1) (2025); Tex. Civ Prac. & Rem. Code § 129.001 (1985); Va. Code Ann. § 1–204 (2025); Vt. Stat. Ann. Tit. 1, § 173 (2024); Wash. Rev. Code Ann. § 26.28.010 (2024); W. Va. Code Ann. § 2–2–10 (2025); Wis. Stat. Ann. § 990.01 (2025); Wyo. Stat. Ann. § 14–1–101(3) (2025); *See* ''*Age Boundaries in Juvenile Justice Systems,*'' Nat'l Governors Ass'n, (Aug. 12, 2021), *https://www.nga.org/publications/age-boundaries-in-juvenile-justice-systems/; see, e.g. Roper* v. *Simmons,* 543 U.S. 551, 574, 125 S. Ct. 1183, 1198, 161 L. Ed. 2d 1 (2005) (''The age of 18 is the point where society draws the line for many purposes between childhood and adulthood''), Vivian E. Hamilton, *Adulthood in Law and Culture,* 91 Tul. L. Rev. 55, 64, fn. 47 (2016).

interests, gifts, employment relationships, or business transactions of children or stepchildren aged 18 through 20 who are legally adults, nor to collect supporting documentation for those disclosures.

Finally, the Department has made a technical correction on page 6 of the Form LM–30 Instructions, in Item 7, removing outdated references to the ''How to Provide Additional Information'' section, as this instruction is no longer necessary for completing the form.

III. Procedural Issues and Regulatory Review

The Department has reviewed this final rule under various executive orders and acts, concluding the following:

A. Review Under Executive Orders 12866 (Regulatory Planning and Review)

Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. Section 6(a) of E.O. 12866 also requires agencies to submit ''significant regulatory actions'' to OIRA for review.

OIRA has determined that this final rule does not constitute a ''significant regulatory action'' under section 3(f) of E.O. 12866, as it reduces reporting and recordkeeping burden for filers and potential filers. Accordingly, this rule was not submitted to OIRA for review under E.O. 12866.

By revising the definition of ''minor child'' to align with the widely accepted age of majority, the rule is designed to reduce unnecessary administrative burdens on filers while maintaining the integrity and purpose of the Labor-Management Reporting and Disclosure Act's (LMRDA) disclosure requirements. The Department views the benefits of reducing unnecessary burden on filers as justifying the non-existent costs associated with this change.

B. Review Under the Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The Department conducted a review under the provisions of the Regulatory Flexibility Act (RFA). This rule will eliminate burdensome regulations; therefore, the Department concluded that the impacts of this final rule will not have a ''significant economic impact on a substantial number of small entities.'' E.O. 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (Aug. 16, 2002). A ''significant economic impact'' is generally defined as affecting costs or revenues by more than three percent annually, and a ''substantial number'' of small entities is typically considered 20 percent.

Because this rule reduces burden rather than imposing new requirements, the preparation of an initial regulatory flexibility analysis (IRFA) or a final regulatory flexibility analysis (FRFA) was not warranted. The Department will transmit this certification, along with a supporting statement of factual basis, to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act (PRA)

This final rule imposes no new information or recordkeeping requirements. The Department does not anticipate any changes to the number of respondents or reporting or recordkeeping hours. An Information Collection Request (ICR) revision package will be submitted to the Office of Management and Budget (OMB) for approval to update the Form LM–30 Instructions. The OMB Control Number for Labor Organization and Auxiliary Reports is 1245–0003.

D. Review Under Executive Order 13132 (Federalism)

E.O. 13132, ''Federalism,'' 64 FR 43255 (August 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.

The Department has determined that this rule will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Review Under Executive Order 12988 (Civil Justice Reform)

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, ''Civil Justice Reform,'' imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them.

The Department has completed the required review under E.O. 12988 and has determined that, to the extent permitted by law, this final rule meets the relevant standards of E.O. 12988,

which include eliminating drafting errors and ambiguity, minimizing litigation, providing a clear legal standard, promoting simplification and burden reduction, and adequately defining key terms.

F. Review Under the Unfunded Mandates Reform Act (UMRA):

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. 2 U.S.C. 1532(a), (b)). The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a ''significant Federal intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. 2 U.S.C. 1534(a).

The Department examined this final rule according to UMRA and its statement of policy. It determined that the final rule does not contain a Federal intergovernmental mandate. Furthermore, it is not expected to require expenditures of $100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

G. Review Under the Treasury and General Government Appropriations Act, 1999 (Family Policymaking Assessment)

Section 654 of the Treasury and General Government Appropriations Act, 1999, requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, the Department concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 12630 (Governmental Actions and Interference With Constitutionally Protected Property Rights)

Pursuant to E.O. 12630, the Department has determined that this final rule will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

I. Review Under the Treasury and General Government Appropriations Act, 2001 (Information Quality)

Section 515 of the Treasury and General Government Appropriations Act, 2001, provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002). The Department has reviewed this final rule under the OMB guidance and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Additional Executive Orders and Presidential Memoranda

The Department has examined this final rule and determined that it is consistent with the policies and directives outlined in E.O. 14154, ''Unleashing American Energy,'' E.O. 14192, ''Unleashing Prosperity Through Deregulation,'' and the Presidential Memorandum, ''Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis.'' This rule is specifically expected to be an E.O. 14192 deregulatory action.

List of Subjects in 29 CFR Part 404

Labor organization officers and employees, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Department amends part 404 of chapter IV of title 29 of the Code of Federal Regulations, as set forth below:

PART 404—LABOR ORGANIZATION OFFICER AND EMPLOYEE REPORTS

■ 1. The authority citation for part 404 continues to read as follows:

Authority: Secs. 202, 207, 208, 73 Stat. 525, 529 (29 U.S.C. 432, 437, 438); Secretary's Order No. 03–2012, 77 FR 69376, November 16, 2012.

■ 2. Amend § 404.1 by revising paragraph (h) to read as follows:

§ 404.1 Definitions.

* * * * *

(h) *Minor child* means a son, daughter, stepson, or stepdaughter under 18 years of age.

* * * * *

Signed in Washington, DC.

Elisabeth Messenger,

Director, OLMS.

[FR Doc. 2026–05634 Filed 3–20–26; 8:45 am]

BILLING CODE 4510–86–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2020–0165; FRL–12829–02–R6]

Air Plan Approval; Texas; Reasonably Available Control Technology in the Houston-Galveston-Brazoria Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or ''the Act''), the Environmental Protection Agency (EPA) is approving revisions to the Texas State Implementation Plan (SIP) concerning volatile organic compounds (VOC) and nitrogen oxides (NO_X) Reasonably Available Control Technology (RACT) requirements for the Houston-Galveston-Brazoria (HGB), 2008 8-hour ozone National Air Quality Ambient Air Quality Standards (NAAQS) Serious nonattainment area (NAA). The revisions were submitted to the EPA by the State of Texas (''the State'') on May 13, 2020. EPA is also approving the VOC RACT negative declarations included in the Serious area Attainment Demonstration (AD) SIP revision.

DATES: This rule is effective on April 22, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2020–0165. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Emad Shahin, EPA Region 6 Office, Infrastructure and Ozone Section, 1201 Elm Street, Suite 500, Dallas, Texas,

telephone number: (214) 665–6717, email address: *shahin.emad@epa.gov* or Ms. Anupa Ahuja, EPA Region 6 Office, Infrastructure and Ozone Section, telephone number: (214) 665–2701, email address: *ahuja.anupa@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in (1) our proposed rule published on March 10, 2021 (86 FR 13679) to approve revisions to the Texas SIP for VOC and NO_X RACT submitted by Texas on May 13, 2020; (2) our July 24, 2025, supplemental proposal (90 FR 34790) for the VOC portion; and (3) our September 5, 2025, supplemental proposal (90 FR 42887) for the NO_X portion.

In this final action, we are approving the May 13, 2020, revisions to the Texas SIP as meeting the 2008 8-hour ozone Serious classification RACT level control requirements consistent with section 172(c)(1) and 182 of the CAA for the HGB NAA, with the exception of the requirement to implement RACT for sources subject to the 2016 Oil and Natural Gas Industry Control Techniques Guidelines (CTG) because the EPA has already taken final action via a different rulemaking process to approve those SIP revisions.[1] This action also approves the CTG RACT negative declarations made by Texas in its May 13, 2020, SIP revisions for fiberglass boat manufacturing materials, manufacturing of pneumatic rubber tires, flat wood paneling coatings, letterpress printing, and automobile and light-duty truck assembly coatings sectors in the HGB area. Texas stated in its May 13, 2020, submittal that it did not locate any major sources subject to the NO_X Emissions from Cement Manufacturing Alternative Control Techniques (ACT) document.[2]

Following the EPA's March 2021 rulemaking proposing approval of the May 2020 SIP revision, the EPA received comments from Air Alliance Houston, Earthjustice, Sierra Club, Texas Environmental Justice Advocacy Services (''t.e.j.a.s.''), and Harris County. The comments are available in the docket for this rulemaking. Our responses to all relevant comments follow this section.

Because of the comments the EPA received on the March 2021 proposal, the EPA provided additional analysis in our Technical Support Documents (TSDs) associated with our July and September 2025 supplemental proposals (referred to as the ''supplemental proposals'', ''supplemental NO_X TSD'', ''supplemental VOC TSD'', or ''supplemental TSDs''). Our supplemental NO_X TSD analysis in table 1 (pages 5–20) lists Chapter 117 Emissions Specifications for Attainment Demonstration (ESAD) rates for each category of sources in the HGB NAA. We gathered and analyzed relevant information, including comments received during the 2021 comment period, Texas' rulemaking record which contained information on specific control technologies and technical and economic feasibility for the ESAD rates, Texas Register documents which included Texas' response to comments on the rulemaking, and recent documents issued by EPA (such as the 2017 OTC Draft White Paper on Control Technologies, OTC State Regulations from Eight Source Categories, 2019 OTC State Regulations from Eight Source Categories, and 2019 OTC Regulatory and Technical Guideline for Control of Nitrogen Oxides (NO_X) Emissions from Natural Gas Pipeline Compressor Fuel-Fired Prime Movers). In our 2025 supplemental VOC TSD, the EPA performed an additional evaluation of Texas' VOC RACT which considered relevant information including comparing Texas' CTGs and non-CTG categorical RACT rules to other relevant state rules, and review of EPA's RACT/BACT/LAER Clearinghouse (RBLC), NSPS, MACT standards, and NESHAPs, where applicable (see Supplemental VOC TSD, pages 2–50). Consistent with this analysis, we proposed to determine that Texas' EPA-previously-approved Chapter 115 and 117 rules still fulfill the RACT level of control requirements for sources of VOC and NO_X in the HGB Serious ozone nonattainment area for the purpose of the 2008 ozone NAAQS. The supplemental VOC and NO_X TSDs that accompanied the supplemental proposals are provided in the docket.[3]

EPA received no substantive technical comments on VOC or NO_X RACT on the supplemental proposals or supplemental TSDs supporting EPA's proposed approval during the public comment period. Comments were received from Texas (which were mainly corrections and clarifications for the record) and two anonymous commenters.

In this final action, we are responding to comments received on the 2021 proposal, even though those comments are not reflective of EPA's supplemental proposals or the supplemental TSDs. Our additional analysis found in the supplemental proposals and supplemental TSDs was conducted, in part, in response to the adverse comments we received in 2021. We note that we did not receive any adverse comments on the 2025 supplemental proposals or supplemental TSDs. We have also responded to Texas' comments and non-substantive technical comments received on the supplemental proposals and supplemental TSDs; the comments are available in the docket for this action.

II. Response to Comments

We received comments from five entities on the 2021 proposed rulemaking and comments from three entities on the supplemental proposals.

A. Disproportionate Impacts of NAAQS Violations to Communities

Comment: Several commenters asserted that unhealthy air impacts residents of the HGB NAA, especially those in environmental justice communities. Commenters urged the EPA to bring relief to communities across the state that suffer a disproportionate impact from violations to federal (CAA) and state regulations.

Response: First, the EPA notes that Executive Order 14148, ''Initial Rescission of Harmful Executive Orders and Actions'' (90 FR 8237, January 28, 2025), revoked certain past Executive Orders that specifically addressed environmental justice concerns, including Executive Order 12898 and Executive Order 14094. Further, under section 110(k)(3) of the CAA, the EPA is required to approve a SIP submission that complies with the provisions of the CAA. The EPA has determined that the RACT SIP submittals at issue in this action do meet all applicable requirements of the CAA, and therefore the EPA is finalizing approval of the relevant SIP revisions. Implementation of RACT is designed to assist with improving air quality in the nonattainment area. To the extent commenters are raising concerns about violations of the CAA and/or state regulations, those concerns are outside the scope of this action which is only evaluating the approvability of the identified RACT SIP revisions.

[1] The EPA's approval of the revisions to the Texas SIP concerning RACT requirements for sources covered by the 2016 Oil and Natural Gas Control Techniques Guidelines (CTG) for the DFW and HGB nonattainment areas under the 2008 ozone NAAQS. *See* 88 FR 55379 (August 15, 2023).

[2] *See* 86 FR 13679, 13682 (March 10, 2021).

[3] *See* EPA–R06–OAR–2012–0010 and EPA–R06–OAR–21–0055, available through the *Regulations.gov* website at *https://www.regulations.gov*. In these actions, EPA found that RACT provisions of CAA 172(c)(1) and 182(b)(2) are being met for the HGB Moderate nonattainment area for the purposes of the 2008 NAAQS.

B. Adverse Impacts Associated With Ozone NAAQS Violations

Comment: The EPA received several comments regarding the adverse health impacts of ozone on Houston residents.

Response: We agree that excessive ozone pollution is a significant health issue in the HGB area, but we also recognize that significant progress has been made in reducing ozone levels in the area. We recognize that further improvement is necessary in the area to meet the current ozone NAAQS and protect public health. The HGB area was designated as nonattainment for the 1-hour and the 1997 8-hour revoked ozone NAAQS and is now designated as nonattainment for the two current (2008 and 2015) 8-hour ozone NAAQS.[4] As a result, the State and HGB NAA—including local governments, business and industry—have implemented measures to reduce emissions of NO_X and VOC that form ozone. A list of permanent and enforceable measures that have been implemented in the HGB NAA under the 1-hour and the 1997 8-hour revoked ozone NAAQS may be found in 40 CFR 52.2270.[5] The HGB NAA was recently reclassified as a Severe nonattainment area for the 2008 ozone NAAQS, and therefore, the State is required to submit SIP revisions and implement controls to satisfy the statutory and regulatory requirements for a Severe area for the 2008 ozone NAAQS.[6] Further, implementation of RACT is designed to assist with improving air quality in the nonattainment area. This action, which is finalizing the EPA's approval of RACT SIP amendments to fulfill CAA ozone nonattainment plan requirements, demonstrates that the State and the EPA continue to work together to address air quality concerns in the HGB nonattainment area.

C. EPA's CTGs and ACTs and Texas' Rules Are Outdated, EPA Provided no RACT Analysis To Support Its Approval of HGB RACT, and EPA's Approval Is Unlawful

Comment: In 2021, commenters claimed that the EPA's CTGs and ACTs are outdated as guidance documents for RACT, and that the contents of the Texas rules and the CTG/ACT documents—*i.e.,* the numerical emissions requirements, control efficiency requirements, or work practices—do not reflect current levels of performance. The commenters also claim that many of Texas' VOC rules, and all of the Texas' 30 TAC Chapter 117 rules dealing with NO_X are also outdated.

Commenters further claimed in 2021 that approving Texas' RACT SIP would be unlawful and arbitrary because Texas failed to meet its statutory requirements under the Clean Air Act because it did not evaluate additional measures that could reduce emissions in the HGB area and relied on its existing controls. Commenters claimed that the EPA's 2021 proposal to approve Texas' RACT SIP is unlawful, and contrary to the EPA's own rule on implementing the 2008 ozone NAAQS and case law. The commenters claim that, based on case law and the EPA's statutory authority, the EPA must ''adequately explain'' its RACT determinations, including explaining decisions that are contradictory to information in the record.

Response: As stated in EPA's March 2021 proposal, EPA previously approved Texas' NO_X and VOC RACT limits and analysis for HGB's Severe area RACT requirements under the 1997 8-hour ozone NAAQS.[7] The EPA acknowledges that over time, control strategies/technologies may result in a change in what represents RACT for a particular category of emissions sources. In response to this concern raised by comments on the March 2021 proposal, the EPA provided additional analysis, explained above, in our 2025 supplemental proposals and supplemental NO_X and VOC TSDs. As noted above, in 2025, during the public comment period for the supplemental proposals and supplemental TSDs, EPA received no adverse comments on the content or quality of our analysis or conclusions.

In 2021, EPA received comments that highlighted several specific control technologies for RACT implementation to reduce NO_X and VOC emissions. Those specific comments are addressed in detail further below. In this general comment, commenters did not present any new technologies or any specific RACT limits for any category of sources.

D. Reasonably Available Control Measures (RACM)

Comment: In 2021, several comments were received on disapproving or ''pulling'' Texas' RACM.

Response: EPA did not propose approval of Texas' RACM in 2021 nor in the 2025 supplemental proposals. RACM is outside the scope of this action.

E. Texas' Failure To Attain by the Attainment Date

In 2021, the EPA received several comments related to Texas' failure to attain by its attainment date and CAA requirements related to a failure to attain. The comments claim the following:

- Since the state failed to meet its attainment deadlines, additional controls are needed but the state's submission would keep the same RACT determinations used for the 1997 8-hour ozone NAAQS;
- Texas claims that ''additional control measures are not necessary for the area to demonstrate attainment by the attainment date'';
- The CAA does not restrict RACT requirements only for when a state deems them necessary; it mandates RACT when an area fails an attainment deadline, and the technology meets certain criteria;
- To remedy its failure to meet its attainment deadlines, Texas is statutorily required to implement RACT-level controls on existing sources in this nonattainment area.
- Texas has not updated its RACT rules to require more stringent measures to reduce NO_X and VOC emissions in the HGB NAA;
- When areas fail to meet deadlines, the Act requires enhanced air pollution abatement measures so that the area can meet its next deadline. The HGB area failed to meet a deadline and Texas must implement enhanced control technologies.

Response: Comments on failure to attain by the attainment date are beyond the scope of this final action. The fact that the HGB NAA failed to attain the NAAQS is not relevant to the question of whether the RACT SIP revisions at issue here comport with the CAA. In this action, the EPA is approving the Serious area RACT requirements for the HGB NAA under the 2008 standard. The TSDs for the supplemental proposals detail our review of relevant information, including comments submitted to the EPA, to support our determination that the Texas Chapter 115 and 117 rules fulfill RACT level control requirements for the Serious classification.

[4] For the 1-hour and 1997 and 2008 8-hour ozone standards, the Houston nonattainment area consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties: 56 FR 56694 (November 6, 1991); 69 FR 23858 (April 30, 2004); and 77 FR 30088 (May 21, 2012). For the 2015 8-hour ozone NAAQS, the Houston nonattainment area consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, and Montgomery Counties, 83 FR 25776 (June 4, 2018).

[5] EPA also approved the HGB RACT for the 2008 Moderate ozone NAAQS. *See* 84 FR 18145 (April 30, 2019).

[6] *See* 87 FR 60926 (October 7, 2022).

[7] 86 FR 13679, 13681 (March 10, 2021).

F. Concerns Regarding RACT Control Technologies and Determination

Comment: In 2021, several commenters stated Texas proposes no new RACT and did not address control technologies identified in public comment. Commenters request that the EPA require that Texas implement new and better control technologies. Commenters requested that the EPA conduct an independent analysis of RACT in the HGB area.

Response: In response to this comment on our 2021 proposed approval, EPA provided additional analysis that is outlined in the 2025 supplemental TSDs for the supplemental proposals. As explained earlier in the background section of this final action, EPA considered relevant information, including comments on control technologies received in the 2021 comment period. We do not address specific technologies in response to this broad and general comment made in 2021 but do respond in detail to 2021 comments with specificity further below.

Comment: In response to the EPA's 2021 proposal, commenters claimed that Texas failed to meet the standard outlined by the EPA that would allow the state to use its previous RACT determination. Specifically, commenters claim that the Texas final action failed to respond to comments that they received that outlined how additional controls could result in a large reduction of emissions in the HGB area. Commenters state that many of the largest sources of NO_X emissions in the HGB area are associated with electric power generation. Commenters claim that Texas did not conduct any analysis of the largest NO_X source, W.A. Parish station or consider additional controls for NO_X and VOC at this source.

Response: EPA disagrees with commenters' claim that Texas failed to respond to comments. Texas identified comments submitted by Earthjustice on behalf of Achieving Community Tasks Successfully, Air Alliance Houston, Earthjustice, Sierra Club, and Texas Environmental Justice Advocacy Services (Earthjustice). In its response to comments document,[8] Texas responded to Earthjustice's comments on pages 2, 3, 6, 10–12, 14–17, 19–20, and 22. With respect to the specific comment on W.A. Parish station, the Earthjustice comment is on page 20, and Texas's response is on pages 21–22.

EPA disagrees with commenters 2021 characterization of a state's obligation with respect to a RACT determination. In 2015, EPA published the final SIP Requirements Rule (SRR) for implementing the 2008 8-hour ozone NAAQS (80 FR 12279, March 6, 2015). EPA described in the SRR an approach ''allowing in some cases for states to conclude that sources already addressed by RACT determinations for the 1-hour and/or the 1997 ozone NAAQS do not need to implement additional controls to meet the 2008 ozone NAAQS RACT requirement'' and noted that ''in some cases, a new RACT determination would result in the same or similar control technology under the 1-hour or 1997 standard because fundamental control techniques, as described in the CTGs and ACTs, are still applicable.'' Importantly, EPA stated that while states should refer to the existing CTGs and ACTs for purposes of informing their RACT requirements, in doing an updated assessment of RACT for the nonattainment the state should also refer to ''all relevant information (including recent technical information and information received during the public comment period) that is available at the time that they are developing their RACT SIPs for the 2008 ozone NAAQS.''

As stated earlier, our 2025 supplemental proposals and supplementals TSDs detail our analysis of the ESAD rates. Specifically with respect to the W.A. Parish station, table 1, pages 17–18 of our supplemental NO_X TSD, identified the relevant information considered by EPA in support of our approval, including ESAD rates, combustion control technologies, flue gas controls, and other state RACT rules for similar categories of sources. We have also responded in more detail to specific technical comments on W.A. Parish that the EPA received in 2021 elsewhere in this final action. In 2025, no comment was received on our supplemental proposals and supplemental NO_X TSD for the W.A. Parish station.

Comment: In 2021, Commenters claim that a RACT determination is unlawful and arbitrary when other states have RACT requirements that are more stringent.

Response: The EPA disagrees with this general claim expressed by commenters in 2021. RACT is defined as ''the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility'' [9] Technological and economic feasibility can be affected by many factors including, but not necessarily limited to, geographic location of the source, industry/source specific considerations, and operational considerations. There are many variables that can result in variations in RACT determinations in different nonattainment areas, and for different sources, or groups of sources. Just because RACT has been determined to be one thing for certain sources in a certain state, that does not automatically mean that RACT is always the same for similar sources in all states. The EPA has reviewed Texas' SIP submissions and rulemaking records for their analysis and RACT determination. In the EPA's 2025 supplemental proposal actions, we provided a summary of our evaluation and we received no comment on our supplemental proposals or TSDs related to the stringency of RACT in other state rules.

Comment: In 2021, commenters quote language from a decision issued by the United States Court of Appeals for the District of Columbia Circuit and assert that RACT determinations must be made and implemented quickly, even with ''potentially expensive technology or expensive process changes to reduce pollution.'' [10]

Response: The CAA case cited by the commenters is not on point for this action. The cited case briefly mentions ''reasonably available control technology'' (when listing statutory language provided in the CAA), but the case does not address the EPA's review and approval of a state's RACT SIP submittal. The EPA agrees in general with the concepts that the state ''must reach attainment as expeditiously as possible'', that the EPA ''may extend the attainment date to the extent [it] determines appropriate'',[11] and that implementing control technology to meet CAA requirements may be potentially expensive. This final action does not conflict with the caselaw cited by commenters, nor does this caselaw speak directly to the issue of whether the RACT SIP revisions at issue in this action ought to be approved.

G. Control Technologies

Comment: In 2021, commenters suggested a RACT framework that could: ''(a) identify the NO_X rates for each such large source; (b) identify the current NO_X controls if any (such as: low NO_X burners, ultra-low NO_X burners, flue gas recirculation (FGR), over-fire air, SNCR, or SCR, etc.) that each source has; (c) identify, based on (a) and (b), the additional NO_X

[8] See ''TCEQ Response to Comments—HGB 2008 Ozone'' in the docket.

[9] 44 FR 53762 (September 17, 1979).

[10] *See Miss. Comm'n on Envtl. Quality* v. *EPA,* 790 F.3d 138, 146 (D.C. Cir. 2015).

[11] *Id.*

reductions that can be obtained if additional or higher/better types of technically feasible NO_X controls could be applied; (d) determine cost-effectiveness of the additional controls.''

Response: The EPA does not consider the source-specific review methodology presented by commenters as necessary to fulfilling RACT requirements when a state is not submitting source-specific RACT in a SIP revision. The EPA's obligation under CAA sections 110(k)(2) and (3) is to evaluate and act on the SIP revisions submitted by the state. In this instance, Texas did not submit source-specific RACT determinations akin to what the commenter is suggesting. States have discretion in terms of how they wish to fulfill their RACT obligations. The EPA's role here is to evaluate and act on the SIP revisions submitted by the state. Our 2025 supplemental NO_X TSD, table 1, pages 16–20 confirmed that Texas considered the same technologies as identified by the commenters for the Chapter 117 ESAD rates. In 2025, EPA did not receive any comments on technologies that Texas should have considered.

Comment: In 2021, commenters state that Texas provides little explanation as to why it rejected commenters' RACT recommendations. Commenters stated the W.A. Parish plant coal-burning units burn more efficiently than the gas-burning units. Commenters speculate that maintenance on the installed controls is the cause.

Response: This 2021 comment did not make a RACT-specific recommendation. Our 2025 supplemental NO_X TSD, table 1, page 17, details our analysis of the ESAD rates for gas-fired and coal-fired utility boilers. The ESAD rates for the gas-fired utility boilers category of sources are lower than the ESAD rates for the coal-fired utility boilers category of sources. The 2025 supplemental TSD details EPA's review in support of its approval of the ESAD rates for both of these categories of sources as fulfilling RACT requirements (see Table 1, page 17). The EPA's obligation under CAA sections 110(k)(2) and (3) is to evaluate and act on the SIP revisions submitted by the state. In this instance, Texas did not submit source-specific RACT determinations for W.A. Parish. States have discretion in terms of how they wish to fulfill their RACT obligations. The EPA's role here is to evaluate and act on the SIP revisions submitted by the state.

In 2025, EPA did not receive a comment on the supplemental proposal or supplemental NO_X TSD on ESAD rates for gas-fired or coal-fired utility boiler units.

Comment: In 2021, commenters identified several available control technologies and claimed that Texas did not adequately analyze them. For boilers and furnaces, commenters identify ultra-low NO_X burners, flue gas recirculation, selective non-catalytic reduction, and selective catalytic reduction. For turbines, commenters identify dry low NO_X combustors followed by SCR. Commenters also state that Texas did not address maintenance and efficiency of installed controls, including available NO_X reductions at the W.A. Parish power plant.

Response: The 2021 comment broadly categorizes ''boilers, furnaces, and heaters'', but Texas regulates eight categories of boilers, six categories of furnaces, two categories of turbines, and one category of heaters. Our 2025 supplemental NO_X TSD, table 1 page 5–19, contains our analysis and review for all of the different types of sources identified by the 2021 commenters. Page 4 of the 2025 supplemental NO_X TSD broadly identifies Texas' ''Tier I'' as combustion modifications (low NO_X burners, dry low NO_X burners (DLN), mid kiln firing), ''Tier II'' (flue gas) controls (*i.e.,* Selective Non-catalytic Reduction (SNCR), Selective Catalytic Reduction (SCR, NO_X oxidation scrubbers), and ''Tier III'' controls as a combination of Tier I and Tier II controls. The EPA's 2025 supplemental NO_X TSD confirmed that, for the Chapter 117 ESAD rates, Texas considered the same technologies as identified by the commenters. We did not receive any technology specific comments on our 2025 supplemental proposals or supplemental NO_X TSD for these categories of sources.

Comment: In 2021, commenters state that table F–4 (the last column) in appendix F of Texas' submittal shows the NO_X RACT rules that apply to each source per Texas and the rules in §§ 117.300 through 117.356 apply to almost every one of these sources. Section 117.305 addresses the NO_X emissions from gas-fired combustion equipment, such as boilers and heaters burning natural gas, expressed in lb/MMBtu of heat input to such devices. Commenters claim that the requirements of § 117.305 for gas-fired combustion equipment are outdated and are not consistent with current RACT. Thus, EPA's approval of § 117.305 in its current form is improper because it does not represent current RACT.

Response: The EPA agrees that table F–4 lists the Chapter 117 rules applicable to NO_X major sources and that list includes section 117.305. However, § 117.305(g) states that the section no longer applies after the appropriate compliance date(s) for emission specifications for attainment demonstration (referred to as ESAD rates) The ESAD rates are listed in § 117.310. 30 TAC § 117.9020(2)(F) requires compliance by March 31, 2005. Therefore, § 117.305 rates no longer apply. Our 2025 supplemental proposals and supplemental TSDs detail our review of relevant information, including comments submitted to EPA, to support its determination that ESAD rates fulfill RACT requirements. We received no comments on our 2025 supplemental proposals or supplemental NO_X TSD for these categories of sources.

Comment: In 2021, Commenters claim that W.A. Parish coal units, each equipped with SCR, has had a deterioration in the SCR performance, as reflected in the higher NO_X rates for the recent years as compared to the NO_X rates in the years immediately after SCR installation. Commenters further claim that replacing catalyst and obtaining post-SCR NO_X levels that are similar to original performance is RACM and RACT.

Response: Our 2025 supplemental NO_X TSD (table 1, page 17) details our review of the category of sources that include gas-fired and coal-fired utility boilers. The ESAD rates for the coal-fired utility boilers category of sources has not changed over time.

The EPA's obligation under CAA sections 110(k)(2) and (3) is to evaluate and act on the SIP revisions submitted by the state. In this instance, Texas did not submit source-specific RACT determinations for W.A. Parish. States have discretion in terms of how they wish to fulfill their RACT obligations. The EPA's role here is to evaluate and act on the SIP revisions submitted by the state.

Commenters did not present any information or analysis to support their claim that replacing the catalyst on coal-fired utility boilers equipped is RACT for this category of sources. Our 2025 supplemental NO_X TSD (see pages 17–18) details EPA's review in support of its approval of the ESAD rates for this category of sources as fulfilling RACT requirements. We received no comments on our 2025 supplemental proposals or supplemental NO_X TSD for these categories of sources.

Comment: In 2021, commenters claim that Texas' HGB SIP RACM and RACT analyses do not address NO_X sources. Commenters claim that a RACM/RACT analysis must: (a) identify the NO_X rates for each such large source; (b) identify the current NO_X controls if any (such as: low NO_X burners, ultra-low NO_X burners, flue gas recirculation (FGR),

over-fire air, SNCR, or SCR, etc.) that each such source has; (c) identify, based on (a) and (b), the additional NO_X reductions that can be obtained if additional or higher/better types of technically feasible NO_X controls could be applied; (d) determine cost-effectiveness of the additional controls. Typical (*i.e.,* installed in such units at refineries) NO_X controls for boilers, furnaces, and heaters would be a combination of ultra-low NO_X burners/FGR/SNCR or ultra-low NO_X burners/SCR. Similarly, controls for turbines would typically be dry low NO_X combustors followed by SCR.

Response: The EPA does not consider the source-specific review methodology presented by commenters as necessary to fulfilling the requirements of RACT when a state is not submitting a source-specific RACT analysis in a SIP revision. The EPA's obligation under CAA sections 110(k)(2) and (3) is to evaluate and act on the SIP revisions submitted by the state. In this instance, Texas did not submit source-specific RACT determinations akin to what the commenter is suggesting. States have discretion in terms of how they wish to fulfill their RACT obligations. The EPA's role here is to evaluate and act on the SIP revisions submitted by the state. As detailed in our 2025 supplemental NO_X TSD, the EPA's review confirmed that Texas considered the same technologies identified by the commenters for the Chapter 117 ESAD rates. Commenters did not suggest any RACT limits lower than Chapter 117 ESAD rates for any category of sources.

H. Other Comments

The EPA received several comments that were not relevant to this action. Consistent with CAA section 110, a SIP is designed to address the relevant NAAQS pollutant and its precursors. Under section 110(k)(3) of the CAA, the EPA is required to approve a SIP submission that complies with the provisions of the CAA. As such, the EPA is required to review the state's RACT SIP revision to determine if it meets the RACT requirements of the CAA. RACT requirements apply to NO_X and VOC, which are ozone precursors.

Comment: Commenters claim that the EPA's review does not adequately address the potential for increased carbon dioxide (CO_2) and other greenhouse gas (GHG) emissions and the Texas analysis provided does not appear to include an evaluation of the potential GHG impacts, and an overall environmental impact must also consider the economic costs associated with increased CO_2 emissions.

Response: Emissions and impacts associated with CO_2 and other GHG emissions are outside of the scope of this action.

Comment: Residents are impacted by the release of particulate matter from chemical manufacturing and industry and should be protected under national guidance.

Response: Particulate matter standards are outside of the scope of this action which is limited to ozone RACT.

Comment: Several comments requested better enforcement of the National Ambient Air Quality Standard.

Response: Comments regarding general enforcement of the CAA are outside of the scope of this action. Implementation of RACT is designed to assist with improving air quality in the nonattainment area. To the extent commenters are raising concerns about violations of the CAA and/or state regulations, those concerns are outside the scope of this action which is only evaluating the approvability of the identified RACT SIP revisions.

Comment: Commenters requested that the EPA implement better protective National Ambient Air Quality standards. Commenters also stated the standard must be lowered as it is not protective yet.

Response: Reviewing and determining NAAQS standards are outside the scope of this action, which is limited to review and approval of RACT SIP revisions from Texas. The EPA's process for reviewing and possibly revising the ozone NAAQS is different from this action.

Comment: The EPA has also issued a finding of failure to meet Sulfur Dioxide (SO_2) national standards.

Response: SO_2 standards are outside of the scope of this ozone action. RACT requirements for SO_2 standards are separately addressed in other SIP revisions that address requirements related to areas designated nonattainment under the SO_2 standards.

Comment: Commenters expressed concerns regarding Texas' ability to achieve compliance with so many industrial facilities in the HGB area. Commenters assert that the ability to achieve compliance is regarded as nearly impossible due to the discounting of enforcement penalties. Commenters identified a need for a revision to achieve compliance based on the multiple major disasters experienced by the Houston Ship Channel communities. When an evaluation is done on the enforcement calculation, this calculation demonstrates more of a focus on harm from minor sources of emissions.

Response: Commenters did not make a RACT-specific recommendation. General enforcement and penalties on specific industrial sources are outside the scope of this action.

Comment: Commentors assert that the Texas SIP for RACT should be ''pulled'' to see enforcement of the NAAQS.

Response: Under section 110(k)(3) of the CAA, the EPA is required to approve a SIP submission that complies with the provisions of the CAA. The EPA has determined that the RACT SIP revisions at issue here comport with the CAA and are therefore approvable.

Comment: Commenter says that the State needs pressure to make a SIP revision. A revision that could potentially offer better monitoring, accurate information and afford the ability to prevent harmful exposures to health.

Response: Under section 110(k)(3) of the CAA, the EPA is required to approve a SIP submission that complies with the provisions of the CAA. The EPA has determined that the RACT SIP revisions at issue here comport with the CAA and are therefore approvable. Increased monitoring requirements outside of RACT are outside the scope of this action.

Comment: Commenter expressed its wish that the State develop a public participation plan for SIP revisions tailored to Limited English Proficient (LEP) persons.

Response: This is beyond the scope of this action.

I. Comments Received From Texas

We received comment letters from Texas in support of our actions. Texas also requested specific corrections to the supplemental VOC and NO_X TSDs.

Requested Corrections in VOC TSD

Comments:

- In the Stage 1 Vapor Control Systems (1975) table on page 2 of the supplemental VOC TSD, Texas requested EPA remove floating roof tank from the Texas Requirement Summary. While a floating roof tank may be an equivalent control under § 115.223, this control option is not specifically mentioned in §§ 115.221–115.229.
- In the Tank Truck Gasoline Loading Terminals (1977) table on page 11, Texas requested EPA remove floating roof tank from the Texas Requirement Summary. While a floating roof tank may meet the 90% control requirement at § 115.212 or be considered an equivalent control under § 115.213 or § 115.223, it is not specifically mentioned in §§ 115.211–115.219 or §§ 115.221–115.229.

• In the Surface Coating of Metal Furniture (1977) and Metal Furniture Coatings (2007) table on page 13, Texas requested EPA add §§ 115.450–115.459 to the Texas Requirement Summary. Texas implemented the 1977 CTG in §§ 115.420–115.429 and the 2007 CTG in §§ 115.450–115.459. EPA's stated range of 2.3 to 5.1 pound per gallon (lb/gal) applies to § 115.453. The correct limit in § 115.421(2) is 3.0 lb/gal. In the Bulk Gasoline Plants (1977) table on page 16, Texas requested EPA remove floating roof tank from the Texas Requirement Summary. While a floating roof tank may meet the 90% control requirement at § 115.212(a)(5) or be considered an equivalent control under § 115.213, it is not specifically mentioned in §§ 115.211–115.219.

• In the Surface Coating of Miscellaneous Metal Parts and Products (1978) and Control Techniques for Miscellaneous Metal Parts Coatings (2008) table on page 2, Texas requested EPA add §§ 115.450–115.459 to the Texas Requirement Summary. Texas implemented the 1978 CTG in §§ 115.420–115.429 and the 2008 CTG in §§ 115.450–115.459.

• In the Graphic Arts-Rotogravure and Flexography table on page 26, Texas requested EPA correct the Texas Requirement Summary. Texas rules contain a requirement for 90% control of captured vapors and capture requirements for various printing processes ranging from 60% to 75%.

• In the Petroleum Liquid Storage in External Floating Roof Tanks (1978) table on page 28, Texas requested EPA correct the Texas Requirement Summary. Texas rules in §§ 115.110–115.119 require various combinations of a submerged fill pipe, floating roof, floating roof with seals, and/or a vapor control system based on the vapor pressure of the liquid stored and the size of the tank.

• In the Aerospace (1997) table on page 41, Texas requested EPA correct the Texas Requirement Summary. Texas rules in §§ 115.420–115.429 require VOC content limits ranging from 60 to 1230 grams per liter. The cleaning solvents used must be over 80% water by volume or have a composite vapor pressure less than or equal to 45 millimeters of mercury at 20 degrees Celsius.

• In the Industrial Cleaning Solvents (2006) table on page 42, Texas requested EPA remove §§ 115.420–115.429 from the Texas Requirement Summary. Texas rules implementing the 2006 CTG are in §§ 115.460–115.469. While §§ 115.420–115.429 have some cleaning solvent regulations, these are associated with recommendations from the various surface coating and cleaning CTGs implemented in Chapter 115, Subchapter E, Divisions 1 and 2, not the 2006 CTG.

Response: We provide a final VOC TSD that reflects these corrections to the supplemental VOC TSD, which can be found in the docket for this action.

Requested Corrections in NO_X TSD

Comment: Texas requested that EPA update the TSD, Documents Reviewed section of Table 1, to reflect the following:

• On page 5 of the NO_X TSD, the current NO_X concentration limit in 30 TAC § 117.310(a)(2) was part of the Texas Register document published on January 3, 2003 (28 Texas Register (TexReg) 242).

• On page 7, the current NO_X emission specification in 30 TAC § 117.310(a)(5) was part of the Texas Register document published on January 3, 2003 (28 TexReg 242).

• On pages 10 and 11 of the TSD, Texas requests EPA correct the Documentation section of the table to include Texas' proposal rulemaking that was published in the Texas Register on June 21, 2002 (27 *TexReg* 5454).

• On page 11, the current NO_X emission specification in 30 TAC § 117.310(a)(10) was part of the Texas Register document published on January 3, 2003 (28 TexReg 242).

• On pages 13 and 14, include Texas' proposal and adoption rulemakings that were published in the Texas Register on June 21, 2002 (27 TexReg 5454), and on January 3, 2003 (28 *TexReg* 242), respectively. These Texas Register document, in conjunction with the other documents cited by EPA, explain why the 30 TAC § 117.310(a)(13) NO_X emission specification for lightweight aggregate kilns changed to its current value.

• On page 16 and 17 for the utility boilers, auxiliary steam boilers, and stationary gas turbines (including duct burners used in turbine exhaust ducts) that are subject to the requirements in 30 TAC § 117.1210(a)(1)–(3), include the document published in the Texas Register on June 21, 2002 (27 TexReg 5454), and on January 3, 2003 (28 TexReg 242), since these document, in conjunction with the other documents cited by EPA, help to explain how Texas arrived at the current NO_X emission specifications in 30 TAC § 117.1210(a).

Response: EPA appreciates the additional information. We are including it in the docket for this action.

Comment: On pages 9 and 10 of the TSD, Texas requests EPA correct the Documents Reviewed section of the table to reflect that the current NO_X emission specification in 30 TAC § 117.310(a)(8) was part of the Texas Register document published on June 8, 2007 (32 TexReg 3206). This document states that selective catalytic reduction (SCR) may be necessary for process heaters with a maximum rated capacity equal to or greater than 40 million British thermal units per hour (MMBtu/hr), and owners or operators of gas-fired process heaters with maximum rated capacities less than 40 MMBtu/hr may be required to install low-NO_X burners or make other combustion modifications.

Response: EPA did review 32 TexReg 3206 and it was inadvertently omitted from the table. EPA has provided a corrected TSD that reflects the review of 32 TexReg 3206, SCR for units with equal to 40 MMBtu/hr or greater, and low NO_X burners or other combustion modifications for units with capacities less 40 MMBtu/hr.

Comment: On pages 10 and 11 of the TSD, the June 15, 2001 Texas Register document (26 TexReg 4400), provides Texas' explanation for the rule provision option of the lower of 11.0 grams per horsepower-hour (g/hp-hr) or the emission rate established by testing, monitoring, manufacturer's guarantee, or manufacturer's other data. This same document also provides the discussion for the reason to include the rule provision compliance option, which at the time was to ensure that an inadvertent windfall was not created for existing diesel engines that emitted less than 11.0 g/hp-hr. As EPA noted, the discussion is also provided in Texas' Rule Project No. 2002–038–117–AI.

Response: EPA has provided a final TSD that reflects the correction to include ''or the emission rate established by testing, monitoring, manufacturer's guarantee, or manufacturer's other data''.

Comment: On page 11 of the TSD, Texas requests EPA correct the last paragraph of the Evaluation section of the table to reflect that in the June 8, 2007, Texas Register document (32 TexReg 3206), Texas stated it expected NSCR to be the primary control technology for gas-fired rich-burn engines. Texas further stated it expected combustion modifications, exhaust gas recirculation kits combined with Non-Selective Catalytic Reduction (NSCR), or SCR to be necessary to meet the NO_X specifications for gas-fired lean-burn engines in 30 TAC § 117.310(a)(9).

Response: EPA broadly summarized the information from 32 TexReg 3206 for the gas-fired engines overall. In response to this comment, EPA has provided a final TSD that reflects the correction to add ''exhaust gas

recirculation kits with'' to the last paragraph of the TSD.

Comment: On pages 11 and 12 of the TSD, regarding the first paragraph of the Evaluation section of the table, Texas requests EPA clarify that Texas' statements concerning the anticipated need for combustion modifications such as dry low-NO_X burners or water or steam injection to achieve the NO_X emission specification of 0.15 pounds per million British thermal units (lb/MMBtu) heat input were for stationary gas turbines and duct burners used in turbine exhaust ducts were related to minor sources of NO_X in the HGB area.

Response: EPA has provided a final TSD that includes this correction for stationary gas turbines related to minor sources of NO_X.

Comment: On page 12 of the TSD, regarding the last paragraph of the Evaluation section of the table, Texas requests EPA clarify that Texas stated that compliance with the emission specification of 0.032 lb/MMBtu for stationary gas turbines and duct burners used in turbine exhaust ducts may require the installation of SCR. Texas further stated the emission specifications for all stationary gas turbines less than 10 megawatts and duct burners used in associated turbine exhaust ducts were expected to be achievable through combustion modifications such as water or steam injection or other modifications.

Response: EPA has provided a final TSD that reflects the correction to include the clarifications requested.

Comment: On page 14 of the TSD, Texas requests EPA update the Documents Reviewed section of the table to include the Texas Register document published on January 12, 2001 (26 TexReg 524), since the relevant information pertains to both the heat-treating furnaces in § 117.310(a)(14)(A) and the reheat furnaces 30 TAC § 117.310(a)(14)(B).

Response: 26 TexReg 524 was reviewed by EPA and inadvertently omitted from the table. The final TSD reflects the correction to include this reference.

III. Final Action

The EPA is approving the SIP revision submitted by Texas on May 13, 2020, concerning NO_X and VOC RACT requirements for the HGB 2008 ozone NAAQS. EPA is finalizing the determination that Texas' rules continue to fulfill NO_X and VOC RACT requirements for the HGB nonattainment area for the 2008 8-hour ozone NAAQS under the Serious classification. The EPA is also approving the VOC RACT negative declarations made by Texas for fiberglass boat manufacturing materials, manufacturing of pneumatic rubber tires, flat wood paneling coatings, letterpress printing, and automobile and light-duty truck assembly coatings sectors.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 22, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 10, 2026.

Walter Mason,

Regional Administrator, Region 6.

For the reasons stated in the preamble, the EPA amends CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart SS—Texas

■ 2. In § 52.2270, the second table in paragraph (e) titled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP'' is amended by adding the entries: ''VOC RACT negative declarations for fiberglass boat manufacturing materials, manufacturing of pneumatic rubber tires, flat wood paneling coatings, letterpress printing, and automobile and light-duty truck assembly coatings sectors'', ''Houston-Galveston-Brazoria 2008 eight-hour ozone serious nonattainment NO_X RACT demonstration'' and ''Houston-

Galveston-Brazoria 2008 eight-hour ozone serious nonattainment VOC RACT demonstration'' at the end of the table to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(e) * * *

EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Comments
* *	* *		* *	*
VOC RACT negative declarations for fiberglass boat manufacturing materials, manufacturing of pneumatic rubber tires, flat wood paneling coatings, letterpress printing, and automobile and light-duty truck assembly coatings sectors.	Houston-Galveston-Brazoria, TX 2008 8-hour ozone NAAQS nonattainment area.	5/13/2020	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	For the HGB Serious classification.
Houston-Galveston-Brazoria 2008 eight-hour ozone serious nonattainment NO_X RACT demonstration.	Houston-Galveston-Brazoria, TX 2008 8-hour ozone NAAQS nonattainment area.	5/13/2020	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
Houston-Galveston-Brazoria 2008 eight-hour ozone serious nonattainment VOC RACT demonstration.	Houston, Galveston, Brazoria, TX 2008 8-hour ozone NAAQS nonattainment area.	5/13/2020	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	

[1] As revised 9/26/01.

* * * * *

[FR Doc. 2026–05596 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–2466; FRL–13043–02–R9]

Approval of Clean Air Plans; San Joaquin Valley, California; Contingency Measures for 1997 Ozone Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final action.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve under the Clean Air Act (CAA or ''Act'') a state implementation plan (SIP) submission from the State of California as meeting the attainment-related contingency measure requirements for the 1997 ozone national ambient air quality standards (NAAQS or ''standards'') in the San Joaquin Valley, California, Extreme ozone nonattainment area. The SIP revision is titled ''California Smog Check Contingency Measure State Implementation Plan Revision'' (September 15, 2023) (''Smog Check Contingency Measure SIP''). The EPA's approval relies on the previously approved contingency measure for the 1997 ozone NAAQS for the San Joaquin Valley and the justifications for not adopting additional contingency measures that provide for the recommended amount of emissions reductions for such measures. Based on our final approval, the EPA is also finalizing our determination that the State of California has fulfilled the commitment made by the State in connection with a previous approval action to develop, adopt, and submit attainment contingency measures for the San Joaquin Valley Extreme nonattainment area for the 1997 ozone NAAQS meeting the requirements of the CAA.

DATES: This action is effective April 22, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2025–2466. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Laura Lawrence, Planning Section (AIR–2–1), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, telephone number: (415) 972–3407, email address: *lawrence.laura@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA.

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I. Summary of Proposed Action

On November 14, 2025, the EPA proposed to approve California's Smog Check Contingency Measure State Implementation Plan Revision (''Smog Check Contingency Measure SIP''), submitted by the California Air Resources Board (CARB), as meeting the attainment-related requirements for contingency measures under CAA section 172(c)(9) for the San Joaquin Valley nonattainment area for the 1997

ozone standards.[1] The EPA previously approved the Smog Check Contingency Measure as a stand-alone contingency measure, and we indicated at the time we approved the measure that we would be taking a separate action on the Smog Check Contingency Measure SIP to evaluate whether the Smog Check Contingency Measure SIP fulfills the attainment-related contingency measure requirements under CAA section 172(c)(9) for the San Joaquin Valley for the 1997 ozone NAAQS.[2] Our November 24, 2025 proposed action and this final action constitute the separate, later action referred to in our final action on the Smog Check Contingency Measure.

In section I. of our proposed action, we presented background information on the ozone NAAQS,[3] the nonattainment designation and classification of the San Joaquin Valley for the 1997 ozone NAAQS, and the resultant contingency measure SIP obligations, and we summarized our previous actions on the contingency measure requirement for the San Joaquin Valley for the 1997 ozone NAAQS.[4] In section II. of the proposed action, we summarized the contingency measure SIP requirements under the CAA and the EPA's implementing regulations, relevant EPA guidance, and legal precedent, including a brief discussion of relevant decisions by the Ninth Circuit Court of Appeals [5] and the D.C. Circuit Court of Appeals.[6]

In addition, in section II. of our proposed action, we described the EPA's long-standing approach to contingency measures and the EPA's revised approach for addressing the contingency measure SIP requirements, as presented in the EPA's ''Guidance on the Preparation of State Implementation Plan Provisions that Address the Nonattainment Area Contingency Measure Requirements for Ozone and Particulate Matter (December 3, 2024) (''Revised Contingency Measure Guidance'').[7] The principal differences between the revised guidance and previous guidance on contingency measures relate to the EPA's recommendations concerning the specific amount of emissions reductions that implementation of contingency measures should achieve and the timing for when the emissions reductions from the contingency measures should occur.

The previous EPA recommendation for the amount of emissions reductions to achieve from implementation of contingency measures was one year's worth of reasonable further progress (RFP), which, for ozone, is three percent of baseline emissions of VOC. The previous recommendation for time over which the reductions from contingency measures may occur was one year. The Revised Contingency Measure Guidance introduces ''one year's worth of progress'' (''OYW of progress''), a metric intended to be more closely tied to the emissions reductions required for attainment of the NAAQS, for determining the amount of emissions reductions that contingency measures should achieve.

The Revised Contingency Measure Guidance also provides recommended procedures for developing a demonstration, if applicable, that the area lacks sufficient feasible contingency measures to achieve the recommended amount of reductions, which builds on existing guidance that the state provide a reasoned justification (referred to herein as an ''infeasibility demonstration'') for why the smaller amount of emissions reductions from contingency measures is appropriate.

In section III. of the proposed rule, we described the Smog Check Contingency Measure SIP and evaluated how the District and CARB complied with the procedural requirements for adopting SIP revisions and the contingency measure requirements under the CAA.

The Smog Check Contingency Measure SIP includes a contingency measure (''Smog Check Contingency Measure'') that would narrow the exemption for new vehicles from emissions testing under the Smog Check program from eight model years old to seven model years old in a given nonattainment area if triggered by an EPA finding of failure to meet an RFP milestone or an EPA finding of failure to attain the NAAQS by the applicable attainment date for such area. As noted in the proposed rule, we approved the Smog Check Contingency Measure as a stand-alone contingency measure in a separate rulemaking,[8] and, within the San Joaquin Valley, the Smog Check Contingency Measure has already been triggered as a result of the EPA's determination that the San Joaquin Valley failed to attain the applicable attainment date for the 1997 ozone NAAQS.[9]

The Smog Check Contingency Measure SIP also includes estimates of emissions reductions from implementation of the Smog Check Contingency Measure in the relevant years and nonattainment areas to which the measure applies, CARB's evaluation of various mobile and area source categories to identify other feasible contingency measures, and an infeasibility demonstration that provides CARB's justification for not adopting additional contingency measures for sources under CARB jurisdiction (*i.e.,* other than the Smog Check Contingency Measure).

In addition to the Smog Check Contingency Measure SIP, CARB and the District recommended that the EPA take into consideration the District's and CARB's ''Ozone Contingency Measure State Implementation Plan Revision for the 2008 and 2015 8-hour Ozone Standards (April 25, 2024)'' (''2024 SJV Ozone Contingency Measure Plan''), which addresses the contingency measure SIP requirements for the San Joaquin Valley for the 2008 and 2015 ozone NAAQS.[10] The 2024 SJV Ozone Contingency Measure Plan relies on two adopted contingency measures and commitments for five additional contingency measures for San Joaquin Valley for the 2008 and 2015 ozone NAAQS. It also includes the District's infeasibility demonstration for stationary and area sources under District jurisdiction,[11] CARB's expanded infeasibility demonstration for certain area sources under State jurisdiction,[12] and the District's

[1] 90 FR 51029 (November 14, 2025).

[2] 89 FR 56222, at 56227 (July 9, 2024).

[3] Ground-level ozone pollution is formed from the reaction of volatile organic compounds (VOC) and oxides of nitrogen (NO_X) in the presence of sunlight. These two pollutants, referred to as ozone precursors, are emitted by many types of sources, including on-and off-road motor vehicles and engines, power plants and industrial facilities, and smaller area sources such as lawn and garden equipment, architectural coatings, and other types of consumer products.

[4] 77 FR 12652 (March 1, 2012).

[5] *Bahr* v. *EPA,* 836 F.3d 1218, 1235–1237 (9th Cir. 2016) and *Assoc. of Irritated Residents* v. *EPA,* 10 F.4th 937, 946–47 (9th Cir. 2021) (''*AIR* v. *EPA*'' or ''*AIR*'').

[6] *Sierra Club* v. *EPA,* 21 F.4th 815, 827–828 (D.C. Cir. 2021).

[7] The EPA announced the availability of the guidance document at 89 FR 101602 (December 16, 2024).

[8] 89 FR 56222 (July 9, 2024).

[9] 90 FR 46065 (September 25, 2025).

[10] See letter from Ariel Fideldy, Chief, CARB Air Quality Planning Branch to Michelle Angelich, Acting Director, EPA Region IX Air and Radiation Division, dated October 16, 2025, and letter from Sheraz Gill, Deputy Air Pollution Control Officer, SJVUPACD to Edie Chang, Deputy Executive Officer, CARB, dated October 10, 2025. CARB submitted the 2024 SJV Ozone Contingency Measure Plan to the EPA on April 29, 2024. The EPA proposed conditional approval of the 2024 SJV Ozone Contingency Measure Plan with respect to the 2008 ozone NAAQS at 89 FR 85119 (October 25, 2024).

[11] 2024 SJV Ozone Contingency Measure Plan, sections 5.1–5.7 and 5.12.

[12] 2024 SJV Ozone Contingency Measure Plan, section 5.10.

infeasibility demonstration for transportation control measures.[13]

As noted in the proposed rule, we took into account the infeasibility demonstrations included in the 2024 SJV Ozone Contingency Measure Plan in our evaluation of the Smog Check Contingency Measure SIP with respect to contingency measure SIP requirements for the San Joaquin Valley for the 1997 ozone NAAQS. Our reliance on the infeasibility demonstrations included in the 2024 SJV Ozone Contingency Measure Plan is appropriate even though it was not developed or submitted to address the contingency measure requirements for the 1997 ozone NAAQS because control strategies for all three ozone NAAQS (the 1997 ozone NAAQS, the 2008 ozone NAAQS, and the 2015 ozone NAAQS) relate to the same averaging period (8-hour average), the same precursor emissions (NO_X and VOC) and the same emissions sources, the same planning emissions inventories (summertime average day), and the same types of control measures.

As explained in more detail in the proposed rule, we preliminarily found that the infeasibility demonstrations provided in the Smog Check Contingency Measure SIP and the 2024 SJV Ozone Contingency Measure Plan support the conclusion that the contingency measures already adopted and approved, plus the contingency measures to which the District and CARB have committed currently, constitute the entire set of feasible contingency measures for ozone precursor emissions in the San Joaquin Valley. We noted that, because the identified feasible contingency measures have been selected to address only the 2008 and 2015 ozone NAAQS, they are not available for the 1997 ozone NAAQS, which means that the only feasible contingency measure for the purposes of the 1997 ozone NAAQS is the Smog Check Contingency Measure.

Therefore, we preliminarily concluded that, based on achieving a portion of OYW of progress for NO_X and VOC reductions from a contingency measure (the Smog Check Contingency Measure) that meets the requirements of CAA section 172(c)(9) and the reasoned justifications contained in the infeasibility demonstrations, the Smog Check Contingency Measure SIP fulfills the attainment-related contingency measure SIP requirements for the 1997 ozone NAAQS for the San Joaquin Valley and thereby fulfills the commitment the State made in connection with the EPA's approval of the attainment plan for the 1997 ozone NAAQS. We are confirming that preliminary conclusion in this final rule.

Please see our proposed rule for more information.[14]

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received comments from seven individuals and groups.

In the following paragraphs, we summarize the substantive comments objecting to our proposed action and provide our responses. All comment letters in their entirety, including attachments where provided, are available in the docket for this rulemaking.

The EPA's proposed action provided a 30-day public comment period. During this period, we received comments from seven individuals and groups.

In the following paragraphs, we summarize the substantive comments objecting to our proposed action and provide our responses. All comment letters in their entirely, including attachments where priovided, are avaiable in the docket for this rulemaking.

A. Comments From Valley Air Advocates [15]

Comment A–1: Valley Air Advocates note that, in the proposed action, the EPA does not calculate OYW of RFP and should make the effort to include this information in the final rule for a complete record. Valley Air Advocates further assert that the EPA fails to provide a reasoned explanation for why it may approve the Smog Check Contingency Measure SIP with respect to the attainment-related contingency measure requirements for the 1997 ozone NAAQS based on a different standard from that which the Agency applied in 2012 to approve the contingency measure element of the attainment plan for the 1997 ozone NAAQS.

Response to Comment A–1: Valley Air Advocates are correct that the EPA applied the Agency's contingency measure guidance in effect at that time in approving the contingency measure element of the attainment plan for the San Joaquin Valley for the 1997 ozone NAAQS as meeting the RFP-related contingency measure requirements of the CAA.[16] The EPA's previous contingency measure guidance cited OYW of RFP as the amount of emissions reductions contingency measures should achieve to meet the CAA contingency measure requirements and allowed states to rely on emissions reductions that were in excess of the reductions needed for RFP and attainment to meet contingency measure requirements.

However, the EPA did not approve the contingency measure element of the attainment plan as meeting the attainment-related contingency measure requirements of the CAA on that same basis. The EPA relied on CAA section 182(e)(5) to approve the contingency measure element of the attainment plan as meeting the attainment-related contingency measure requirements of the CAA on the basis of a commitment by CARB to develop, adopt and submit by 2020 attainment contingency measures meeting the requirements of CAA section 172(c)(9), pursuant to CAA section 182(e)(5).[17]

In our previous action on the attainment plan for the San Joaquin Valley for the 1997 ozone NAAQS, we indicated that, following the State's submittal of the additional attainment-related contingency measures, the EPA would approve or disapprove the submission for compliance with the contingency measure requirements pursuant to CAA section 110.[18]

In our proposed rule, we proposed to approve the Smog Check Contingency Measure SIP (which represents the submission from the state to fulfill the commitment approved in 2012) using the Agency's contingency measure guidance in effect at the time of the action. The Agency's current contingency measure guidance cites OYW of progress (rather than RFP) as the amount of emissions reductions contingency measures should achieve to meet the CAA contingency measure requirements, but it does not allow states to rely on emissions reductions that were in excess of the reductions needed for RFP and attainment to meet contingency measure requirements. In both the previous action in 2012 and the proposed action in 2025, the EPA appropriately applied the Agency's contingency measure guidance in effect at the time of the EPA action.

As to the previous recommendation of OYW of RFP, the Valley Air Advocates

[13] 2024 SJV Ozone Contingency Measure Plan, section 5.11.

[14] 90 FR 51029 (November 14, 2025).

[15] Comments were submitted by the Central California Environmental Justice Network, Committee for a Better Arvin, Medical Advocates for Healthy Air and Sierra Club (collectively, referred to herein as ''Valley Air Advocates.''

[16] 76 FR 57846, at 57864 (September 16, 2011); finalized at 77 FR 12652 (March 1, 2012).

[17] 77 FR 12652, at 12670 (March 1, 2012). See also 40 CFR 52.220(c)(396)(ii)(A)(2)(i).

[18] 76 FR 57846, at 57864 (September 16, 2011).

are correct in that the amount of emissions reductions calculated in terms of OYW of RFP is greater than the amount calculated in terms of OYW of progress, but the difference is not as great as described in the comment. Under the previous EPA contingency measure guidance, the recommended amount of reductions for contingency measures would have been 17.0 tons per day (tpd) of NO_X, 13.7 tpd of VOC, or some combination of contingency measures that would reduce NO_X and VOC such that the total reduction is equivalent on a percentage basis to a three percent reduction in base year VOC emissions.[19] In contrast, OYW of progress amounts to 5.0 tpd or 4.1 tpd for NO_X and VOC, respectively. Under the EPA's revised contingency measure guidance, the recommended amount (OYW of progress) applies to both NO_X and VOC where reductions of both precursors are needed for attainment.

More importantly, in the case of the EPA's review of the Smog Check Contingency Measure SIP for compliance with the attainment-related contingency measure requirements for the 1997 ozone NAAQS, the EPA would have expected the State to provide a reasoned justification for not providing contingency measures that would achieve the recommended amount, whether that amount equals OYW of RFP or OYW of progress. The State has provided a reasoned justification in the form of infeasibility demonstrations that show that there are no additional feasible contingency measures for ozone precursors in the San Joaquin Valley other than the Smog Check Contingency Measure and the District's contingency measures already adopted or committed to for the 2008 and 2015 ozone NAAQS.

Comment A–2: The Valley Air Advocates assert that EPA's approval of the Smog Check Contingency Measure SIP violates the anti-backsliding provisions in CAA section 172(e) and the specific anti-backsliding provisions associated with the revocation of the 1997 ozone NAAQS in 40 CFR 51.1105(a)(1). The Valley Air Advocates indicate that the approval violates the anti-backsliding provisions by effectively eliminating the requirement by reducing the required emissions reductions to a *de minimis* level.

Response to Comment A–2: The EPA promulgated anti-backsliding provisions consistent with the principles in CAA section 172(e) to govern the transition from the revoked 1997 ozone NAAQS to the more stringent 2008 ozone NAAQS.[20] The anti-backsliding provisions identify those SIP requirements that continue to apply to an air quality planning area for the 1997 ozone NAAQS if they applied to the area at the time of revocation of the 1997 ozone NAAQS, and the contingency measure requirement is included among the list of ''applicable requirements'' that continue to apply after revocation.[21]

Neither CAA section 172(e) nor EPA's anti-backsliding provisions bear on the question of whether the Smog Check Contingency Measure SIP meets the attainment-related contingency measure requirements for the San Joaquin Valley for the 1997 ozone NAAQS. Rather, CAA section 172(e) and EPA's anti-backsliding provisions bear on the question of which requirements continue to apply to a given area after revocation of the NAAQS, not how a state complies with the requirement that has been established as one that continues to apply.

In this case, the EPA finds that the Smog Check Contingency Measure SIP meets the applicable contingency measure requirements under CAA section 172(c)(9) for the revoked 1997 ozone NAAQS through the State's adoption of a measure (the Smog Check Contingency Measure), the contingency measure infeasibility demonstration included in the Smog Check Contingency Measure SIP, and the contingency measure infeasibility demonstrations included in the 2024 SJV Ozone Contingency Measure Plan. In developing the infeasibility demonstrations in the 2024 SJV Ozone Contingency Measure Plan, the District identified five additional contingency measures that the District has now committed to adopt for the 2008 and 2015 ozone NAAQS. While these contingency measures have been determined by the District to be feasible, the District has already committed to adopt them for the current 2008 and 2015 ozone NAAQS and is not required to adopt them for the revoked 1997 ozone NAAQS.

Comment A–3: The Valley Air Advocates assert that the EPA unlawfully and arbitrarily proposes approval of the Smog Check Contingency SIP as meeting the requirements of CAA section 172(c)(9) for the 1997 ozone NAAQS because the EPA's new interpretation weakens the amount of reductions required by the EPA-approved SIP. Valley Air Advocates also assert that the EPA has unlawfully and arbitrarily failed to provide a reasoned explanation and make a finding on whether the approval of the Smog Check Contingency Measure SIP with respect to the 1997 ozone NAAQS constitutes illegal backsliding.

Response to Comment A–3: In relevant part, CAA section 110(l) prohibits EPA approval of a SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other applicable requirement of the CAA. The Smog Check Contingency Measure SIP is a SIP revision, and thus, CAA section 110(l) governs the EPA's review of the submission.

The SIP revision that is the subject of this rulemaking (the Smog Check Contingency Measure SIP) relates to the contingency measure requirements for nonattainment areas under the CAA. Because, by design, contingency measures are adopted to achieve emissions reductions beyond those needed by an area to demonstrate RFP and attainment, contingency measures by their nature do not interfere with attainment and RFP. In this instance, the EPA approved the contingency measure (*i.e.,* the Smog Check Contingency Measure) that is included in the Smog Check Contingency Measure SIP in a separate action. In that separate action, the EPA found that the Smog Check Contingency Measure would provide emissions reductions that are surplus to those that are needed for other CAA purposes or that are relied upon for RFP or attainment.[22]

CAA section 110(l) also prohibits approval of SIP revisions that interfere with ''any other applicable requirement'' of the CAA. The only other ''applicable requirement'' of the CAA that applies in this instance is the attainment-related contingency measure requirement under CAA section 172(c)(9). For the reasons provided by the EPA in our proposed rule and in the responses to comment provided herein, we conclude that the Smog Check Contingency Measure SIP meets the attainment-related contingency measure requirements under CAA section 172(c)(9) for the San Joaquin Valley for

[19] For instance, if a state chose to meet the contingency measure requirement equally (on a percentage basis) using both NO_X and VOC contingency measures, the OYW of RFP metric would be 8.5 tpd of NO_X and 6.9 tpd of VOC.

[20] CAA section 172(e) provides: ''If the [EPA] relaxes a [NAAQS] after November 15, 1990, the [EPA] shall, within 12 months after the relaxation, promulgate requirements applicable to all areas which have not attained that standard as of the date of such relaxation. Such requirements shall provide for controls which are not less stringent than the controls applicable to areas designated nonattainment before such relaxation.'' The EPA's anti-backsliding regulation for the revoked 1997 ozone NAAQS is found at 40 CFR 51.1105.

[21] 40 CFR 51.1105(a)(1) and 40 CFR 51.1100(o)(13).

[22] 88 FR 87981, at 87985 (December 20, 2023); finalized at 89 FR 56222 (July 9, 2024).

the 1997 ozone NAAQS. Based on our conclusion that the Smog Check Contingency Measure SIP meets the only other ''applicable requirement'' of the Act, we find that our approval would not interfere with any other applicable requirement of the Act, consistent with the provisions of CAA section 110(l).

Lastly, the EPA-approved SIP includes a commitment by CARB to develop, adopt and submit by 2020 attainment contingency measures meeting the requirements of CAA section 172(c)(9), pursuant to CAA section 182(e)(5), for the San Joaquin Valley for the 1997 ozone NAAQS. The EPA-approved commitment does not specify an amount of emissions reductions that the attainment contingency measures must achieve but only specifies that the attainment contingency measures must meet the requirements of CAA section 172(c)(9). Thus, our approval of the Smog Check Contingency Measure SIP does not weaken the amount of reductions required for contingency measures under the SIP, as the commenter suggests, because the SIP does not specify an amount.

Comment A–4: Valley Air Advocates assert that EPA's proposed approval of the Smog Check Contingency Measure SIP based on OYW of progress, as opposed to OYW of RFP, violates CAA section 172(c)(9). Valley Air Advocates cite the language of the provision, the legislative history, and the statutory scheme to support an interpretation that the CAA section 172(c)(9) requires contingency measures to achieve OYW of RFP. As for the language of CAA section 172(c)(9), Valley Air Advocates note that while the contingency measure requirement applies to both failures to make RFP and failures to attain the NAAQS by the applicable attainment date, only the reference to RFP suggests a specific quantity of emissions to be reduced. Valley Air Advocates also cite the Ninth Circuit's decision in *Association of Irritated Residents* v. *EPA* [23] as support for the interpretation that CAA section 172(c)(9) requires contingency measures that provide for OYW of RFP. Lastly, Valley Air Advocates state that the OYW of RFP approach is more consistent with the CAA's scheme of imposing more stringent requirements for ozone nonattainment areas based on attainment status (*i.e.,* an Extreme area has more stringent requirements than a Serious area, which likewise has more stringent requirements than a Moderate area) than the OYW of progress approach.

Response to Comment A–4: Regarding emissions reduction metrics (*i.e.,* the recommended amount of emissions reductions that contingency measures should achieve), we disagree with commenters as to what is required under the CAA and with the commenters' broader framing of contingency measures within the overall planning requirements for nonattainment areas. While there is a statutory link between RFP and the contingency measure requirements of CAA section 172(c)(9), it does not function as the commenter suggests (*i.e.,* to establish an amount of emissions reductions that contingency measures should achieve).

CAA section 172(c)(9) (''Contingency measures'') requires the state to adopt SIP revisions for nonattainment areas that provide for the implementation of specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the national primary ambient air quality standard by the attainment date. Section 172(c)(9) also specifies that such measures must be included in the SIP revision as contingency measures to take effect in any such case without further action by the state or the EPA.

Thus, while section 172(c)(9) requires contingency measures where an area fails to make RFP, the language does not specify what amount of emissions reductions such measures should achieve (*i.e.,* does not explicitly tie the amount of reductions to RFP). Moreover, the statutory text also has a link to attainment, but it too does not specify what amount of emissions reductions contingency measures should achieve.

While Congress did not specify an amount that contingency measures must achieve to comply with CAA section 172(c)(9), Congress must have intended the amount to be material because, without a specified amount, a state would not know how to comply with the requirement. Thus, Congress must have at least implicitly delegated to the EPA the authority to determine an amount of emissions reductions that contingency measures should achieve and thereby give meaning to the requirement and provide states with a basis to comply with CAA section 172(c)(9) for a given nonattainment area.

The EPA has taken a policy approach to this question, and in the past, the EPA has indicated that the recommended amount is OYW of RFP but allowed states to provide a reasoned justification for adopting contingency measures that would provide less than the recommended amount. Under the Revised Contingency Measure Guidance, the EPA is continuing to take a policy approach but is recommending OYW of progress and describing a specific analytical framework that states may use to develop a reasoned justification in the form of an infeasibility demonstration if the state is unable to identify and adopt contingency measures that can achieve the recommended amount of emissions reductions.[24]

In support of our revised approach, we first note that, for both RFP and attainment purposes, contingency measures are intended to provide for continued progress in the event that an area fails to meet an RFP milestone or fails to attain the NAAQS by the applicable attainment date. They are not themselves expected to provide for either RFP or attainment. With respect to RFP, the CAA provides certain remedies if the contingency measures do not make up the shortfall for a given RFP milestone.[25] With respect to a failure to attain by the applicable attainment date, the CAA too provides a remedy by requiring a new attainment plan.[26]

In reviewing our long-standing approach to contingency measures, the EPA observed that basing the amount of emissions reductions on the annual amount of reductions needed to meet the separate RFP requirement—OYW of RFP—may in some cases lead to an amount that is greater than what typically would be needed to make up for a shortfall in RFP or for attainment purposes.[27] The OYW of RFP approach was unnecessarily conservative for estimating the amount of emissions reductions needed for contingency measure purposes because a given percentage of the base year inventory tends to represent a much more

[23] *Association of Irritated Residents* v. *EPA,* 10 F.4th 937 (9th Cir., 2021) (''*Association of Irritated Residents* v. *EPA*'').

[24] OYW of RFP is calculated differently for ozone and particular matter (PM). For ozone, annual RFP is essentially defined as three percent of the base year emissions inventory (EI). For PM, annual RFP is the average annual reductions between the base year EI and the projected attainment year EI (*i.e.,* the projected attainment inventory for the nonattainment area). In contrast, OYW of progress is calculated the same way for ozone and PM: by determining the average annual reductions between the base year EI and the projected attainment year EI, determining what percentage of the base year EI this amount represents, then applying that percentage to the projected attainment year EI to determine the amount of reductions needed to ensure ongoing progress if contingency measures are triggered. See also the EPA's Final Revised Contingency Measure Guidance, pp. 23–27.

[25] See CAA sections 182(g)(3) and 189(c)(3).

[26] See CAA section 179(d).

[27] EPA's Final Revised Contingency Measure Guidance, pp. 23–27.

significant portion of the attainment projected inventory.

In shifting to the OYW of progress approach, the EPA recognizes attainment of the NAAQS as the primary objective of the nonattainment plan requirements, and thus the appropriate metric should be attainment-focused. In the absence of a CAA-specified amount of emissions reductions required for contingency measures, the EPA's new approach is a better reading of the contingency measure SIP requirement given our understanding of the statutory purpose of contingency measures following a failure to attain or to make RFP, which is to ensure uninterrupted progress toward attainment while the next steps unfold in response to the failure. In addition, for ozone, the recommended percentage of reductions represents appropriate progress toward attainment as opposed to a fixed amount. The annual rate of reductions (*i.e.,* the percentage) could be more or less than three percent, depending on the amount of reductions necessary to demonstrate attainment, and states should perform this calculation for both ozone precursors, VOC and NO_X.

Moreover, unlike the previous approach, the EPA's new approach takes into account the declining emissions inventories between the base year and attainment year for a given nonattainment area and aligns the metric for determining the amount of emissions reductions that contingency measures should achieve for ozone and particulate matter (PM). The alignment between ozone and PM is a better reading of the statute considering that the relevant statutory provision, CAA section 172(c)(9), applies to all the NAAQS.

As to the specific SIP submission addressed in this document, we acknowledge that CARB used the newly-recommended metric in preparing the Smog Check Contingency Measure SIP for which the EPA is now finalizing approval but, in this instance, the SIP submission and the EPA's evaluation thereof would have been the same in substance if the previous metric (*i.e.,* OYW of RFP) had been used instead. This is because, using either metric, the SIP submission relies on a contingency measure that provides for less than OYW of progress or RFP for both ozone precursors. The only difference is the extent to which the emissions reductions from the contingency measure fall short of each metric.

Using either metric, the EPA would have expected the State to provide a reasoned justification for not adopting contingency measures sufficient to achieve greater VOC and NO_X emissions reductions. Consistent with the EPA's recommendations in the Revised Contingency Measure Guidance, California did so in this case in the form of infeasibility demonstrations in the Smog Check Contingency Measure SIP and the 2024 SJV Ozone Contingency Measure Plan.

Second, the commenters are incorrect by stating that only the reference to RFP in CAA section 172(c)(9) suggests a specific amount of emissions reductions. RFP and attainment both suggest a specific quantity of emissions reductions. For ozone, the emissions reductions required for RFP are generally three percent of baseline VOC emissions each year (averaged over a three-year period). Emissions reductions needed for attainment are the emissions from the attainment year inventory subtracted from the base year emissions inventory and then divided by the number of years between the attainment year and the base year.

Third, Valley Air Advocates assert that the decision in the *Association of Irritated Residents* v. *EPA* case highlights and connects to the statutory link between contingency measures and RFP. The *Association of Irritated Residents* v. *EPA* decision supports the proposition that surplus emissions reductions from already-implemented measures cannot be relied upon as a justification for adoption of contingency measures that provide for less than the recommended amount of emissions reductions for such measures. However, the decision does not bear on the question of the amount of emissions reductions that contingency measures should achieve or the consideration of feasibility of additional measures as justification for not adopting contingency measures sufficient to achieve the recommended amount of such measures.

The rationale for our approval of the Smog Check Contingency Measure Plan SIP for the 1997 ozone NAAQS is not the same as the rationale for our approval, later withdrawn in response to the *Association of Irritated Residents* v. *EPA* decision, of the contingency measure element for San Joaquin Valley for the 2008 ozone NAAQS that was at issue in this case. In the case of the contingency measure element for the 2008 ozone NAAQS, the EPA took into account the surplus emissions reductions from already-implemented measures in the milestone years and the years following the attainment date, not as constituting contingency measures per se, but rather as justification for approving a contingency measure element that included a single contingency measure that would provide for far less than the recommended amount.

The Court found that, by doing so, the EPA had ''severed the relationship between the requirement of contingency measures and the benchmark of reasonable further progress, without an adequate explanation of why the new—and far more modest—contingency measure is reasonable.'' [28] The Court did not indicate that the Agency could not depart from previous guidance but cautioned that the EPA ''must give a reasoned explanation for departing from agency practice or policy.'' [29] The Court concluded that ''[I]f already-implemented measures cannot themselves be contingency measures—and Bahr makes clear that they cannot—then neither can they be a basis for declining to establish contingency measures that would otherwise be appropriate.'' [30] The Court rejected the EPA's rationale for allowing consideration of surplus emissions reductions from already-implemented measures, reasoning that the EPA could not approve a contingency measure element ''lacking robust contingency measures by assuming that they will not be needed. Because the agency did not provide a reasoned explanation for approving the state plan, the rule is arbitrary and capricious.'' [31]

In the wake of the *Association of Irritated Residents* v. *EPA* decision, and other case law interpreting the contingency measure SIP requirement, the EPA undertook an internal process to reconsider previous guidance provided by the Agency to states for preparation of SIP submissions to meet the contingency measure requirements—a process that led to the publication of the Revised Contingency Measure Guidance. Among other things, in the Revised Contingency Measure Guidance, the EPA explains why the Agency believes that it is appropriate to update its prior guidance with respect to the recommended amount of emissions reductions that contingency measures should achieve and the considerations that states could use to justify adoption of contingency measures that do not provide for the recommended amount of emissions reductions.[32] We found that

[28] *Association of Irritated Residents* v. *EPA,* 10 F.4th 937, 946 (9th Cir. 2021).

[29] Id.

[30] Id.

[31] Id. at 947.

[32] EPA's Revised Contingency Measure Guidance, pp. 23–33 (revised metric) and pp. 33–45 (reasoned justification for adoption of contingency measures that provide for less than the recommended amount of emissions reductions).

an update to our contingency measures guidance was justified in light of changed factual circumstances and a current understanding of what remaining controls may be available for states to adopt as contingency measures.

Lastly, we have reviewed the commenter's hypothetical scenario purportedly illustrating a fatal flaw in the OYW of progress metric and disagree that it shows that the OYW of progress metric runs contrary to the structure of the CAA. The scenario compares three ozone areas: one is a Serious nonattainment area, one is a Severe nonattainment area, and one is an Extreme ozone nonattainment area. All three areas have base year emissions of 200 tpd and require emissions reductions of 100 tpd to attain the ozone NAAQS. The Serious area has a maximum of 9 years to attain, the Severe area has a maximum of 15 years to attain, and the Extreme area has a maximum of 20 years to attain. In this scenario, the commenter estimates OYW of progress would be 5.7 tpd for the Serious area, 3.3 tpd for the Severe area, and 2.5 tpd for the Extreme area and asserts that the structure of the CAA would suggest that the Extreme area should be subject to a greater burden to achieve emissions reductions as compared to the Severe area, which in turn should be subject to a greater burden that the Serious area, not lesser burdens.

Under this scenario, we must assume that the nine years, 15 years, and 20 years represents ''expeditious attainment'' for the Serious, Severe and Extreme area, respectively. Therefore, the Serious area has identified control measures sufficient to achieve approximately 11.1 tpd reduction on an annual basis over the nine-year period from the base year to the attainment year. In contrast, the Severe and Extreme areas have identified control measures sufficient to achieve approximately 6.7 tpd and 5 tpd reduction, respectively, on an annual basis over the 15-year period (for the Severe area) or 20-year period (for the Extreme area).

This suggests that the Serious area has a greater number of feasible control measures available to adopt and, in the event of a failure to attain, that a higher burden to continue that rate of progress after the attainment year is appropriate. Conversely, the Severe and Extreme areas would appear to have fewer feasible options available and, in the event of a failure to attain, that a lower burden (compared to the Serious area) to maintain the lower rate of progress after the attainment year is also appropriate. For these reasons, we do not agree that the scenario provided by the commenter shows that our revised interpretation, as set forth in the Revised Contingency Measure Guidance, of the amount of emissions reductions that states should achieve to meet the CAA's contingency measure SIP requirement runs contrary to the general remedial scheme of the CAA that imposes more stringent requirements on higher classified areas.

Comment A–5: Valley Air Advocates state that the EPA does not have authority under the CAA to exempt California from adopting additional contingency measures, other than the Smog Check Contingency Measure, based on an infeasibility demonstration. Section 172(c)(9) does not include an exemption for measures deemed infeasible. Valley Air Advocates also state that the EPA's argument that the CAA includes provisions in other sections to allow air agencies to exclude control measures that are infeasible does not support its interpretation of the use of an infeasibility justification for contingency measures; rather, the inclusion of language related to feasibility in other CAA provisions but not in section 172(c)(9) suggests the omission by Congress of a feasibility standard with regard to contingency measures was intentional.

Response to Comment A–5: As discussed in Response to Comment A–4, Congress must have at least implicitly delegated to the EPA the authority to determine an amount of emissions reductions that contingency measures should achieve and thereby give meaning to the requirement and provide states with a basis to comply with CAA section 172(c)(9) for a given nonattainment area. The EPA is continuing to take a policy approach to this question and is recommending OYW of progress and describing a specific analytical framework that states may use to develop a reasoned justification if the state is unable to identify and adopt contingency measures that can achieve the recommended amount of emissions reductions. More specifically, as stated in our proposed rule and the EPA's Revised Contingency Measures Guidance, where a state is unable to identify contingency measures that would provide emissions reductions approximately equal to OYW of progress, the state should provide a reasoned justification in the form of an infeasibility demonstration that explains and documents how it has evaluated all existing and potential control measures relevant to the appropriate source categories and pollutants in the nonattainment area and has reached reasonable conclusions regarding whether such measures are feasible. Thus, while the EPA acknowledges that CAA section 172(c)(9) does not explicitly provide for consideration of whether specific measures are feasible, the EPA does not read the statute to require air agencies to adopt and impose infeasible measures.

As stated in the proposed rule, the statutory provisions applicable to other nonattainment area plan control measure requirements, including reasonably available control measures/reasonably available control technology (RACM/RACT), best available control measures/best available control technology (BACM/BACT), and most stringent measures (MSM), allow air agencies to exclude certain control measures that are deemed unreasonable or infeasible (depending on the requirement). For example, the MSM provision in CAA section 188(e) requires plans to include ''the most stringent measures that are included in the implementation plan of any state or are achieved in practice in any state, and can feasibly be implemented in the area.'' While the contingency measures provisions do not include such caveats, the EPA does not conclude that the contingency measures provisions should be read to require plans to include infeasible measures. Thus, the EPA anticipates that a demonstrated lack of feasible measures would be a reasoned justification for adopting contingency measures that achieve less than the recommended amount of emissions reductions.[33]

Comment A–6: Valley Air Advocates assert that, even if CAA section 172(c)(9) did allow the EPA to exempt states from contingency measures it deems infeasible, there is not an objective standard or criteria for such a

[33] Moreover, we note that contingency measures under CAA section 172(c)(9), once triggered, are generally permanent and become one of the baseline control measures for the next milestone demonstration or the new attainment plan that must be adopted and submitted by the state for an area that has failed to attain the NAAQS by the applicable attainment date. As noted in this document, technological and economic feasibility is a hallmark of such control measures. In contrast, CAA section 110(a)(2)(G) requires states to adopt and submit contingency plans to address emergency episodes as part of their SIPs, and the contingency plans for emergency episodes identify emission control actions to be taken at different episode levels, which are much higher than the NAAQS, without consideration of economic or technological feasibility. See, generally, 40 CFR 51.150–51.152 and appendix L to 40 CFR part 51. One significant difference, however, between the emission control actions for emergency episode plans under CAA section 110(a)(2)(G) and the control measures relied upon for RFP and attainment is that the former are temporary and are implemented only while the emergency episode persists whereas the latter are, as noted, permanent controls for the area.

feasibility determination. The Revised Contingency Measure Guidance does not provide such objective standards, meaning that any determinations EPA makes as to feasibility or infeasibility are inherently arbitrary.

Response to Comment A–6: The Revised Contingency Measure Guidance provides states with a recommended approach for identifying potential contingency measures and, if there are an insufficient number of feasible contingency measures to achieve OYW of progress, for documenting the basis for that conclusion via an infeasibility demonstration. The criteria include economic and technological feasibility as well as timing considerations. Contingency measures are expected to achieve emissions reductions within a year or two of the triggering event to qualify as contingency measures.

The EPA evaluates state SIP submissions for other CAA requirements, including RACM/RACT, BACM/BACT, and MSM, on the same basis (economic and technological feasibility) that we are employing to evaluate SIP submissions for contingency measures. By their nature, judgements made based on economic and technological feasibility are fact-specific, but that does not make them arbitrary.

Comment A–7: Valley Air Advocates comment that the EPA has contradicted itself by finding that the contingency measures that the EPA has approved and the contingency measures to which CARB and the District committed are ''the entire set of feasible contingency measures for ozone precursor emissions in the San Joaquin Valley.'' [34] The commenter states that this is inconsistent with the EPA's action approving a contingency measure with just one trigger for three $PM_{2.5}$ standards, because that approval relied upon a rationale that the state would adopt and submit additional contingency measures should a triggering event occur.[35] The commenter states that EPA has not provided an adequate explanation of why the state would be able to develop and submit additional contingency measures for $PM_{2.5}$ and not for the 1997 ozone NAAQS.

Response to Comment A–7: Ozone and $PM_{2.5}$ are different criteria air pollutants for which the EPA has established NAAQS. Within the San Joaquin Valley, the relevant pollutants and plan precursors are direct $PM_{2.5}$ and NO_X for the purpose of meeting CAA SIP requirements for the $PM_{2.5}$ NAAQS. For ozone, the precursors are NO_X and VOC. NO_X is a precursor to both $PM_{2.5}$ and ozone for the purpose of meeting CAA requirements in the San Joaquin Valley.

Direct $PM_{2.5}$ emissions are not relevant for ozone SIP planning purposes. Thus, there is no contradiction by the EPA where the Agency states that State and District have adopted (or committed to adopt) the entire set of feasible contingency measures for ozone precursors and that, upon triggering of the $PM_{2.5}$ contingency measures, we expect that CARB and the District would adopt and submit a SIP revision to demonstrate that the SIP continues to meet $PM_{2.5}$ contingency measure requirements. In so doing, we expect CARB and the District to update their previous evaluations of direct $PM_{2.5}$ source categories to identify potential contingency measures and to adopt such measures that are economically and technologically feasible and that can achieve meaningful emissions reductions within a year or two of a future $PM_{2.5}$-related triggering event.

With respect to NO_X, the finding with respect to the 1997 ozone NAAQS that State and District have adopted (or committed to adopt) the entire set of feasible contingency measures for ozone precursors (VOC and NO_X) is keyed to a moment in time. With the passage of time, new information and analyses can be used to identify potential contingency measures that have not been identified to date and that warrant evaluation for economic and technological feasibility as well as the potential to achieve meaningful NO_X emissions reductions within a year or two of a future triggering event.

Comment A–8: Valley Air Advocates assert that the Smog Check Contingency Measure provides only *de minimis* emissions reductions and that compliance with CAA section 172(c)(9) requires more than a *de minimis* amount of reductions from contingency measures. Citing the decision in *Committee for a Better Arvin,*[36] the commenter notes that the Ninth Circuit upheld the EPA's assertion that certain California rules for the 1997 $PM_{2.5}$ annual NAAQS did not need to be approved into the SIP because the rules achieved only *de minimis* reductions and that the reductions deemed by the EPA to be *de minimis* for the 1997 $PM_{2.5}$ NAAQS are greater than those from the Smog Check Contingency Measure. As such, the commenter asserts that the EPA cannot dispute that the Smog Check Contingency Measure provides *de minimis* emissions reductions and simply does not fulfill the requirement under CAA section 172(c)(9) to adopt contingency measures.

Response to Comment A–8: The EPA does not agree that the emissions reductions from the Smog Check Contingency Measure are *de minimis.* Characterizing an amount as *de minimis* cannot be severed from its context. In the case of the emissions reductions (amounting to 0.62 tpd of NO_X) that the EPA characterized as *de minimis* in connection with the Agency's approval of the San Joaquin Valley attainment plan for the 1997 $PM_{2.5}$ NAAQS, and that are cited in the *Committee for a Better Arvin* decision, the context was the overall amount of emissions reductions from the base year needed to demonstrate attainment of the 1997 $PM_{2.5}$ NAAQS by the applicable attainment date. The relevant amount of NO_X emissions reductions needed for attainment was 284.2 tpd,[37] and the emissions reductions from the rules at issue (0.62 tpd) represented only 0.2 percent of the overall reduction amount.

With respect to our evaluation of the Smog Check Contingency Measure, the context is the EPA's recommended amount of emissions reductions that contingency measures should achieve (*i.e.,* OYW of progress). The estimated reductions from the Smog Check Contingency Measure (0.112 tpd of NO_X) amount to 2.2 percent of OYW of progress, an order of magnitude greater than the corresponding percentage cited in the previous paragraph in relation to the attainment needs of the area.

We do however find that the emissions reductions from the Smog Check Contingency Measure, which CARB estimates to be 0.112 tpd and 0.056 tpd of NO_X and VOC, respectively, represent only about one or two percent of OYW of progress. Because the estimate reductions are well below the recommended metric (*i.e.,* OYW of progress), CARB and the District are not relying solely on the Smog Check Contingency Measure to demonstrate compliance with the contingency measure requirements of CAA section 172(c)(9) for the San Joaquin Valley for the 1997 ozone NAAQS. Rather, CARB and the District are relying on their infeasibility demonstrations that document their evaluation for potential additional contingency measures and the rationale for their conclusions that there are no

[34] 90 FR 51029 (November 14, 2025).

[35] 89 FR 80749 (October 4, 2024).

[36] *Committee for a Better Arvin* v. *EPA,* 786 F.3d 1169 (9th Cir. 2015).

[37] 76 FR 41338, at 41354 (July 13, 2011) (proposed partial approval and partial disapproval of the attainment plan and related SIP elements for the 1997 $PM_{2.5}$ NAAQS in the San Joaquin Valley).

additional feasible contingency measures for the area for the 1997 ozone NAAQS.

Likewise, in approving the Smog Check Contingency Measure SIP as meeting the applicable requirements for the San Joaquin Valley for the 1997 ozone NAAQS, we are not solely relying on the Smog Check Contingency Measure but also on our evaluation of the submitted infeasibility demonstrations.

Comment A–9: Valley Air Advocates comment that, even if the EPA may lawfully excuse a state from adopting contingency measures based on an infeasibility demonstration, the state did not submit an infeasibility demonstration for stationary and area sources for the 1997 ozone NAAQS. Instead, the EPA accepted the state's request to rely upon the infeasibility demonstration submitted for the 2008 and 2015 ozone NAAQS, without any additional analysis. The commenter further points to EPA's Revised Contingency Measure Guidance, which indicates that, for infeasibility demonstrations, ''lower amounts of CM emissions reductions will warrant more robust analyses demonstrating a thorough effort to identify candidate measures and to document the infeasibility of candidate measures,'' [38] and that, in the case of the 1997 ozone NAAQS, with fewer reductions from contingency measures compared to those for the 2008 ozone contingency measures requirement, the EPA accepted an infeasibility demonstration that was clearly not more robust than that accepted for the 2008 ozone NAAQS.

Response to Comment A–9: In our proposed rule, we explained why we found that reliance on the infeasibility demonstrations included in the 2024 SJV Ozone Contingency Measure Plan is appropriate even though it was not developed or submitted to address the contingency measure requirement for the 1997 ozone NAAQS for two reasons. First, the control strategies for all three ozone NAAQS (the 1997 ozone NAAQS, the 2008 ozone NAAQS, and the 2015 ozone NAAQS) relate to the same averaging period (8-hour average), the same precursor emissions (NO_X and VOC) and the same emissions sources, the same planning emissions inventories (summertime average day), and the same types of control measures. Second, CARB and the District recommended that the EPA take into consideration the 2024 SJV Ozone Contingency Measure Plan during its review of the Smog Check Contingency Measure SIP for compliance with the attainment-related contingency measure requirements for the 1997 ozone NAAQS.[39]

The commenter is correct that, in the Revised Contingency Measure Guidance, the EPA states that a lower amount of emissions reductions from contingency measures relative to OYW of progress warrants more robust analyses demonstrating a thorough effort to identify candidate contingency measures and to document the infeasibility of such measures. The commenter is also correct that the emissions reductions for the 1997 ozone NAAQS are lower than those for the 2008 and 2015 ozone NAAQS and yet all three ozone NAAQS rely on the same set of analyses to justify adoption of contingency measures that provide for less than OYW of progress.

For these reasons, the EPA would normally have expected the State to conduct updated analyses to identify candidate measures for, in this case, the 1997 ozone NAAQS, but the Smog Check Contingency Measure SIP (for the 1997 ozone NAAQS) and the 2024 SJV Ozone Contingency Measure Plan (for the 2008 and 2015 ozone NAAQS) were submitted within a short period of one another. CARB submitted the Smog Check Contingency Measure SIP on November 13, 2023, and the 2024 SJV Ozone Contingency Measure Plan on April 29, 2024.

The more recently-submitted SIP provides the missing pieces of the earlier submission by including a comprehensive review of stationary and area source categories for candidate contingency measures. Because of the proximity in time of the two SIP submissions, the Smog Check Contingency Measure SIP and the 2024 SJV Ozone Contingency Measure Plan can be considered collectively, and together, they constitute a comprehensive review of stationary, area, and mobile source categories for candidate ozone contingency measures in the San Joaquin Valley for all three ozone NAAQS.

The review of stationary and area source categories in the 2024 SJV Ozone Contingency Measure Plan revealed certain additional feasible ozone contingency measures that the District has committed to adopt. The District has chosen to adopt these additional contingency measures for the 2008 and 2015 ozone NAAQS and not to adopt them for the 1997 ozone NAAQS. The District is not required to extend the applicability of these additional contingency measures to a third ozone NAAQS (*i.e.,* the 1997 ozone NAAQS).

Comment A–10: Valley Air Advocates assert that, even if the EPA may lawfully excuse a state from contingency measures based on an infeasibility demonstration, the infeasibility demonstration for confined animal facilities (CAFs) is inadequate. It relies on statements from the District that Rule 4570, which covers CAFs in the Valley, is the most stringent rule for this source category compared to other air districts. Such a rationale is not a feasibility analysis, as it does not answer the question of whether the current rule, which is menu-based, allowing CAF operators to choose from among a menu of control options, could feasibly be made more stringent as a contingency measure by requiring operators to implement additional menu options. Additionally, the commenter states that the 2010 amendments to Rule 4570 retired most of the Class Two Mitigation Measures on grounds that they were infeasible. The infeasibility demonstration for contingency measures submitted as part of the 2024 SJV Ozone Contingency Measure Plan does not address whether this set of mitigation measures could be feasible as contingency measures.

Response to Comment A–10: In response to comments received on our proposed rule, we requested that CARB and the District clarify the basis for the conclusion that there are no feasible contingency measures for CAFs. CARB and the District responded with additional analyses to clarify and supplement their feasibility analysis for the CAF source category.[40] We have reviewed the supplemental information provided by CARB and the District and find that it affirms our preliminary finding from the proposed rule that CARB and the District have demonstrated that contingency measures for this source category are infeasible at this time.

In the Confined Animal Facilities Supplement, the District first discusses Rule 4570's menu-based approach, where CAF operators must select from a limited menu of mitigation measures.

[38] Revised Contingency Measure Guidance, at 37.

[39] See letter from Ariel Fideldy, Chief, CARB Air Quality Planning Branch to Michelle Angelich, Acting Director, EPA Region IX Air and Radiation Division, dated October 16, 2025, and letter from Sheraz Gill, Deputy Air Pollution Control Officer, SJVUPACD to Edie Chang, Deputy Executive Officer, CARB, dated October 10, 2025.

[40] Letter dated January 30, 2026, from Matthew Lakin, Chief, Air Quality Planning and Science Division, CARB, to Anita Lee, Acting Director, Air & Radiation Divison, EPA Region IX, with the following attachment: ''Technical Clarification and Additional Information for the 1997, 2008, and 2015 8-Hour Ozone NAAQS Contingency Measures'' (herein, ''Confined Animal Facilities Supplement'').

The District contends that the menu-based approach is necessary because CAFs in the San Joaquin Valley vary significantly compared to traditional industrial sources.[41] As a result, it is not feasible for all operators to implement identical mitigation measures given the differences in infrastructure, climate, permitting requirements, water availability and water board regulations, production contracts, and other limitations. Furthermore, the District reasons that requiring all measures from the menu would be duplicative and would not result in additional emissions reductions, as the measures control emissions through the same mechanisms. The EPA concurs with the District's menu-based approach for this source category and agrees that requiring implementation of additional mitigation measures from the menu in Rule 4570 as a contingency measure would be duplicative and would not result in increased emissions reductions.

The District then discusses the feasibility of Class Two Mitigation Measures from the pre-2010 version of Rule 4570 as contingency measures. The District explains that Class Two mitigation measures referred to practices that could potentially achieve emissions reductions equal to or greater than those achieved by Class One mitigation measures and were originally included in Rule 4570 to encourage CAF operators to go beyond the basic rule requirements and implement innovative practices to further reduce emissions.[42] However, the District notes that many of the Class Two Mitigation Measures were theoretical measures that had not been demonstrated in practice at CAFs. The District points to its previous evaluation of these Class Two Mitigation Measures in its ''2010 Final Staff Report for the Revised Proposed Amendments to Rule 4570,''[43] where the Class Two Mitigation Measures were found to be technologically or economically infeasible and subsequently removed from Rule 4570. The District highlights the specific example of venting silage to a control device as a Class Two Mitigation Measure found to be infeasible and explains that it is infeasible because active venting introduces air into the silage, whereas silage preservation requires anaerobic conditions.[44]

The next step in the District's analysis was to evaluate the feasibility of adopting certain specific additional mitigation measures as contingency measures in Rule 4570. The District evaluated mitigation measure categories applicable to the San Joaquin Valley, including litter amendments and additives, biofilters, wet scrubbers, anaerobic digestion, injection of liquid and slurry manure, reducing crude protein for beef cattle, reducing crude protein content for dairy cattle, and increased grazing time for dairy cattle. For each mitigation measure, the District evaluated the technological and economic feasibility to determine whether the measure would be feasible for adoption as a contingency measure.[45]

With respect to litter amendments and manure additives, the District separately analyzed acidifying amendments and additives for poultry litter, manure additives, and microbial additives.[46] With respect to acidifying amendments and additives for poultry litter, the District notes that emissions reductions from acidifying amendments and additives for poultry litter have not been quantified in regard to VOC. Furthermore, the District contends that many additives to litter and manure require approval from the CA Regional Water Quality Control Board (RWQCB), may not be allowed, or may be toxic to handle.[47] The District then performed an economic analysis of using aluminum sulfate, commonly referred to as ''alum,'' as an additive to reduce VOC from poultry litter. Based on this analysis, the District concludes that it is not viable to adopt the measure as a contingency requirement to reduce VOC emissions. For manure additives for liquid and slurry manure, the District states that the measure is infeasible due to pH, hydrogen sulfide emissions, and salinity concerns. The District contends that microbial additives are not feasible or practical for operations in the Valley. Citing a study by the National Hog Farmer,[48] the District contends that the effectiveness of microbial manure additives for VOC emissions reduction remains unproven.[49]

When a biofilter is used, exhaust air containing pollutants passes through media that contain an established, diverse population of aerobic microorganisms that oxidize organic contaminants, ammonia, and sulfur compounds. Biofilters have been successfully used to control odors and emissions from industrial sources, and the ''Agricultural Air Quality Conservation Measures, Reference Guide for Poultry and Livestock Systems'' (''USDA Reference Guide'') identifies biofilters as a potential method to control VOC emissions at CAFs.[50] However, the USDA Reference Guide also notes several considerations that must be taken into account when using biofilters to control emissions from CAFs, including the substantial costs involved. The District has evaluated the potential for greater use of biofilters to reduce VOC emissions from CAFs but finds that using biofilters to treat all the exhaust air from CAFs in the San Joaquin Valley is impractical due to the size of the biofilters that would be needed, the energy required to overcome the airflow resistance they create, and the airflow required to cool the enclosed spaces effectively.[51] The District also notes certain other practical difficulties, particularly in connection with biofilter maintenance. In light of all of these considerations, the District concludes that requiring the installation and use of biofilters as a contingency measure to control VOC emissions at CAFs is not feasible.

Wet scrubbers are capable of reducing particulate matter and gas emissions from animal production houses that are mechanically ventilated by physically trapping the particulate matter on wet surfaces and absorbing gases into a liquid. Many of the same technical difficulties posed by installation and maintenance of biofilters at CAFs also apply to installation and maintenance of wet scrubbers at CAFs. Specifically, the District notes that, similar to biofilters, the practicality of scrubbers is limited as a result of their potential to compromise the ventilation airflow rated needed to control temperature in production houses and ensure animal health.[52] Citing the USDA Reference Guide, the District finds that a high air flow rate in the summer, animal housing differences, ongoing maintenance, and

[41] Confined Animal Facilities Supplement, p. 3.

[42] Confined Animal Facilities Supplement, p. 4.

[43] SJVAPCD. San Joaquin Valley Air Pollution Control District Final Staff Report for the Revised Proposed Amendments to Rule 4570, (October 21, 2010). Retrieved from: *https://ww2.valleyair.org/media/ytbe5gaj/agenda_item_7_oct_21_2010.pdf* and included in the docket for this rulemaking.

[44] Confined Animal Facilities Supplement, p. 5.

[45] Confined Animal Facilities Supplement, pp. 5–22.

[46] Confined Animal Facilities Supplement, pp. 6–11.

[47] Confined Animal Facilities Supplement, pp. 7–8.

[48] National Hog Farmer. Evaluating Manure Additives for Odor Mitigation. (February 2, 2021) Retrieved from: *https://www.nationalhogfarmer.com/manure/evaluating-manure-additives-forodor-mitigation* and included in the docket for this rulemaking.

[49] Confined Animal Facilities Supplement, p. 10.

[50] USDA and EPA, Agricultural Air Quality Conservation Measures Reference Guide for Poultry and Livestock Production Systems. (September 2017).

[51] Confined Animal Facilities Supplement, p. 12.

[52] Confined Animal Facilities Supplement, p. 13.

water demand make this mitigation measure infeasible.[53] Additionally, the District notes that they previously demonstrated the economic infeasibility of using wet scrubbers to control emissions from CAFs in the District's ''Ammonia: Supplemental Information for EPA in Support of 15 μg/m^3 annual $PM_{2.5}$ Standard, Appendix B'' (''Ammonia Technical Supplement'').[54]

Anaerobic digesters are systems that break down manure in oxygen-free tanks to produce biogas. In the process of anaerobic digestion, most of the VOC compounds in the substrate are converted to methane, carbon dioxide, and water. The District reports that the California Department of Food and Agriculture (CDFA) has funded the installation of anaerobic digesters at certain dairy CAFs in the Valley. The District notes that a significant obstacle to wider installation and use of anaerobic digesters at CAFs is the high initial and ongoing maintenance costs. The District cites a CDFA reference for the figure of $7.5 million as the average cost for dairy digester projects in California.[55] As such, the District concludes that installation of additional anaerobic digesters in the San Joaquin Valley as a contingency measure is economically infeasible without a stable funding source.[56]

Injection of liquid or slurry manure is generally accepted as a method to reduce emissions relative to traditional surface broadcasting. However, the District notes that nearly all liquid manure in the San Joaquin Valley is already diluted and applied via surface gravity irrigation systems, such as flood and furrow irrigation. The District further notes that this application method reduces emissions because the diluted liquid manure has much lower concentration of VOCs, and liquid manure in furrow and flood irrigation systems emits significantly less VOCs compared to broadcasting.[57] Furthermore, the District contends that no research that has quantified VOC emissions reductions from different methods of land application of manure. Finally, the District notes that to avoid damaging growing crops and to protect water quality, farmers must restrict the frequency, timing, and amount of nitrogen that they can apply to cropland in certain portions of the San Joaquin Valley.[58] Such restrictions further reduce the potential of injection of liquid or slurry manure for adoption as a contingency measure in the San Joaquin Valley.

Reducing the crude protein content for beef and dairy cattle feed has been evaluated as potential measures to reduce ammonia emissions during certain phases of beef and dairy production, and for that reason, the District has evaluated them as potential contingency measures for VOC. The District notes that the potential VOC reductions from these measures have not been quantified, and achievable reductions are uncertain.[59] For beef cattle, the District notes that reducing the crude protein content of the feed as a means of reducing ammonia has only been tested for the finishing cycle of beef cattle lives, and that there are limited opportunities to implement this measure as there are very few finishing cycle feeder beef cattle in the San Joaquin Valley.[60] Furthermore, the District notes that there may be no net reduction in VOC emissions over the life of the cattle because any VOC reductions from reducing the crude protein content of beef cattle feed may be offset due to the longer time necessary to reach market weight.[61]

For dairy cattle, the District notes significant gaps in knowledge of what would occur if crude protein were reduced in dairy cattle, specifically in the San Joaquin Valley. Higher levels of milk production require higher levels of protein, so reducing the crude protein content of feed will probably reduce milk yields.[62] Citing communications with Dr. Peter Robinson, UC Davis Extension Specialist, Dairy Cattle Nutritional Management Department of Animal Science, the District contends that lowering crude protein below required levels results in an immediate negative impact on milk production.[63] The District reasoned, for both of these measures, it is not feasible to adopt this measure as a contingency requirement, given the remaining uncertainties about VOC emissions reductions, the impacts on milk production and animal health, and overall costs.[64]

Increasing the amount of time dairy cows spend grazing is considered a potential VOC mitigation measure because it could reduce ammonia emissions due to less silage consumption and may thus also reduce VOC emissions. Based on a number of assumptions for such parameters as the number of acres of pasture required to allow a mature dairy cow to graze per unit of time, the District estimates that 3.1 million acres of irrigated pasture would need to be available for dairy cows in the San Joaquin Valley to graze for the entire year. The land needed is significantly beyond that which is available. For this reason, the District concludes that increased grazing time for daily cattle is not viable to adopt as a contingency requirement to reduce VOC emissions.[65]

In summary, for all mitigation measures evaluated, the District did not identify any new measures capable of achieving VOC emissions reductions that are technologically and economically feasible. Based on our review of the supplemental analysis, we find that the District has evaluated an appropriate set of potential contingency measures for CAFs and presented a reasonable basis to conclude that the measures are not feasible for adoption as contingency measures at this time. Therefore, we continue to agree with the District's conclusion that there are no feasible contingency measures for this source category.

Comment A–11: Valley Air Advocates assert that the EPA fails to provide a reasoned explanation when it approves CARB's and the District's infeasibility demonstrations when both overlook operational restrictions on heavy duty diesel trucks as potential contingency measures. For example, Valley Air Advocates suggest that CARB or the District could adopt contingency measures that prohibit operation of certain old and highly polluting diesel trucks in the Valley.

Response to Comment A–11: CARB has already adopted control measures intended to reduce NO_X emissions from in-use heavy-duty diesel trucks. In 2008, CARB adopted the Truck and Bus Regulation [66] and later submitted the regulation, as amended in 2011, to the

[53] Confined Animal Facilities Supplement, p. 14.

[54] Ammonia: Supplemental Information for EPA in Support of 15 μg/m3 annual $PM_{2.5}$ Standard, Appendix B. (March 2023). Retrieved from: *https://www.regulations.gov/document/EPA-R09-OAR-2023-0263-0114* and included in the docket for this rulemaking.

[55] Confined Animal Facilities Supplement, p. 15.

[56] Id.

[57] Confined Animal Facilities Supplement, p. 16.

[58] Id.

[59] Confined Animal Facilities Supplement, pp. 18–19.

[60] Confined Animal Facilities Supplement, p. 18.

[61] Journal of Animal Science. Effects of phase-feeding of crude protein on performance, carcass characteristics, serum urea nitrogen concentrations, and manure nitrogen of finishing beef steers (December 1, 2006).

[62] Confined Animal Facilities Supplement, pp. 19–20.

[63] University of California Agriculture and Natural Resources. Ecology and Management of Annual Rangelands Series Part 8: Grazing Management. (December 2020).

[64] Confined Animal Facilities Supplement, p. 20.

[65] Confined Animal Facilities Supplement, 22.

[66] 13 CCR 2025 (''Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles'') (''Truck and Bus Regulation'').

EPA for approval as part of the SIP.[67] Under the Truck and Bus Regulation, by January 1, 2023, nearly all trucks and buses were required to have 2010 or newer model-year engines to reduce particulate matter (PM) and NO_X emissions. To help ensure that the benefits of this regulation are achieved, starting in 2020, only vehicles compliant with this regulation will be registered by the California Department of Motor Vehicles (DMV).

More recently, CARB adopted the Heavy-Duty Inspection and Maintenance Regulation[68] that establishes a comprehensive inspection and maintenance program for non-gasoline combustion vehicles above 14,000 gross vehicle weight rating (GVWR) that operate in California. The regulation is intended to ensure that vehicle emissions control systems on these vehicles are operating as designed and repaired quickly.[69]

The emissions reductions from both these regulations are necessary for California to meet CAA requirements to demonstrate RFP and attainment for the various nonattainment areas within the State. Because they were adopted and are being implemented, they were not available to adopt as contingency measures.

Comment A–12: Valley Air Advocates assert that the EPA fails to provide a reasoned explanation when it approves CARB's and the District's infeasibility demonstrations when both overlook amendments to increase the stringency of the existing Indirect Source Review (ISR) program as potential contingency measures. In this regard, Valley Air Advocates state the EPA did not discuss or consider whether an ISR-based contingency measure adopted by the District, including amendments to Rule 9510, would be feasible.

Response to Comment A–12: Under CAA section 110(a)(5)(A), a state may include in a SIP any ISR program, but the EPA may not require the state to adopt an ISR program as a condition of approval of the SIP. Thus, the District may choose to revise the ISR rule that the District has adopted or adopt an additional ISR rule as a contingency measure, but the EPA cannot require the District to do so even if adopting such a contingency measure would be feasible and would achieve emissions reductions within two years of the triggering event.

B. Comments From Central Valley Air Quality Coalition (CVAQ)[70]

Comment B–1: CVAQ notes that the EPA recently found that the San Joaquin Valley failed to attain the 1997 ozone NAAQS by the June 15, 2024 applicable attainment date and that, as a result, the Smog Check Contingency Measure was triggered for the area. CVAQ also states that the associated emissions reductions from the Smog Check Contingency Measure would be ''extremely small'' and asserts that the CAA requires much more to protect public health. CVAQ notes that the EPA's new interpretation of CAA section 172(c)(9) allows state to claim additional measure to be infeasible, even though the CAA does not provide such an exemption, and urges the EPA to implement the CAA by reinstating the EPA's long-standing interpretation of CAA section 172(c)(9) to require meaningful contingency measures.

Response to Comment B–1: We acknowledge that we now recommend a different approach to determining the amount of emissions reductions that contingency measures should provide to meet CAA section 172(c)(9). Under current guidance, we recommend that states adopt contingency measures that would provide OYW of progress rather than OYW of RFP. We also acknowledge that, for San Joaquin Valley for the 1997 ozone NAAQS, OYW of progress is less than OYW of RFP. Nonetheless, under either metric, we would have expected California to submit a reasoned justification to demonstrate compliance with CAA section 172(c)(9) for the San Joaquin Valley for the 1997 ozone NAAQS because the adopted contingency measure would provide less than OYW of progress or OYW of RFP.

California did submit a reasoned justification in the form of infeasibility documentations in the Smog Check Contingency Measure SIP and in the 2024 SJV Ozone Contingency Measure Plan. We reviewed the infeasibility documentations and concluded that California had identified the contingency measures that are technically and economically feasible and that can achieve emissions reductions within two years of the triggering event. These measures include two adopted measures and commitments for five additional contingency measures for the 2008 ozone 2015 ozone NAAQS. California is not required to also adopt those same measures for the 1997 ozone NAAQS, and California has declined to do so, leaving the Smog Check Contingency Measure as the only contingency measure for San Joaquin Valley for the 1997 ozone NAAQS.[71]

With respect to the allowance for a state to provide a reasoned justification for not adopting contingency measures that achieve OYW of progress (or RFP), we acknowledge in our Revised Contingency Measure Guidance and proposed rule that CAA section 172(c)(9) does not explicitly provide for consideration of whether specific measures are feasible. However, the Agency does not read these statutory provisions to require states to adopt contingency measures that are not feasible. The statutory provisions applicable to other nonattainment area plan control measure requirements, including RACM)/RACT (for ozone and PM), BACM/BACT (for PM), and MSM (for PM), allow air agencies to exclude certain control measures that are deemed unreasonable or infeasible (depending on the requirement). While the contingency measures provisions do not include such caveats, the EPA does not conclude that the contingency measures provisions should be read to require plans to include infeasible measures. Thus, the EPA anticipates that a demonstrated lack of feasible measures would be a reasoned justification for adopting contingency measures that achieve less than the recommended amount of emissions reductions.

Lastly, we note that CARB and the District continue to adopt and implement new control measures that go beyond those that were relied upon in the attainment demonstration for the 1997 ozone NAAQS, such as those that target trucks, consumer products, and agricultural burning for additional reductions, and that will continue to

[67] The EPA approved the Truck and Bus Regulation as part of the SIP at 77 FR 20308 (April 4, 2012).

[68] Amended section: 13 CCR 2193; New sections: 13 CCR 2195, 2195.1, 2196, 2196.1, 2196.2, 2196.3, 2196.4, 2196.5, 2196.6, 2196.7, 2196.8, 2197, 2197.1, 2197.2, 2197.3, 2198, 2198.1, 2198.2, 2199, and 2199.1

[69] The EPA approved the Heavy-Duty Inspection and Maintenance Regulation as it pertains to in-state registered vehicles at 91 FR 5325 (February 6, 2026).

[70] Comments were submitted by Central Valley Air Quality Coalition; Center on Race, Poverty, and the Environment; Valley Improvement Projects (VIP); California Environmental Voters; Central California Asthma Collaborative; and the LEAP (Latino Equity, Advocacy & Policy) Institute (collectively referred to herein as ''CVAQ'').

[71] As the commenter notes, the EPA's determination that the San Joaquin Valley failed to attain the 1997 ozone NAAQS by the June 15, 2024 attainment date triggered the Smog Check Contingency Measure in the San Joaquin Valley. The EPA's determination of failure to attain for the 1997 ozone NAAQS also triggered the requirements of SJVUAPCD Rule 3171 (''Federally Mandated Ozone Nonattainment Fee—1997 8-Hour Standard'') that includes a fee collection program. The fees are used to establish and implement surplus incentive-based emissions-reduction programs. The EPA approved SJVUAPCD Rule 3171 at 91 FR 336 (January 6, 2026).

provide for emissions reductions within the San Joaquin Valley into the future.

C. Comments From California Environmental Voters (CEV)

Comment C–1: CEV suggests that there are additional opportunities for reductions from large stationary sources in the Valley, especially stronger leak detection requirements for oil and gas operations, including active idle oil and gas wells, which the commenter states are more likely to leak VOC and other pollutants. They suggest as a contingency measure that there be more frequent inspections, use of optical gas imaging cameras to detect leaks, and a requirement for timely repairs.

Response to Comment C–1: The District undertook a review of the source categories that include major stationary sources to identify potential contingency measures for the 2008 and 2015 ozone NAAQS.[72] The District concluded that no feasible contingency measures that could achieve emissions reductions within two years of a triggering event were available for these source categories. As described in section III.B. of the proposed rule, we reviewed the District's evaluation in their infeasibility demonstration and agreed with the District's conclusions.

With respect to oil and gas operations in particular, the District reviewed the agency's rules regulating such operations to identify feasible contingency measures for the 2008 and 2015 ozone NAAQS.[73] As described in the section 5.4 of the 2024 SJV Ozone Contingency Measure Plan, six of the rules were amended in 2023 to tighten VOC requirements. Five of the rules were amended specifically to lower the leak detection and repair limit to 500 parts per million by volume (ppmv) to implement best available retrofit control technology (BARCT) as required under State law.[74] The District evaluated lower leak detection and repair thresholds as part of the rule amendment process and found that the incremental cost effectiveness of lowering the leak detection and repair threshold from 500 ppmv to 100 ppmv would be well over $300,000 per ton of VOC reduced.[75] On that basis, the District concluded that lowering the leak detection and repair threshold would not be economically feasible to adopt as a contingency measure. We agree with the District's assessment and conclusion in this regard.

In addition, CARB's Oil and Gas Methane Rule applies to those oil and gas sources in the San Joaquin Valley that are not subject to District requirements. CARB undertook a review of the petroleum production and marketing source categories to identify potential contingency measures for the 2008 and 2015 ozone NAAQS.[76] With respect to leak detection and repair (LDAR), CARB notes that, under the Oil and Gas Methane Rule, LDAR is already mandated on a quarterly basis using a very sensitive methodology (U.S. EPA's Method 21) and that the only exemption that results in a significant number of sources not being subject to LDAR is for equipment handling exclusively heavy oil, which is not economically feasible to control based on analysis using currently available data.[77] For these reasons, CARB concluded that there are no new technologically feasible control measures that CARB can implement as a contingency measure in the Oil and Gas Methane Rule. The EPA agrees with CARB's evaluation and conclusion in this regard.

Comment C–2: CEV suggests that there are opportunities for additional reductions by strengthening and modernizing SJVUAPCD's ISR rule, to account for the growth of distribution centers and related truck traffic in the Valley. They suggest the rule be updated to include tracking of truck activities and suggest that updating the ISR rule could be a contingency measure for ozone.

Response to Comment C–2: Under CAA section 110(a)(5)(A), a state may include in a SIP any ISR program, but the EPA may not require the state to adopt an ISR program as a condition of approval of the SIP. Thus, the District may choose to revise the ISR rule that the District has adopted or adopt an additional ISR rule as a contingency measure, but the EPA cannot require the District to do so, even if adopting such a contingency measure would be feasible and would achieve emissions reductions within two years of the triggering event.

Comment C–3: CEV suggests that the Valley's contingency measure strategy include a pesticide-related contingency measure to reduce VOC emissions. They state that the pesticide category has been under-regulated in the Valley and that residents have expressed concerns about pesticide emissions.

Response to Comment C–3: CARB evaluated the potential for further reduction of VOCs from pesticide use as part of the development of their 2022 State Strategy for the State Implementation Plan (''2022 State SIP Strategy''). As adopted, the 2022 State SIP Strategy includes a pesticides-related committal measure.[78] Specifically, under the 2022 State SIP Strategy, the California Department of Pesticide Regulation (DPR) is committed to the development and implementation of a statewide regulation to address both cancer and acute risks to non-occupational bystanders from the use of 1,3-Dichloropropene (1,3–D), which is a VOC and is a fumigant used to control nematodes, insects, and disease organisms in soil.[79] This regulation is under development by DPR and will address cancer and acute risk from the use of 1,3–D by shifting to application methods with lower 1,3–D emissions or use of other measures to reduce exposure.[80] DPR estimates that the regulation would reduce VOC emissions in the San Joaquin Valley by 0.4 tpd by 2037.[81]

Contingency measures are measures that are held in reserve until triggered by, for example, a determination by the EPA that an area has failed to attain the NAAQS by the applicable attainment date. Because this pesticides-related measure is intended to be implemented upon adoption and not to be held in reserve, it is unavailable for adoption as a contingency measure.

D. Comments From Citizens Rulemaking Alliance (CRA)

Comment D–1: The CRA alleges that the EPA's proposed action suffers from procedural deficiencies under the Paperwork Reduction Act, the Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act (SBREFA), and the Unfunded Mandates Reform Act. The CRA asserts that the action, if finalized, would approve ''contingency measures''

[72] SJVUAPCD, Ozone Contingency Measure State Implementation Plan Revision for the 2008 and 2015 8-hour Ozone Standards, April 25, 2024, sections 5.1 through 5.5.

[73] Id., section 5.4.

[74] The five rules include District Rule 4401 (''Steam-Enhanced Crude Oil Production Wells''), Rule 4409 (''Components at Light Crude Oil Production Facilities, Natural Gas Production Facilities, and Natural Gas Processing Facilities''), Rule 4455 (''Components at Petroleum Refineries, Gas Liquids Processing Facilities, and Chemical Plants''), Rule 4623 (''Storage of Organic Liquids''), and Rule 4624 (''Transfer of Organic Liquids'').

[75] SJVUAPCD, Ozone Contingency Measure State Implementation Plan Revision for the 2008 and 2015 8-hour Ozone Standards, April 25, 2024, section 5.4.

[76] Id., pages 60–66.

[77] Id., page 62.

[78] CARB, 2022 State Strategy for the State Implementation Plan, adopted September 22, 2022, pp. 104 and 105.

[79] Id.

[80] CARB, CARB Review of the San Joaquin Valley 2022 Plan for the 70 ppb 8-Hour Ozone Standard, Staff Report, Release Date: December 16, 2022. Pp. 17–18.

[81] Id., at 18.

for the San Joaquin Valley for the 1997 ozone NAAQS under CAA sections 110(k) and 172(c)(9). By doing so, the CRA contends the EPA would federalize the contingency measures and impose obligations that carry concrete, foreseeable impacts on small entities in the San Joaquin Valley and incorporate information collection and fee/reporting requirements that require proper review under the Paperwork Reduction Act, the Regulatory Flexibility Act/SBREFA, and the Unfunded Mandates Reform Act.

In addition, even if the EPA ultimately concludes that the action is not economically significant for the purposes of Executive Order (E.O.) 12866, the CRA contends that the EPA should either submit the action for review under the E.O. or explain why it does not meet the criteria of section 3(f)(4) of the E.O.. The CRA asks the EPA to supplement the record, conduct the required analyses (or narrow the approval accordingly), and to extend the comment period by at least 60 days to allow members of the public to review any additional analyses that EPA may provide.

Response to Comment D–1: We disagree that further analysis is required or appropriate under the Paperwork Reduction Act, Regulatory Flexibility Act/SBREFA, or the Unfunded Mandates Reform Act, and thus, there is no need to extend the comment period.

In the action that the EPA is finalizing in this document, the EPA is approving the Smog Check Contingency Measure SIP as meeting the attainment-related contingency measure requirements of CAA section 172(c)(9) and as fulfilling the State's commitment made in connection with the EPA's approval of the 1997 ozone NAAQS plan for San Joaquin Valley. The EPA is not approving any contingency measure into the SIP. The Smog Check Contingency Measure SIP relies on the Smog Check Contingency Measure, which the EPA approved in a separate action published at 89 FR 56222 (July 9, 2024). Thus, even if we agreed that approval of control measures or contingency measures as part of a SIP imposes obligations that the EPA must evaluate under the Paperwork Reduction Act, the Regulatory Flexibility Act/SBREFA, and the Unfunded Mandates Reform Act, which we do not, there would be no obligations to evaluate with respect to this particular SIP action because we are not approving any specific measures as part of this action. Rather, we are finding that the measure that we previously approved, in conjunction with the State's justification for not adopting contingency measures sufficient to provide for emissions reductions amounting to OYW of progress, meets the attainment-related SIP requirements of CAA section 172(c)(9) for the San Joaquin Valley for the 1997 ozone NAAQS.

Second, this action is not a significant regulatory action subject to Office of Management and Budget (OMB) review under E.O. 12866 (''Regulatory Planning and Review'') because it is a SIP approval, which is a category of regulations that has been exempted from review under section 3(d)(4) of E.O. 12866.[82] Section 3(f)(4) of the E.O.,[83] which identifies a type of ''significant regulatory action'' under the E.O., is not relevant because ''significant regulatory action'' is a type of ''regulatory action'' that is defined by reference to the terms ''regulation'' or ''rule,'' and SIP approvals are exempt from consideration as a ''regulation'' or ''rule'' for the propose of the E.O.

E. Comments From Concerned Citizen

Comment E–1: This commenter asserts that the EPA has not adequately demonstrated a rational connection between the facts found and the choice made, citing *Motor Vehicle Manufacturers Assoc.* v. *State Farm Mutual Automobile Insurance Co.,* 463 U.S. 29 (1983). The commenter also states that where an agency changes policy or adopts a position with foreseeable public health implications, it must provide a reasoned explanation supported by evidence and that the proposed rule fails to meet this standard. The commenter also asserts:

- The EPA has an obligation to assess cumulative impacts and disproportionate effects on overburdened communities, consistent with Executive Order 12898 and EPA's environmental justice guidance;
- In connection with any EPA action that elevates risks of increased emissions, delayed compliance, or weakened oversight, which directly threatens protected interests, the EPA must demonstrate that the proposed action will not result in adverse public health outcomes; and
- The EPA must consider reasonable alternatives that would achieve statutory objectives with less risk to public health and the environment.

Response to Comment E–1: The commenter does not indicate in what way the EPA has not adequately demonstrated a rational connection between the facts found and the choice made or in what way the proposed rule fails to provide a reasoned explanation supported by evidence. To the extent that the commenter is referring to the EPA's reliance on the principles in the Revised Contingency Measure Guidance, we provide our explanation for, and application of, the principles in the guidance in section 1 of the Revised Contingency Measure Guidance and section III.B. of the proposed rule. We disagree with the other comments for the following reasons:

- The EPA does not have an obligation to assess cumulative impacts and disproportionate effects on overburdened communities, consistent with Executive Order 12898 and EPA's environmental justice guidance because Executive Orders 12898, 14094, and 14096 have been rescinded and because those three executive orders were the foundation for the development of the EPA environmental justice guidance.[84]
- The final action that the EPA is taking in this document would not increase emissions, delay compliance, or weaken oversight. The final action approves a SIP submission as meeting the attainment-related contingency measure requirements under CAA section 172(c)(9) for the San Joaquin Valley for the 1997 ozone NAAQS and finds that the State has fulfilled a commitment made in connection with the EPA's 2012 approval of the attainment plan for the San Joaquin Valley for the 1997 ozone NAAQS.
- The EPA is not required to consider reasonable alternatives that would achieve statutory objectives with less risk to public health and the environment. Under the CAA, the EPA is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this role, EPA is not required to compel the state to consider alternatives to the choices made by the state, provided that the state's choices meet the criteria of the CAA. In this instance, the EPA is concluding that the submission by the State meets the

[82] See, Memorandum dated October 12, 1993, from: Sally Katzen, Administrator, Office of Information and Regulatory Affairs, Subject: Guidance for Implementing E.O. 12866, Appendix C (listing ''rules that unconditionally approve revisions to State Implementation Plans'' as exempted from review).

[83] Section 3(f)(4) of E.O. 12866 provides that '' 'Significant regulatory action' means any regulatory action that is likely to result in a rule that may: . . . (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.''

[84] Signed by the President on January 20, 2025, Executive Order 14148 rescinded Executive Orders 14094 and 14096. Signed by the President on January 21, 2025, Executive Order 14173 rescinded Executive Order 12898.

applicable requirements, and for that reason, we are not required to compel the State to consider alternatives.

F. Comments From Anonymous Commenters

Comment F–1: The anonymous commenters both assert that the 1997 ozone standard and related requirements are insufficient to address the air quality problems in the San Joaquin Valley. One of the anonymous commenters also notes that the contingency measure submitted for the 1997 ozone standard is not adequate for the area because it only targets one source: pollution from vehicles. This commenter notes that there are other sources of emissions that could potentially be controlled in the Valley and points out that the contingency measures proposed for the 2008 and 2015 ozone NAAQS include measures that aim to reduce emissions from other sources, such as coatings and paints. This commenter also suggests additional contingency measures such as VOC emissions from industrial and agricultural sources.

Response to Comment F–1: We note that the EPA continues to review and update, when necessary, the national ambient air quality standards (NAAQS) for ozone and other pollutants. Subsequent to setting the eight-hour ozone NAAQS in 1997, the EPA tightened the ozone NAAQS from 0.08 ppm to 0.075 ppm (in 2008) and then to 0.070 ppm (in 2015). The EPA works with states to implement the 2008 and 2015 ozone NAAQS through review and action on updated rules and regulations and other required SIP revisions.

Meanwhile, CARB and the District have adopted and continue to implement control measures that go beyond the measures that were relied upon in the attainment demonstration for the 1997 ozone NAAQS, such as those that target trucks, consumer products, and agricultural burning for additional reductions,[85] and that will continue to provide for emissions reductions within the San Joaquin Valley into the future. Due to these measures, CARB and the District predict Valley-wide emissions reductions of 35 percent and 5 percent of NO_X and VOC, respectively, between 2023 (the modeled attainment year for the 1997 ozone NAAQS) and 2031 (the attainment year for the 2008 ozone NAAQS) based on implementation of control measures adopted prior to 2022.[86]

With regard to SIP requirements for contingency measures, we expect to take action on SIP submissions for the 2008 and 2015 ozone NAAQS for San Joaquin Valley in the near future. Notwithstanding these upcoming actions, the EPA continues to implement the 1997 ozone NAAQS for certain anti-backsliding purposes, such as contingency measures and the section 185 fee program (fees on sources in the area levied upon failure to attain).

III. EPA Action

For the reasons set forth in our proposed rule and in our responses to comments, we are taking final action to approve the Smog Check Contingency Measure SIP with respect to the CAA's attainment-related contingency measure requirement under CAA section 172(c)(9) for the San Joaquin Valley area for the 1997 ozone NAAQS. Our approval relies on the previously-approved contingency measure for the 1997 ozone NAAQS for the San Joaquin Valley (*i.e.,* the Smog Check Contingency Measure) and the justifications from CARB and the District for not adopting additional contingency measures to provide for the recommended amount of emissions reductions for such measures. Based on this approval, the EPA is also taking final action to determine that the State of California has fulfilled the commitment made by the State in connection with a previous approval action to develop, adopt, and submit attainment contingency measures for the San Joaquin Valley for the 1997 ozone NAAQS meeting the requirements of CAA section 172(c)(9).

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the OMB under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action is subject to the Congressional Review Act (CRA), and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 22, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition

[85] See, *e.g.,* EPA's approval of the Heavy-Duty Vehicle Inspection and Maintenance Regulations at 91 FR 5325 (February 6, 2026); the Consumer Product Amendments at 85 FR 57703 (September 16, 2020); and the new restrictions on agricultural burning at 87 FR 36222 (June 16, 2022).

[86] The District's *2022 Plan for the 2015 8-Hour Ozone Standard* (adopted December 15, 2022) presents a summary of baseline emissions projections in appendix B (''Emissions Inventory''). The percentage reductions cited herein are based on the emissions projections in tables B–1 and B–2 in appendix B. Specifically, table B–1 shows a reduction in NO_X emissions from 157.8 tons per day (tpd) in 2023 to 103.2 tpd in 2031. For VOC, emissions are projected to decrease from 305.8 tpd in 2023 to 290.5 tpd in 2031.

for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 9, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

[FR Doc. 2026–05592 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2020–0164; FRL–12896–02–R6]

Air Plan Approval; Texas; Reasonably Available Control Technology in the Dallas-Fort Worth Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving revisions to the Texas State Implementation Plan (SIP), concerning volatile organic compounds (VOC) and nitrogen oxides (NO_X) Reasonably Available Control Technology (RACT) requirements for the Dallas-Fort Worth (DFW), 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) Serious nonattainment area (NAA). The revisions were submitted by the State of Texas on May 12, 2020, and May 13, 2020. The EPA is approving revisions to 30 Texas Administrative Code (TAC) Chapters 115 and 117 to implement the major source RACT requirements for VOC and NO_X as addressed in the RACT analysis and negative declarations included in the Serious area Attainment Demonstration (AD) SIP revision.

DATES: This rule is effective on April 22, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2020–0164. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Anupa Ahuja, 214–665–2701, *ahuja.anupa@epa.gov,* and Emad Shahin, 214–665–6717, *emad.shahin@epa.gov,* EPA Region 6 Office, Infrastructure and Ozone Section.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our July 24, 2025 [1] and September 5, 2025 [2] proposals (referred to as the ''proposals''). In those actions we proposed to approve Texas' May 13, 2020, RACT SIP revision and May 12, 2020, SIP revision to 30 TAC Chapter 115 and Chapter 117 as meeting the 2008 8-hour ozone Serious classification RACT level control requirements consistent with section 172(c)(1) and 182 of the CAA. The EPA's July 24, 2025, action proposed to determine that the Texas SIP revisions fulfill the Serious NO_X RACT requirements for the DFW NAA for the 2008 ozone NAAQS and to approve the concurrent Chapter 117 rule revisions. The EPA's September 5, 2025, action proposed to determine that the Texas SIP revisions meet the Serious RACT requirements for CTG and non-CTG VOC major sources [3] for the 2008 ozone NAAQS and to approve the concurrent Chapter 115 rule revisions. The relevant Texas SIP revisions included Texas' finding that previously approved federally enforceable limits on cement kilns continue to fulfill RACT requirements, and CTG RACT negative declarations for the following categories of sources fiberglass boat manufacturing materials, surface coating for flat wood paneling, letterpress printing, shipbuilding and ship repair surface coating operations, vegetable oil manufacturing, and rubber tire manufacturing categories. Texas also submitted negative declarations for several CTG categories for Wise County: graphic arts—rotogravure and flexography, flexible package printing, refinery vacuum producing systems and process unit turnarounds, wood furniture manufacturing, and manufacture of synthesized pharmaceutical products. Texas stated in its May 13, 2020, submittal that it did not locate any major sources subject to the NO_X Emissions from Nitric or Adipic Acid Manufacturing Alternative Control Techniques (ACT) document. The EPA has already taken final action through a different rulemaking process to approve the requirement for implementation of RACT for sources covered by the 2016 Oil and Natural Gas Industry Control Techniques Guidelines (CTG).[4]

During the EPA's July and September 2025 public comment periods, the EPA received a total of six comments on our proposals. As explained in further detail below, several comments were received on a NO_X Technical Support Document (TSD) that is not associated with this action and those comments do not reflect our evaluation of Texas' RACT SIP submittal or current Texas rules. In the NO_X TSD associated with this action, the EPA gathered and analyzed relevant information including Texas' rulemaking record which contained information on specific control technologies and technical and economic feasibility for the Emissions Specifications for Attainment Demonstration (ESAD) rates, Texas Register documents which included Texas' response to comments on the rulemaking, and recent documents issued by EPA (such as the 2017 OTC Draft White Paper on Control Technologies, OTC State Regulations from Eight Source Categories, 2019 OTC State Regulations from Eight Source Categories, and 2019 OTC Regulatory and Technical Guideline for Control of Nitrogen Oxides (NO_X), and Emissions from Natural Gas Pipeline Compressor Fuel-Fired Prime Movers). In the VOC TSD for this action, the EPA gathered and analyzed relevant information including comparing Texas' CTGs and non-CTG major source RACT rules to other relevant state VOC RACT rules, and reviewed EPA's RACT/BACT/LAER Clearinghouse (RBLC), NSPS, MACT standards, and NESHAPs, where applicable. Consistent with this analysis, we proposed to determine that Texas' EPA-previously-approved Chapters 115 and 117 rules still fulfill the RACT level of control requirements

[1] 90 FR 34812 (July 24, 2025).

[2] 90 FR 42885 (September 5, 2025).

[3] Sources emitting VOCs in a quantity greater than the Serious area major source definition (50 tpy) and not covered by a CTG category or previously approved RACT rule.

[4] The EPA's approval of the revisions to the Texas SIP concerning RACT requirements for sources covered by the 2016 Oil and Natural Gas Control Techniques Guidelines (CTG) for the DFW and HGB. nonattainment areas under the 2008 ozone NAAQS. *See* 88 FR 55379 (August 15, 2023).

for sources of VOC and NO_X in the DFW Serious ozone nonattainment area for the purpose of the 2008 ozone NAAQS.

In this final action, we are responding to comments received on both NO_X and VOC proposals. The comments are available in the docket for this action.

II. Response to Comments

A. Disproportionate Impacts of NAAQS Violations to Communities

Comment: Commenters stated that the EPA failed to incorporate environmental justice analyses.

Response: First, the EPA notes that Executive Order 14148, ''Initial Rescission of Harmful Executive Orders and Actions'' (90 FR 8237, January 28, 2025), revoked certain past Executive Orders that specifically addressed environmental justice concerns, including Executive Order 12898 and Executive Order 14094. Further, under section 110(k)(3) of the CAA, the EPA is required to approve a SIP submission that complies with the provisions of the CAA. The EPA has determined that the RACT SIP submittals at issue in this action meet all applicable requirements of the CAA, and therefore the EPA is finalizing approval of the relevant SIP revisions. Implementation of RACT is designed to assist with improving air quality in the nonattainment area.

B. Concerns Regarding RACT Control Technologies and Determination

Comment: Commenters claim that the EPA provided a cursory NO_X RACT analysis in its TSD.

Response: As an initial note, commenters appear to be commenting on a TSD that is not associated with this action and is neither fully cited nor made available for additional reference purposes by commenters. Specifically, commenters reference a document titled ''EPA Technical Support Document (TSD), Oxides of Nitrogen (NO_X) Reasonably Available Control Technology (RACT): Dallas—Fort Worth (DFW) 2008 8-Hour Ozone Nonattainment Area,'' Docket No'' (the commenters' reference does not include a docket number). Furthermore, in some comments, commenters reference TSD page numbers that are greater than 27 pages, which is the length of the TSD for this action.

The commenters reference a TSD that is not the NO_X TSD that the EPA published in the docket for the proposed rulemaking. The NO_X TSD for the proposed rulemaking is titled, ''Technical Support Document, Reasonably Available Control Technology Application Analysis for Nitrogen Oxides in the Dallas-Fort Worth 2008 Ozone Serious Nonattainment Area.''

The commenters' reference to an unrelated TSD is evidenced further by other comments, which will be addressed on a comment-by-comment basis in this Response to Comments section. However, even if commenters were referring to the correct TSD, the EPA still disagrees with the comment. The EPA's TSD provides an extensively detailed evaluation of Texas' NO_X RACT limits that includes a review and comparison to recent Best Available Control Technology (BACT) determinations in the RBLC, recent documents issued by the EPA to compare to Texas' SIP submittal, and rules in other states where similar sources exist in nonattainment areas to support our approval.[5]

Comment: Commenters claim that Texas failed to impose new RACT emissions limits in Wise County, despite such limits being technologically and economically feasible.

Response: Referencing the incorrect TSD, commenters make a broad general claim regarding all RACT limits in Wise County. This general comment did not provide any technological or economic feasibility information specific to any limit for any category of sources to support their cursory statement for sources in Wise County. We note that other comments with greater specificity to the type of source and specific limits were received and our responses to those comments follow below in this document. The EPA's NO_X TSD (available in the docket for this action) details relevant information, including BACT, RACT rules in other states, the 2019 OTC Regulatory and Technical Guideline for Control of Nitrogen Oxides (NO_X) Emissions from Natural Gas Pipeline Compressor Fuel-Fired Prime Movers, the 2017 OTC Draft White Paper on Control Technologies, and OTC State Regulations from Eight Source Categories, considered in support of our proposed approval of the Wise County RACT rates (pages 9–12 of the NO_X TSD).

Comment: Commenters claim that the EPA's TSD states that the EPA is conditionally approving the NO_X RACT limits for the Martin Marietta Cement plant and that these limits are not part of the SIP submission.

Response: Commenters appear to be commenting on an unrelated TSD to this action. The EPA took final action to fully approve these limits into the SIP on February 22, 2019 (84 FR 5601).

[5] *https://www.epa.gov/catc/ractbactlaer-clearinghouse-rblc-basic-information.*

C. Control Technologies

Comment: Commenters state that NO_X emissions limits in California's South Coast Air Quality Management District (SCAQMD) for electric generating units (EGUs) are lower than Texas' RACT rules. Commenters point to the SCAQMD's 2022 proposal of Rule 1135(d)(1) table 1, which limits NO_X emissions from EGUs to 5 parts per million by volume (ppmv) and lower. Commenters claim, with specific TSD page references, that the EPA's TSD does not address RACT for gas-fired EGUs and only references the 1994 Alternative Control Techniques (ACT) for utility boilers.

Response: Similar to previous comment responses in this document, commenters reference specific pages of an unrelated TSD to support their comment. Again, the specific pages referenced in their comment do not correspond to the TSD associated with this action. The EPA's NO_X TSD associated with this action does not reference the 1994 ACT as the basis for our approval. The EPA disagrees that our NO_X TSD fails to address EGUs (see pages 24–26 of the NO_X TSD included in the docket).

Based on the information made available in the docket for this action and in consideration of the comment received, we are responding to provide additional clarity concerning the SCAQMD Rule 1135(d)(1) limit, aside from the commenters review of the unrelated TSD and rules. The SCAQMD Rule 1135(d)(1) is titled ''Emissions Limits for Boilers and Gas Turbines'', and states that the emissions limits in table 1 apply ''On and after January 1, 2024''. In response to this comment, EPA reviewed SCAQMD's 2018 ''Draft Staff Report, Proposed Amended Rule 1135'' (the ''Staff Report'').[6] Of particular relevance in our review of the Staff Report, is SCAQMD's determination that it has the authority to require equipment replacement to meet state emissions standards: ''SCAQMD retains broad statutory authority to adopt emission-control requirements for stationary sources, and that authority may require equipment replacement, as long as the requirement is not arbitrary and capricious.'' [7]

With respect to *boilers,* the Staff Report examines all of the natural gas boilers to which the limit would apply. The Staff Report states that ''18 of 23 natural gas boilers are planned to be shutdown. Of those 18 natural gas boilers, all but four of them will be shut

[6] See ''par-1135---dsr---final'', available in the docket.

[7] *Id.*

down by January 1, 2024. . . . Another . . . two natural gas boilers scheduled for shutdown in 2025 and the two natural gas boilers scheduled for shutdown in 2029. Three natural gas boilers are expected to be repowered to natural gas turbines or renewable power sources. However, if they are not, they will be required to meet the proposed limit. . . . The last two natural gas boilers have not been in operation since 2012.'' The EPA notes that of the affected natural gas boilers, 20 out of 23 sources will meet the Rule 1135(d)(1) limit through shutdowns. The EPA also notes that the remaining three are expected to be either converted to natural gas-fired turbines (thus will no longer be boilers) or repowered to renewable power sources (thus will no longer be gas-fired). Notably, the Staff Report does not include any evaluation or even identification of any ''reasonably available control technology considering technical and economic feasibility'' [8] that could be applied to these existing gas-fired boiler units to meet the Rule 1135(d)(1) limit with the unit continuing to remain a natural gas-fired boiler.

It appears that the Rule 1135(d)(1) limit that commenters claim to be RACT for natural gas-fired boiler EGUs is actually a specific RACT limit for natural gas-fired boiler EGUs *that will be converted to natural gas-fired turbines or repowered to renewables,* but we do not agree that Rule 1135(d)(1) limits are RACT for natural gas-fired boiler EGUs where the state *does not* require conversion to natural gas-fired turbines or repowering to renewables for this category of sources to meet RACT. Therefore, SCAQMD Rule 1135(d)(1) is not comparable to Texas' Chapter 117.1310 limits due to the differences in the category of sources regulated.

For natural gas-fired utility boilers, our NO_X TSD (see pages 24–26) detailed relevant information considered, including but not limited to, EPA's 2023 EGU NO_X Mitigation Strategies Final Rule TSD and RACT rules in other states for this category of sources. EPA concluded that Texas' ESAD limits for utility boilers are comparable to performance of Selective Catalytic Reduction (SCR) on gas-fired utility boilers and fulfill RACT requirements.

With respect to *stationary gas turbine EGUs,* the Staff Report examines both natural gas combined cycle and simple cycle gas turbines. All of the combined cycle gas turbines are equipped with selective catalytic reduction (SCR) pollution control equipment, and 15 out of 23 units are already permitted at 2 parts per million (ppm), which is the Rule 1135(d)(1) limit for this category of sources. Of the remaining 8 units, two are limited to 2.5 ppm and the remaining units have limits ranging from 7 ppm–9 ppm. For simple cycle gas turbines, out of the total 59 units, all but two are equipped with SCR. The two units without SCR are used sporadically to support renewable power generation and can use the low-use provisions to be exempt from the limit. For the remaining 57 SCR equipped units, 37 units are permitted at or below the Rule 1135 limit of 2.5 ppm, and 20 units are equipped with SCR and have a permit emission limitation of 5 ppm.

It appears that the Rule 1135(d)(1) limits, which commenters claim to be RACT for all stationary gas turbine EGUs, may be RACT *specifically for stationary gas turbines with SCR EGUs that are already permitted at or near Rule 1135(d)(1) rates,* but we do not agree these rates are RACT for existing units without SCR where the state does not require replacement to meet state limits. Therefore SCAQMD Rule 1135(d)(1) rates are not comparable to Texas' Chapter 117.1310 limits due to the differences in the category of sources regulated.

As detailed on page 26 of our NO_X TSD for stationary gas turbines EGUs, the EPA reviewed relevant information, including 2017 OTC Draft White Paper on Control Technologies and OTC State Regulations from Eight Source Categories and RACT rules in other states, in support of our approval.

Comment: Commenters claim Texas fails to establish RACT for gas-fired boilers and process heaters because Texas' RACT limits for gas-fired boilers are higher than other state's RACT rules. In support of their claim, commenters refer to California SCAMQD Rule 1146(c)(1)(A) which limits NO_X from industrial boilers and process heaters to a NO_X limit of 0.035 lb/MMBtu or lower, and a New York State NO_X RACT limit of 0.05–0.08 lb/MMBtu for gas-fired boilers.

Response: SCAQMD Rule 1146 applies to boilers, steam generators, and process heaters. Specifically, SCAQMD Rule 1146(c)(1)(A) applies to ''All Units Fired on Gaseous Fuels''. Under the Texas rules, 30 TAC Chapter 117.410 regulates process heaters and gas-fired boilers as separate categories. Considering the significant differences in the applicability of Rule 1146(c)(1)(A) and the applicability of Texas' Chapter 117.410 rates (explained further below), the EPA disagrees with commenters claims regarding natural gas-fired boilers and process heaters for categories of sources in nine of the ten DFW NAA Counties. For these two categories of sources, Texas' Chapter 117.410 includes ESAD limits that are applicable to nine out of ten counties included in the DFW NAA. These Texas ESAD rates include a range of limits and are comparable to SCAQMD's Rule 1146(c)(1)(A) rates and lower than the New York State RACT rule cited by the commenters (see pages 12 and 14 of the NO_X TSD). The remaining county in the DFW NAA, Wise County, does not have any gas-fired boilers.

With respect to process heaters in Wise County, EPA notes that SCAQMD 1146 (c)(1)(A) rule applies to ''all units firing gaseous fuels'' and the rule is applicable to ''boilers, steam generators, and process heaters'', not solely to process heaters. The EPA further notes that ''process heaters'' have a different definition than ''thermal fluid heaters''. In response to this comment, EPA reviewed the record associated with the development of the limits in SCAQMD Rule 1146.[9] The SCAQMD ''Final Staff Support'' report extensively documents the testing data of the units to which these limits apply.[10] There was no discussion on ''process heaters'' in the Final Staff Support document, thus EPA is unable to verify that any process heaters exist or were considered in setting the limit for Rule 1146(c)(1)(A) ''All Units'' limit that commenters claim to be RACT for process heaters. It appears that SCAQMD's Rule 1146(c)(1)(A) that commenters claim to be RACT for process heaters is actually RACT specifically for gaseous fuel fired boilers and steam generators and not process heaters. Therefore, SCAQMD's Rule 1146(c)(1)(A) is not comparable to Texas' Chapter 117.410 limits due to the differences in the category of sources regulated.

Thermal fluid heaters can be considered a subcategory of process heaters and are subject to SCAQMD Rule 1146(c)(1)(L) (which commenters do not cite, but we discuss here since it regulates a subcategory of process heaters). In the Final Staff Support document, there was a discussion on ''thermal fluid heaters'', which states that ''Source tests records from a total of 14 thermal fluid heaters ranging from 2 MMBtu/hr to 10 MMBtu/hr with emissions limit of 30 ppm were evaluated. Five out of 14 units source tested substantially (≤64%) below the

[8] Memorandum from Roger Strelow, EPA Assistant Administrator ''Guidance for Determining Acceptability of SIP Regulations in Non-attainment Areas'', December 9, 1976.

[9] See ''SCAQMD Rule 1146 development'' available in the docket.

[10] *Id.*

permit limit. Out of the five units, 3 units were new or modified equipment permitted at BACT and 2 units utilized burner replacements. This shows that it is technically feasible for thermal fluid heaters applicable to Rule 1146.1 and Rule 1146 thermal fluid heaters to achieve an emission level of 12 ppm with burner replacements after providing at least 10% buffer for rule compliance.'' [11] The EPA notes that only ''thermal fluid heaters'' already achieving 30 ppm were evaluated and that the Rule 1146 limit could only be achieved with burner replacements of existing units having undergone a ''major modification'' to trigger the installation of control equipment that met BACT requirements. It appears that SCAQMD determined existing units could not meet these limits without BACT level control. As a result, SCAQMD Rule 1146(c)(6) extends the date of compliance for existing sources as far out as 2033; for units permitted to construct or permitted to operate prior to ''December 7, 2018, must meet the limits in Rule 1146(c)(1) by 2033 or when 50% or more of the unit's burners are replaced whichever is earlier.'' It further appears that SCAQMD 1146(c)(1)(L) may be RACT for *existing units with emissions limits of 30 ppm and will have a 50% burner replacement at some future date,* but we do not agree that these rates are RACT for existing process heaters where the state does not require a 50% burner replacement at some future date to meet a future compliance date. Therefore, SCAQMD Rule 1146 (c)(1)(L) is not comparable to Texas' Chapter 117.405 limits for Wise County due to the differences in the category of sources regulated. The EPA's NO_X TSD details relevant information, including RACT rules in other states and economic and technical feasibility issues considered by Texas in support of our approval for the Wise County RACT limits for process heaters (see page 10 of the NO_X TSD).

Comment: Referencing pages 37 of a TSD, commentors claim that EPA's TSD only considered the 1994 ACT for process heater and industrial boilers.

Response: Commenters again reference specific pages of an unrelated TSD to support the basis of their comment. As the EPA has previously detailed in this document, the specific pages referenced by the commentor do not correspond to the TSD associated with this action and included in the docket for this action. The EPA's NO_X TSD associated with this action does not reference the 1994 ACT as the basis for our approval. The EPA's analysis of process heaters (see pages 10 and 14 of the NO_X TSD) did not consider the 1994 ACT. The EPA considered and discussed in a previous response, the relevant information and consideration for the process heaters category of sources in support of its proposed approval for this category of sources.

Comment: Commenters provided comments related to the SCAQMD's Rule 1134, Emissions of Oxides of Nitrogen From Stationary Gas Turbines, and specifically Rule 1134(d)(3) related to Emissions Limitations. Commenters state that SCAQMD's Rule 1134(d)(3) applicability threshold starts at 0.3 megawatt (MW) stationary gas turbines and that Texas only sets limits for 10 MW or greater units. Commenters claim that Texas' limits are higher than SCAQMD's Rule 1134, which range from 2–12.5 ppm. Commenters also included specific comments related to turbine units located in Bexar County and Wise County. In Bexar County, commenters stated that turbine units must be subject to RACT. For Wise County, commenters claim that the TSD quotes reasoning from Texas for limits in Wise County and generalized arguments about the cost of implementing retrofit technology without providing adequate support. Commenters reference specific page numbers from a TSD to claim that the TSD cites information from 1994 and prior RACT approval.

Response: As previously detailed in this action, commenters are referencing specific pages of an unrelated TSD and the EPA's NO_X TSD associated with this action does not reference the 1994 ACT as the basis for our approval. EPA disagrees that its NO_X TSD cited information from 1994 and prior RACT approvals as the basis for our approval. Commenters cited to pages that are not present in our NO_X TSD that was included in the docket. The EPA also disagrees that Texas' limits are only applicable to stationary gas turbines greater than 10 megawatts (MW); commenters appear to be commenting on threshold applicability rules that do not exist for the DFW NAA. RACT for Bexar County is outside the scope of this action because Bexar County is not part of the DFW NAA. The DFW NAA under the 2008 8-hour ozone NAAQS includes the counties of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise.

Based on the information made available in the docket for this action and consideration of the comment received, we are responding to provide additional clarity concerning stationary gas turbines. All existing stationary gas turbines are regulated in the DFW NAA under Chapters 117.405 and 117.410.

SCAQMD Rule 1134(d)(3) which commenters claim to be RACT, states that the table 1 limits are applicable ''On and after January 1, 2024, or when required by a Permit to Construct or Permit to Operate, whichever occurs first''. The EPA notes that a Permit to Construct is required for new sources and does not apply to existing sources.

SCAQMD Rule 1134(d)(3) table 1 lists five different stationary gas turbine limits that vary depending on the type of turbine (simple or combined cycle), and type of fuel (natural gas, pipeline gas, produced gas, or other gas). Texas Chapter 117.405 and Chapter 117.410 apply limits based only upon the turbine's size. As such, EPA believes that the limits cannot be directly compared because Texas may not have all of the same types of stationary gas turbines as SCAQMD. The EPA notes that Texas' limit of 0.032 lb/MMbtu (which converts to 9 ppm) for the largest size of stationary gas turbine, in nine of the DFW NAA Counties, is comparable to SCAQMD's limit of 8 ppm for Natural Gas Simple Cycle Pipeline Gas Turbines.

In response to this comment, the EPA reviewed SCAQMD's 2018 ''Preliminary Draft Staff Report, Stationary Gas Turbines'' (the ''Preliminary Draft Staff Report''). [12] Table 2–2, Natural Gas Combined Cycle Gas Turbines, identifies information on the sources in this category. The EPA's review notes that all but one of units appear to be operating at or just above the limits provided for in Rule 1134(d)(3) for sources that commenced operation in 2009 or later, equipped with SCR as new or replacement units. Preliminary Draft Staff Report, Table 2–3—Natural Gas Simple Cycle Gas Turbines identifies the information on sources in this category. All but two of the units permitted at 5 ppm or lower have SCR and were installed in 2001. SCAMQD recognizes that a unit would have to be a new or replacement unit with SCR by providing a low-use provision in Rule 1134(h)(4) for existing units without SCR that are unable to meet the limit without replacement. Furthermore, the Preliminary Draft Staff Report discusses SCAQMD's determination that it has the authority to require equipment replacement to meet state emissions standards: ''The SCAQMD retains broad statutory authority to adopt emission-control requirements for stationary sources, and that authority may require equipment replacement, as long as the

[11] *Id.,* at page 2–6

[12] See ''par-1134---pdsr---;final'', available in the docket.

requirement is not arbitrary and capricious.'' [13]

It appears that the use of SCR either as a new installation or as a replacement unit is the basis of Rule 1134(d)(3) limits. While Rule 1134(d)(3) limits may be RACT *for gas-fired turbines with SCR where the state requires existing units to be replaced to meet RACT,* we do not agree that Rule 1134(d)(3) limits are RACT for existing gas-fired turbines where the state does not require units to be replaced to meet RACT. Therefore, SCAQMD Rule 1134(d)(3) is not comparable to Texas' Chapter 117.405 and 117.410 due to the differences in sources regulated.

As detailed in our analysis in the NO_X TSD, Texas stated that ''Compliance with the emission specification of 0.032 lb/MMBtu for stationary gas turbines and duct burners used in turbine exhaust ducts may require the installation of SCR. The emission specifications for all stationary gas turbines . . . are expected to be achievable through combustion modifications such as water or steam injection or other modifications''.[14]

Texas considered the same technologies as identified as SCAQMD when determining the Chapter 117.410 ESAD rates for the nine DFW NAA counties. However, applying the same control technology to existing units and achieving the same rate as a new or replacement unit subject rates presents reasonable technological and economic feasibility issues.

For Chapter 117.405 rates in Wise County, Texas stated ''These limits for industrial gas turbines are based on . . .comments and supplemental information provided by affected source owners and operators: retrofit options or kits to reduce NO_X emissions may not exist for some of these particular makes and models; some units have already been retrofitted with dry low-NO_X combustors to reduce emissions and thus may be unable to further reduce NO_X emissions; and in some cases the cost to retrofit the unit may be more than the cost of a new unit. . . Additional information provided by commenters indicated unit performance variability among various turbine model ratings, and stack test data provided by an affected source owner or operator for specific units identified in Wise County, indicated greater unit-specific performance variability. The commission therefore determined that 0.55 lb/MMBtu for units rated less than 10,000 hp is an appropriate RACT control level considering current performance levels of existing units in Wise County''.[15]

As detailed in the NO_X TSD on pages 11–12 for Wise County and pages 15–16 for the other nine DFW NAA Counties, the EPA considered relevant information, including the 2017 OTC Draft White Paper on Control Technologies and OTC State Regulations from Eight Source Categories, 2019 OTC Regulatory and Technical Guideline for Control of Nitrogen Oxides (NO_X) Emissions from Natural Gas Pipeline Compressor Fuel-Fired Prime Movers, and RACT rules in other states in support of its proposed approval of Texas' limits for this category of sources.

Comment: Commenters claim that Texas fails to establish RACT for gas-fired, stationary, internal combustion engines. Commenters state that the State of New York limits gas-fired, stationary internal combustion engines with a mechanical output rating of 200 bhp or greater to 1.5 g/bhp-hr which applies to rich-burn and lean-burn engines. Commenters claim that Texas' rule does not cover lean-burn engines. Commenters also claim that the EPA's TSD provided no support for our proposed approval and cited information from 1994 and previous approvals. Commenters cite to pages in a TSD in support of their statements.

Response: Based on the information made available in the docket for this action and consideration of the comment received, we are responding to provide additional clarity concerning RACT for gas-fired, stationary, internal combustion engines. Again, as previously detailed in this action, commenters are referencing specific pages of a TSD that is not associated with this action. The New York State rule that commenters cite is applicable to 200 hp or greater engines. This limit from a New York State rule is for engines that are only fired with natural gas. New York State's RACT limits for engines that are fired with other types of fuel range from 2.0–2.3 grams per brake hp-hr (g/bhp-hr). Unlike New York State's rule, which has a size applicability threshold, Texas' limits for stationary internal combustion engines apply to all engines. Texas' limits for rich-burn engines in nine of the ten counties in the DFW NAA are lower than New York State's RACT limit (see page 14 of the NO_X TSD). Texas' limits in Wise County are comparable to the New York State rule (see pages 10–11 of the NO_X TSD).

Commenters incorrectly claim that Texas' rules do not cover lean-burn engines. Texas' Chapter 117.405 and 117.410 rules limit NO_X emissions from lean-burn engines and these emission limitations apply to all sizes of engines, not just those of 200 brake hp or greater (see pages 10–11, and 14 of the NO_X TSD). Texas presented economic considerations in setting the rate for pre-2015 lean-burn engines in Wise County (discussed in detail in a later comment in this action). Texas does not apply different limits for different fuels, unlike New York State's rule. Wise County's RACT rate for post-2015 engines, 2.0 g/hp-hr, is comparable to New York's RACT rates considering all fuel types. For the other nine counties in the DFW NAA, all ESAD rates for lean-burn engines are lower than New York State's RACT rule (see pages 10–11, and 14 of the NO_X TSD). The EPA disagrees that our NO_X TSD cited 1994 information and past approvals as the basis for its proposed approval. The NO_X TSD for this action details our review of relevant information, including 2019 OTC Regulatory and Technical Guideline for Control of Nitrogen Oxides (NO_X) Emissions from Natural Gas Pipeline Compressor Fuel-Fired Prime Movers, 2017 OTC Draft White Paper on Control Technologies and OTC State Regulations from Eight Source Categories and RACT rules in other states for this category of sources. Commenters appear to have reviewed a TSD other than the one associated with this action.

Comment: Commenters made a claim that, for gas-fired stationary engines where Texas and the EPA believes that existing rules constitute RACT, they must provide justification that stronger controls are infeasible. Commenters claim that the cost of these controls must be computed in order to know whether the retrofit would be economically feasible. Commenters state that Texas acknowledges that the limits adopted for Wise County are less stringent than elsewhere in the DFW area.

Response: Commenters present no new technologies or other RACT limits that are lower than the ESAD limits in nine out of the ten counties in the DFW NAA for this category of sources. Commenters also do not present any cost data demonstrating the economic feasibility of new retrofit technologies for sources in Wise County. The EPA acknowledges that the Wise County RACT rates for lean burn engines appear to be higher than the other nine counties' ESAD limits. While the Wise County RACT rates for lean burn engines appear to be higher than the

[13] *Id.*

[14] See 32 TexReg 3206 (June 8, 2007), available in the docket.

[15] See 40 TexReg 3695 (June 19, 2015), available in the docket.

ESAD limits for the other nine counties in the DFW NAA, Texas addressed this issue in their rulemaking record. Specifically, Texas stated that requiring the same limits in Wise County ''may necessitate the installation of SCR technology. SCR would cost more than the technologies already evaluated for the particular stationary engines in Wise County, and would likely result in the replacement of many of the gas-fired lean-burn engines in Wise County. Such an outcome is contrary to the definition of RACT, *i.e.,* the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonable available considering technological and economic feasibility. A control level cannot represent RACT for a ''particular source'' if it is more cost effective to replace that source with an entirely new source in order to meet the emission limitation. Additionally, the commission is allowed to make source-specific RACT determinations, as the definition of RACT states. The commission contends that the NO_X emission specifications in adopted § 117.405(b)(2)(B) present RACT for the particular gas-fired lean-burn engines in Wise County.'' [16]

As stated on page 11 of the NO_X TSD, EPA reviewed recent information including, New York State's RACT limit, 2019 OTC Regulatory and Technical Guideline for Control of Nitrogen Oxides (NO_X) Emissions from Natural Gas Pipeline Compressor Fuel-Fired Prime Movers, 2017 OTC Draft White Paper on Control Technologies and OTC State Regulations from Eight Source Categories, and Texas' rulemaking records, in support of its proposed approval of the Wise County RACT limits and ESAD limits for this category of sources (see pages 11 and 14 of the NO_X TSD).

D. Notice & Comment

Comment: Commenters claim that the EPA's Federal Register publication is inadequate, because the proposal does not identify the specific facilities that are the subject of the rule making and a person would have no way of knowing whether to be ''interested'' in the rule making without resorting to the technical support document in the docket.

Response: The EPA disagrees with the comment. We are required to provide adequate notice to the public and interested parties, and we did this through publishing a document in the **Federal Register**, where we outlined Texas' RACT program featuring rules for specific industry sectors. In that notification, we also provided our analysis to support why Texas' SIP revisions and existing rules fulfill the Serious RACT requirements for the DFW nonattainment area for the 2008 ozone NAAQS. Finally, in our document we provided a link to the online docket that contains all of the supporting materials, and EPA's technical support documents that contain our extensive analysis of the Texas RACT program.

This approach to public notice is consistent with EPA's previous proposed approval for the Moderate RACT requirements for the DFW nonattainment area for the 2008 ozone NAAQS (82 FR 33026 (July 19, 2017)), and EPA's recent RACT proposed approval actions.[17]

Comment: Commenters state that the notification is inadequate because, according to the Office of the Federal Register, proposed rulemaking must provide ''a statement of the proposed rule's basis and purpose . . . in plain language that the reader can easily understand.''

Response: Based on the information provided by the commenter, it is unclear how the information provided by the EPA failed to meet the direction provided by the Office of the Federal Register. In the EPA's proposals for this action, the EPA provided background information, an explanation of Texas' SIP submission, the EPA's analysis, and the proposed publications. The proposals were further supplemented by technical support documents for both NO_X and VOC emissions.

Comment: Commenters refer to the Office of Federal Register's ''Document Drafting Handbook'' [18] (DDH) and state that the document must include a physical mailing address for persons who wish to submit comments by mail and noted that the EPA's proposed rulemaking does not include this information.

Response: The DDH states that all proposed rulemakings ''must have at least one address.'' [19] The DDH then provides a list of potential addresses that an agency could use, including addresses for mailing public comments, sending public comments electronically, hand-delivering public comments, or attending a public hearing (or meeting). In the proposals for this action, the EPA properly complied with the DDH by offering an address to send public comments electronically (via *www.regulations.gov*), and by providing an email address where a potential commenter could contact the EPA staff contact to submit comments via alternative methods.

E. Texas Commission on Environmental Quality (TCEQ) Comments

The EPA received comment letters from the TCEQ in support of our proposals. TCEQ requested clarification and administrative corrections to the VOC and NO_X TSDs.

VOC TSD

TCEQ requested the following corrections to the VOC TSD:

- In table 2 on page 6, TCEQ requests the EPA correct the CTG Reference Document for Cutback Asphalt, which is mislabeled as Control of Volatile Organic Emissions from Bulk Gasoline Plant.
- In table 2 on page 7, TCEQ requests the EPA correct the CTG Reference Document for Petroleum Liquid Storage Fixed Roof Tanks CTG to document number EPA–450/2–77–035.
- In the Stage 1 Vapor Control Systems (1975) table on page 32 of the TSD, TCEQ requests the EPA remove the floating roof tank from the Texas Requirement Summary. While a floating roof tank may be an equivalent control under 30 TAC § 115.223, this control option is not specifically mentioned in 30 TAC §§ 115.221–115.229.
- In the Tank Truck Gasoline Loading Terminals (1977) table on page 40 of the TSD, TCEQ requests the EPA remove the floating roof tank from the Texas Requirement Summary. While a floating roof tank may meet the 90% control requirement at 30 TAC § 115.212 or be considered an equivalent control under 30 TAC § 115.213 or 30 TAC § 115.223, it is not specifically mentioned in 30 TAC §§ 115.211–115.219 or 30 TAC §§ 115.221–115.229.
- In the Surface Coating of Metal Furniture (1977) and Metal Furniture Coatings (2007) table on page 42 of the TSD, TCEQ requests that the EPA add 30 TAC §§ 115.450–115.459 to the Texas Requirement Summary. TCEQ implemented the 1977 CTG in 30 TAC §§ 115.420–115.429 and the 2007 CTG in 30 TAC §§ 115.450–115.459. The EPA's stated range of 2.3 to 5.1 pound per gallon (lb/gal) applies to 30 TAC § 115.453. The correct limit in 30 TAC § 115.421(2) is 3.0 lb/gal.

[16] See 40 TexReg 3695 (June 19, 2015), available in the docket.

[17] *See e.g.,* EPA's proposed approval notices for areas in Arizona (91 FR 6557 (February 12, 2026)), Ohio (90 FR 41925 (August 28, 2025)), and Colorado (90 FR 25960 (June 18, 2025)).

[18] *See* Office of the Federal Register, ''Document Drafting Handbook,'' page 2–8 (Aug. 2018 ed.), available at *https://www.archives.gov/files/federal-register/write/handbook/ddh.pdf.*

[19] *Id.*

• In the Bulk Gasoline Plants (1977) table on pages 45–46 of the TSD, TCEQ requests the EPA remove the floating roof tank from the Texas Requirement Summary. While a floating roof tank may meet the 90% control requirement at 30 TAC § 115.212(a)(5) or be considered an equivalent control under 30 TAC § 115.213, it is not specifically mentioned in 30 TAC §§ 115.211–115.219.

• In the Surface Coating of Miscellaneous Metal Parts and Products (1978) and Control Techniques for Miscellaneous Metal Parts Coatings (2008) table on page 50 of the TSD, TCEQ requests the EPA add 30 TAC §§ 115.450–115.459 to the Texas Requirement Summary. TCEQ implemented the 1978 CTG in 30 TAC §§ 115.420–115.429 and the 2008 CTG in 30 TAC §§ 115.450–115.459.

• In the Graphic Arts–Rotogravure and Flexography table on pages 55–56 of the TSD, TCEQ requests the EPA correct the Texas Requirement Summary. TCEQ rules contain a requirement for 90% control of captured vapors and capture requirements for various printing processes ranging from 60% to 75%.

• In the Petroleum Liquid Storage in External Floating Roof Tanks (1978) table on page 57 of the TSD, TCEQ requests the EPA correct the Texas Requirement Summary. TCEQ rules in 30 TAC §§ 115.110–115.119 require various combinations of a submerged fill pipe, floating roof, floating roof with seals, and/or a vapor control system based on the vapor pressure of the liquid stored and size of the tank.

• In the Aerospace (1997) table on pages 70–71 of the TSD, TCEQ requests the EPA correct the Texas Requirement Summary. TCEQ rules in 30 TAC §§ 115.420–115.429 require VOC content limits ranging from 60 to 1,230 grams per liter. The cleaning solvents used must be over 80% water by volume or have a composite vapor pressure less than or equal to 45 millimeters of mercury at 20 degrees Celsius. Conventional spray application is prohibited.

NO_X TSD

Comment: TCEQ stated their support for the proposed approval. TCEQ requested the following changes: (1) on page 11, remove the incorrect reference to SCR, (2) on page 14, remove the incorrect reference to SNCR, (3) the correct ratings are less than 1 MW; 1.0 MW or greater, but less than 10MW; and 10 MW or greater. TCEQ also requested correcting minor discrepancies in the VOC TSD table of states' RACT comparisons.

Response: The EPA has provided final NO_X and VOC TSDs that reflect these corrections to the supplemental TSDs and the corrected TSDs are available in the docket.

F. Other Comments

The EPA received several comments that were not relevant to this action and/or which were outside the scope of this action. Consistent with CAA section 110, a SIP is designed to address the relevant NAAQS pollutant and its precursors. For ozone nonattainment purposes, the EPA is required to review the State's SIP revision to determine if it meets the RACT requirements of the CAA. RACT requirements for the ozone NAAQS apply to NO_X and VOC, which are ozone precursors.

Comment: Commenters claim that the EPA's review does not adequately address the potential for increased carbon dioxide (CO_2) and other greenhouse gas (GHG) emissions, the Texas analysis provided does not appear to include an evaluation of the potential GHG impacts, and an overall environmental impact must also consider the economic costs associated with increased CO_2 emissions. Commenters request that the EPA include an analysis of CO_2 emissions changes associated with the proposed RACT determinations, and the environmental impacts of carbon pollution.

Response: Emissions and impacts associated with CO_2 and other GHG emissions are outside of the scope of this action.

Comment: Commenters recommend if an area does not meet Federal standards then any and all industry in the State that does not meet air quality standard emissions be immediately shut down until air quality standards are met and sustained for one quarter. The commenters also recommended the implementation of a mandatory prison sentence for repeat polluters.

Response: Cessation of operation of industrial sources, enforcement, and penalties are outside the scope of this action.

Comment: Commenter stated their support for the approval and implementation of the proposed regulation to protect the environment and reduce pollution.

Response: The EPA appreciates the support.

III. Final Action

The EPA is approving the SIP revisions submitted by Texas on May 12, 2020, and May 13, 2020, that fulfill the Serious RACT requirements for the DFW nonattainment area for the 2008 ozone NAAQS. The EPA is also approving the concurrent 30 TAC Chapters 115 and 117 rule revisions. Specifically, the EPA is approving amendments to 30 TAC Chapter 115, *Control of Air Pollution from Volatile Organic Compounds,* §§ 115.10, 115.111, 115.112, 115.119, and 115.421, and 30 TAC Chapter 117, *Control of Air Pollution from Nitrogen Compounds,* §§ 117.10, 117.403, 117.8000, and 117.9030, into the Texas SIP. The 30 TAC Chapter 115 and 117 amendments implement major source NO_X and VOC RACT requirements to the DFW nonattainment area for the 2008 8-hour ozone NAAQS Serious classification.

We are also approving in this action the CTG VOC RACT negative declarations for the following categories of sources: fiberglass boat manufacturing materials, surface coating for flat wood paneling, letterpress printing, shipbuilding and ship repair surface coating operations, vegetable oil manufacturing, rubber tire manufacturing categories; for Wise County only: graphic arts—rotogravure and flexography, flexible package printing, refinery vacuum producing systems and process unit turnarounds, wood furniture manufacturing, and manufacture of synthesized pharmaceutical products.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference the revisions to the Texas 30 TAC Chapters 115 and 117 regulations as described in Section III of this preamble, Final Action. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k);

40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because State Implementation Plan approvals under the CAA are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the final rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 22, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 10, 2026.

Walter Mason,

Regional Administrator, Region 6.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart SS—Texas

■ 2. In § 52.2270:

■ a. In paragraph (c), the table titled ''EPA Approved Regulations in the Texas SIP'' is amended by revising the entries for ''Section 115.10'', ''Section 115.111'', ''Section 115.112'', ''Section 115.119'', ''Section 115.421'', ''Section 117.10'', ''Section 117.403'', ''Section 117.8000'', and ''Section 117.9030''; and

■ b. In paragraph (e), the table titled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP'' is amended by adding entries for ''VOC RACT negative declarations for fiberglass boat manufacturing materials, surface coating for flat wood paneling, letterpress printing, shipbuilding and ship repair surface coating operations, vegetable oil manufacturing, and rubber tire manufacturing; for Wise County only: graphic arts—rotogravure and flexography, flexible package printing, refinery vacuum producing systems and process unit turnarounds, wood furniture manufacturing, and manufacture of synthesized pharmaceutical products'', ''Dallas-Fort Worth 2008 eight-hour ozone serious nonattainment NO_X RACT demonstration'', and ''Dallas-Fort Worth 2008 eight-hour ozone serious nonattainment VOC RACT demonstration'' to the end of the table.

The revisions and additions read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA Approved Regulations in the Texas SIP

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
Chapter 115 (Reg 5)—Control of Air Pollution From Volatile Organic Compounds Subchapter A—Definitions				
Section 115.10	Definitions	3/4/2020	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
Subchapter B—General Volatile Organic Compound Sources Division 1: Storage of Volatile Organic Compounds				
*	*	*	*	*
Section 115.111 ...	Exemptions	3/4/2020	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
Section 115.112 ...	Control Requirements	3/4/2020	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
*	* * *	*	* * *	
Section 115.119 ...	Compliance Schedules	3/4/2020	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
*	* * *	*	* * *	
Subchapter E—Solvent-Using Processes				
*	* * *	*	* * *	
Division 2: Surface Coating Processes				
*	* * *	*	* * *	
Section 115.421 ...	Emission Specifications	3/4/2020	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
*	* * *	*	* * *	
Chapter 117—Control of Air Pollution from Nitrogen Compounds Subchapter A—Definitions				
. Section 117.10	Definitions	3/4/2020	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
Subchapter B—Combustion Control at Major Industrial, Commercial, and Institutional Sources in Ozone Nonattainment Areas				
*	* * *	*	* * *	
Division 4—Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Major Sources				
*	* * *	*	* * *	
Section 117.403 ...	Exemptions	3/4/2020	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
*	* * *	*	* * *	
Subchapter G—General Monitoring and Testing Requirements Division 1—Compliance Stack Testing and Report Requirements				
Section 117.8000	Stack Testing Requirements	3/4/2020	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
*	* * *	*	* * *	
Subchapter H—Administrative Provisions Division 1—Compliance Schedules				
*	* * *	*	* * *	
Section 117.9030	Compliance Schedule for Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Major Sources.	3/4/2020	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	
*	* * *	*	* * *	

* * * * * (e) * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
* * *	*	*	*	*
VOC RACT negative declarations for fiberglass boat manufacturing materials, surface coating for flat wood paneling, letterpress printing, shipbuilding and ship repair surface coating operations, vegetable oil manufacturing, and rubber tire manufacturing; for Wise County only: graphic arts—rotogravure and flexography, flexible package printing, refinery vacuum producing systems and process unit turnarounds, wood furniture manufacturing, and manufacture of synthesized pharmaceutical products.	Dallas-Fort Worth, TX, 2008 8-hour ozone NAAQS nonattainment area.	3/4/2020	3/23/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS.	For the DFW Serious classification
Dallas-Fort Worth 2008 eight-hour ozone serious nonattainment NO_X RACT demonstration.	Dallas-Fort Worth, TX, 2008 8-hour ozone NAAQS nonattainment area.	5/12/2020	3/23/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	
Dallas-Fort Worth 2008 eight-hour ozone serious nonattainment VOC RACT demonstration.	Dallas-Fort Worth, TX, 2008 8-hour ozone NAAQS nonattainment area.	5/13/2020	3/23/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	

* * * * *

[FR Doc. 2026–05607 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2025–1741; FRL- 13115–02–R1]

Air Plan Approval; New Hampshire; Single Source VOC RACT Order for Hutchinson Sealing Systems

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of New Hampshire. This revision approves of a revised reasonably available control technology (RACT) order for Hutchinson Sealing Systems, located in Newfields, New Hampshire. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on April 22, 2026.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2025–1741. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

FOR FURTHER INFORMATION CONTACT: Meredith Gutierrez, Energy and Resilience Branch (ERB), Air and Radiation Division (ARD) (Mail Code 5–MD), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts, 02109–3912; telephone: (617) 918–1193; email: *gutierrez.meredith@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose
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I. Background and Purpose

On December 11, 2025 (90 FR 57416), EPA published a Notice of Proposed Rulemaking (NPRM) for the State of New Hampshire. The NPRM proposed approval of revised RACT Order ARD–11–001 for Hutchinson Sealing Systems, Inc., located in Newfields, New Hampshire. The formal SIP revision was submitted by New Hampshire on April 17, 2025.

Other specific requirements of New Hampshire's RACT order and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here. No public comments were received on the NPRM.

II. Final Action

EPA is approving revised RACT Order ARD–11–001 for Hutchinson Sealing Systems as a revision to the New Hampshire SIP.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the RACT Order ARD–11–001 dated April 17, 2025, issued by the New Hampshire DES to Hutchinson Sealing Systems as set forth below in the amendments to 40 CFR part 52. Amended RACT Order ARD–11–001 dated January 24, 2025, maintains the previously established limits of volatile organic compound content in motor vehicle weatherstrip adhesive coatings produced by Hutchinson Sealing Systems. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please

contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). Because this is a rule of particular applicability, EPA is not required to submit a rule report regarding this action under section 801.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 11, 2026.

Mark Sanborn,

Regional Administrator, EPA Region 1.

For the reasons stated in the preamble the Environmental Protection Agency amends part 52 of chapter I, title 40 of the Code of Federal Regulations to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart EE—New Hampshire

■ 2. In § 52.1520(d), amend the table by revising the entry ''Hutchinson Sealing Systems'' to read as follows:

§ 52.1520 Identification of plan.

* * * * *

(d) * * *

EPA APPROVED NEW HAMPSHIRE SOURCE SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date[2]	Additional explanations/§ 52.1535 citation
*	*	*	*	* * *
Hutchinson Sealing Systems.	ARD–11–001	1/24/2025	3/23/2026, [91 FR [Insert **Federal Register** page where the document begins]].	Revised single source VOC RACT Order for facility in Newfields, NH and replaces previously approved single source VOC RACT order from 2012 (77 FR 66388).
*	*	*	*	* * *

[2] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

[1] 62 FR 27968 (May 22, 1997).

* * * * *

[FR Doc. 2026–05567 Filed 3–20–26; 8:45 a.m.]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2025–0232; FRL–12930–02–R5]

Air Plan Approval; Ohio; Volatile Organic Compounds RFD Beaufort

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a May 2, 2025, State Implementation Plan (SIP) submittal from the Ohio Environmental Protection Agency (Ohio EPA). The SIP submittal consists of an alternate control technology emission limit of 5.9 pounds of volatile organic compounds per gallon (lbs. VOC/gallon) for RFD Beaufort, Inc.'s life raft manufacturing plant at 1420 Wolf Creek Trail, Wadsworth, Ohio. This limit applies to the facility's nylon reinforced polyurethane adhesive process. The limitation is established through the Ohio SIP for control of emissions of volatile organic compounds (VOCs) from stationary sources and is listed as an enforceable condition in the facility's operating permit, issued by Ohio EPA on March 25, 2025.

DATES: This final rule is effective on April 22, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2025–0232. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *https://www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Tyler Salamasick, at (312) 886–6206 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Tyler Salamasick, Air and Radiation Division (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard Chicago, Illinois 60604, telephone number: (312) 886–6206, email address: *salamasick.tyler@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background Information

On September 25, 2025 (90 FR 46120), the EPA proposed to approve a SIP submittal from the Ohio EPA. The SIP submittal consists of an alternate control technology emission limit of 5.9 lbs. VOC/gallon for RFD Beaufort, Inc.'s life raft manufacturing plant at 1420 Wolf Creek Trail, Wadsworth, Ohio. This limit applies to the facility's nylon reinforced polyurethane adhesive process. An explanation of the Clean Air Act requirements, a detailed analysis of the revisions, and the EPA's reasons for proposing approval were provided in the notice of proposed rulemaking (NPRM) and will not be restated here. The public comment period for this proposed rule ended on October 27, 2025.

During the comment period, the EPA received comments from one commenter regarding the Regulatory Flexibility Act (RFA), the Paperwork Reduction Act (PRA) and materials incorporated by reference. The comments are included in the docket for this action.

These comments were in regard to the EPA procedures and not the substance of the NPRM. None of the comments address a specific regulation or provision in question. We are finalizing our action as proposed.

II. Response to Comments

The commenter requested the EPA withdraw the direct final rule and provide an additional 30 days of public comment period. The EPA had published a proposed rule, not a direct final rule. The proposed rule included a comment period.

The commenter also made arguments regarding the applicability of the RFA and the PRA. The RFA and PRA are not applicable to the rulemaking because this rule will not have a significant economic impact on a substantial number of small entities. The regulatory analysis provisions of the RFA are only triggered by a threshold determination by the Agency that the rule will have a significant economic impact on a substantial number of small entities. This rulemaking does not impose any regulatory requirements beyond those imposed by State law.

The EPA has complied with the PRA by certifying in the rule that the PRA does not apply because the action does not involve an information collection burden as defined by the Clean Air Act. Specifically, the EPA is not posing identical questions or imposing identical reporting and recordkeeping requirements on ''ten or more persons.'' *See* 40 CFR 1320.3(c).

The commenter requested that the EPA include the documents that are being incorporated by reference in the docket. The EPA provided those materials during the proposed rulemaking in docket EPA–R05–OAR–2025–0232 on *https://www.regulations.gov.*

III. What action is the EPA taking?

The EPA is approving the alternative emissions limitation for Emission Unit Group 1: R001, R002, R003, R004, R005, R006, R007, R008, R009, R010 by approving permit conditions C.1.b)(1)c. and C.1.b)(2)c. into the Ohio SIP as listed in the March 25, 2025, final permit to install and operate (P0127562).

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Ohio permit conditions in section III of this preamble and set forth in the amendments to 40 CFR part 52 below. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the Clean Air Act as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the

[1] 62 FR 27968 (May 22, 1997).

provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This rule is exempt from the Congressional Review Act because it is a rule of particular applicability.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 22, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: March 5, 2026.

Anne Vogel,

Regional Administrator, Region 5.

For the reasons stated in the preamble, title 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. In § 52.1870, the table in paragraph (d) is amended by adding a new entry for ''RFD Beaufort, Inc.'' before the entry for ''Reilly Industries, Inc'' to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED OHIO SOURCE-SPECIFIC PROVISIONS

Name of source	No.	Ohio effective date	EPA approval date	Comments
*	*	*	* * *	*
RFD Beaufort, Inc	P0127562	3/25/2025	3/23/2026, 91 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	Only paragraphs C.1.b)(1)c. and C.1.b)(2)c.
*	*	*	* * *	*

* * * * *

[FR Doc. 2026–05568 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–0625; FRL–12877–03–R9]

Air Plan Revisions; California; Mojave Desert Air Quality Management District; New Source Review; Stationary Source Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing conditional approval of five permitting rules as a revision to the Mojave Desert Air Quality Management District (MDAQMD or the ''District'') portion of the California State Implementation Plan (SIP). These are revisions to the District's New Source Review (NSR) air permitting program rules for new and modified sources of air pollution under part D of title I of the Clean Air Act (CAA or ''Act'').

DATES: This rule is effective on April 22, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2025–0625 at *https://www.regulations.gov.* All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Cecelia Working, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; by phone: (213) 244–1911; or by email to *working.cece@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action and Interim Final Determination To Stay or Defer Sanctions
II. Public Comments and EPA Action
III. Incorporation by Reference
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I. Proposed Action and Interim Final Determination To Stay or Defer Sanctions

On July 24, 2025 (90 FR 34785), the EPA proposed to conditionally approve the rules listed below. Table 1 lists the rules addressed by this proposal with the dates they were amended or revised by the MDAQMD and submitted by the California Air Resources Board (CARB), the agency that serves as the governor's designee for California SIP submittals.

TABLE 1—SUBMITTED RULES

Rule No.	Rule title	Adoption/ amendment date	Submitted date
1301	New Source Review Definitions	3/25/2024	8/7/2024
1302 [a]	New Source Review Procedure	3/25/2024	8/7/2024
1303	New Source Review Requirements	3/25/2024	8/7/2024
1304	New Source Review Emissions Calculations	3/25/2024	8/7/2024
1305	New Source Review Emission Offsets	3/25/2024	8/7/2024

[a] Subsections 1302(C)(5)(d) and 1302(C)(7)(c)(iii) of Rule 1302 specifically state that subsections 1302(C)(5) and 1302(C)(7)(c) are not submitted to the EPA and are not intended to be included as part of the California SIP.

A. What was the purpose of the submitted rule revisions?

The August 7, 2024 submittal is intended to address certain deficiencies that the EPA had identified in earlier versions of the MDAQMD Rules 1301, 1302, 1303, 1304, and 1305. The deficiencies pertain to certain applicable nonattainment NSR (NNSR) requirements under the CAA, in part D of title I of the Act, and the implementing regulations under 40 CFR part 51.165. Portions of the MDAQMD are currently designated as Moderate nonattainment for the 1987 PM_{10} NAAQS and as Severe nonattainment for the 2008 and 2015 8-hour ozone NAAQS.[1] The rules listed in Table 1 are intended to replace the rules currently in the SIP.

In our proposed rule, we determined that the MDAQMD's submitted rules could not be fully approved without supplementation from the MDAQMD and CARB. However, we determined that the submitted rules could be conditionally approved based upon commitments from the MDAQMD and CARB to supplement MDAQMD Rule 1304 through submission, as a SIP revision (within one year of our final conditional approval action), of a revised MDAQMD rule that would rescind the deficient provision from MDAQMD Rule 1304.[2] Please see our proposed rule for more information concerning the background for this action and for a more detailed discussion of the rationale for our conditional approval of MDAQMD Rules 1301, 1302, 1303, 1304, and 1305.

B. Interim Final Determination To Defer Sanctions

In addition, on July 24, 2025,[3] the EPA published an Interim Final Determination to stay the imposition of the offset sanction and defer the imposition of the highway sanction that was triggered by our June 30, 2023 limited disapproval of an earlier version of the MDAQMD's NSR rules.[4]

II. Public Comments and EPA Action

The EPA's proposed action provided a 30-day public comment period. The public comment period on the proposed rule opened on July 24, 2025, the date of its publication in the **Federal Register**, and closed on August 25, 2025. During this period, the EPA received one comment letter submitted by an anonymous commenter. The EPA also received one comment letter from an anonymous commenter on the interim final determination to defer sanctions that accompanied the proposed rule. Copies of the comment letters are included in the docket for this action and accessible at *https://www.regulations.gov.*

Comment #1: The commenter requests that the EPA require the MDAQMD and permit applicants to include carbon dioxide emission estimates and the associated social cost calculations for new or modified sources, provide technical guidance on using the federal social cost of carbon in permit evaluations, and consider the long-term climate and economic consequences of exempting or under-evaluating carbon dioxide emissions in future permit decisions.

Response to Comment #1: The EPA does not agree with the commenter. This action relates to the MDAQMD's minor and NNSR programs and the EPA's minor and NNSR regulations do not require states to regulate carbon dioxide.[5]

[1] 40 CFR 81.305.

[2] See 90 FR 34785, 34787–88.

[3] 90 FR 34766.

[4] 88 FR 42258.

[5] See 75 FR 31514, 31520 (June 3, 2010) (''There is no NAAQS for CO_2 or any of the other well-mixed GHGs, nor has EPA proposed any such NAAQS; therefore, unless and until we take further such action, we do not anticipate that the nonattainment NSR program will apply to GHGs.'').

Continued

Comment #2: The commenter encourages the EPA to assess the potential greenhouse gas emissions impact of deferred sanctions, provide guidance to state and local agencies on incorporating carbon dioxide co-benefit analyses into SIP-related compliance and enforcement decisions, and ensure that regulatory flexibility does not compromise long-term environmental resilience or undermine the public trust in CAA enforcement.

Response to Comment #2: As we explain above in our response to the comment we received on the proposed action on MDAQMD's rules, the EPA does not regulate carbon dioxide or other well-mixed greenhouse gases through the minor or NNSR programs. In addition, the EPA does not consider the comment on regulatory flexibility to be germane to this action, which is limited to our evaluation of the MDAQMD's minor and NNSR rules for compliance with specific statutory and regulatory provisions that we describe in detail in our proposed rulemaking documents. Our proposed action contains our analysis of how the MDAQMD's submittal addresses, for the most part, the substantive minor and NNSR statutory and regulatory requirements. Our proposed action also contains the EPA's analysis that Rule 1304 contains a remaining deficiency and the fact that CARB and the MDAQMD have provided a written commitment to address this deficiency within one year of the effective date of this final action. This analysis provides the basis for our stay of the imposition of sanctions.

The comments we received on our proposed action and on our interim final determination do not change our assessment of the submitted rules, as described in our proposed action. Therefore, the EPA is taking final action to conditionally approve the submitted rules into the SIP. Pursuant to CAA section 110(k)(4), we are finalizing our conditional approval of the August 7, 2024 submittal of MDAQMD Rules 1301, 1302, 1303, 1304, and 1305, on the basis that they mostly address the substantive statutory and regulatory requirements for minor and NNSR permit programs. Our approval is conditional on the basis of a commitment by CARB and the MDAQMD to revise Rule 1304 to correct the remaining deficiency within one year of the effective date of this final conditional approval action. Our action will be codified through revisions to 40 CFR 52.220 (Identification of plan—in part) and 40 CFR 52.248 (Identification of plan—conditional approval). Pursuant to 40 CFR 52.31(d)(3)(iii), our conditional approval of the August 7, 2024 submission stays the application of the offset and highway sanctions unless this conditional approval converts to a disapproval or the EPA proposes to or takes final action to disapprove in whole or in part the revised SIP the State submits to fulfill its commitment in the conditionally-approved plan.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference the MDAQMD Rules 1301, 1302, 1303, 1304, and 1305, which the MDAQMD adopted on March 25, 2024. These rules are intended to address the CAA's statutory and regulatory requirements for NNSR permit programs for major sources emitting nonattainment air pollutants under part D of title I of the CAA. The EPA has made, and will continue to make, these materials available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to review state choices and approve those choices if they meet the minimum criteria of the Act. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law.

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not expected to be an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have Tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction, and will not impose substantial direct costs on Tribal governments or preempt Tribal law. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that

EPA rulemakings have clarified that stationary source preconstruction permitting requirements for GHGs do not apply to nonmajor sources. Id; see also 80 FR 26183 (May 7, 2015), 80 FR 50199 (August 19, 2015). Our position on these topics remains unchanged.

the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it merely approves state law as meeting federal requirements. Furthermore, the EPA's Policy on Children's Health does not apply to this action.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

K. Congressional Review Act (CRA)

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 22, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 11, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(600)(i)(A)(*9*) and (c)(631) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(600) * * *

(i) * * *

(A) * * *

(*9*) Previously approved on June 30, 2023, in paragraphs (c)(600)(i)(A)(*3*)–(*7*) of this section and now deleted with replacement in paragraphs (c)(631)(i)(A)(*1*)–(*5*) of this section: Rule 1301, ''New Source Review Definitions''; Rule 1302, ''New Source Review Procedure'' (except subsections (C)(5) and (C)(7)(c)); Rule 1303, ''New Source Review Requirements''; Rule 1304 ''New Source Review Emissions Calculations''; and Rule 1305, ''New Source Review Emission Offsets''; all of which were amended on March 22, 2021.

* * * * *

(631) The following regulations were submitted electronically on August 7, 2024, by the Governor's designee as an attachment to a letter dated August 7, 2024.

(i) *Incorporation by reference.* (A) Mojave Desert Air Quality Management District.

(*1*) Rule 1301, ''New Source Review Definitions,'' amended on March 25, 2024.

(*2*) Rule 1302, ''New Source Review Procedure,'' (except subsections 1302(C)(5) and 1302(C)(7)(c)), amended on March 25, 2024.

(*3*) Rule 1303, ''New Source Review Requirements,'' amended on March 25, 2024.

(*4*) Rule 1304, ''New Source Review Emissions Calculations,'' amended on March 25, 2024.

(*5*) Rule 1305, ''New Source Review Emissions Offsets,'' amended on March 25, 2024.

(B) [Reserved]

(ii) [Reserved]

* * * * *

■ 3. Section 52.248 is amended by adding paragraph (n) to read as follows:

§ 52.248 Identification of plan—conditional approval.

* * * * *

(n) The EPA is conditionally approving the California State Implementation Plan (SIP) for Mojave Desert for the 2008 ozone NAAQS, 2015 ozone NAAQS, and 1987 PM_{10} NAAQS with respect to the nonattainment New Source Review requirements of CAA section 173. The conditional approval is based on a commitment from the Mojave Desert Air Quality Management District (District) in a letter dated June 12, 2025, to adopt a specific rule revision, and a commitment from the California Air Resources Board (CARB) dated June 17, 2025, to submit the amended District rule to the EPA within 12 months of the effective date of the final conditional approval. If the District or CARB fail to meet their commitments within one year of the effective date of the final conditional approval, the conditional approval is treated as a disapproval.

[FR Doc. 2026–05591 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–2833; FRL–13057–02–R9]

Determination of Attainment by the Attainment Date But for International Emissions for the 2015 Ozone National Ambient Air Quality Standards; Phoenix-Mesa Nonattainment Area, Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or ''Agency'') is taking final action to determine that the Phoenix-Mesa nonattainment area (''Phoenix-Mesa area'') would have attained the 2015 ozone national ambient air quality standards (NAAQS or ''standards'') by the August 3, 2024 ''Moderate'' area attainment date, but for emissions emanating from outside the United States. As a consequence of this action, the Phoenix-Mesa area is not

subject to the Clean Air Act (CAA) requirements pertaining to reclassification upon failure to attain and remains classified as a Moderate nonattainment area for the 2015 ozone NAAQS. This final action fulfills the EPA's statutory obligation to determine whether the Phoenix-Mesa area attained the NAAQS by the attainment date. As a result of this final action, the State is no longer required to submit attainment and reasonable further progress (RFP) contingency measures for this area.

DATES: This rule is effective March 23, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2025–2833. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Karina O'Connor, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; telephone number: (415) 972–3498; email address: *oconnor.karina@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, the use of ''Agency,'' ''we,'' ''us,'' or ''our'' refers to the EPA.

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I. Summary of the EPA's Proposed Action

On November 19, 2025, the EPA proposed to find that the Phoenix-Mesa area would have attained the 2015 ozone NAAQS of 0.070 parts per million (70 parts per billion (ppb)) by the Moderate area attainment date of August 3, 2024, but for emissions emanating from outside the United States, and is therefore not subject to the CAA requirements pertaining to reclassification upon failure to attain.[1] We briefly summarize the proposal in this section.

CAA section 181(b)(2)(A) requires that within six months following the applicable attainment date, the EPA shall determine whether an ozone nonattainment area attained the ozone standard based on the area's Design Value (DV) as of that date. If the EPA determines that an area failed to attain, then CAA section 181(b)(2)(A) requires the area to be reclassified by operation of law to the higher of: (1) the next higher classification for the area, or (2) the classification applicable to the area's DV as of the determination of failure to attain. CAA section 181(b)(2)(B) of the CAA requires the EPA to publish the determination of failure to attain and accompanying reclassification in the **Federal Register** no later than six months after the attainment date.

The EPA originally designated and classified the Phoenix-Mesa area as a Marginal ozone nonattainment area for the 2015 ozone NAAQS with an attainment date of August 3, 2021.[2] On October 7, 2022, the EPA determined that the Phoenix-Mesa area did not attain the standard by the Marginal attainment date, and thus the area was reclassified as Moderate by operation of law, with an attainment date of August 3, 2024.[3] Because a DV for this NAAQS is based on the three most recent, complete calendar years of data, attainment must occur no later than December 31 of the year prior to the attainment date (*i.e.,* December 31, 2023, in the case of Moderate nonattainment areas for the 2015 ozone NAAQS with an August 3, 2024 attainment date). Therefore, the EPA's determination for the Phoenix-Mesa area is based in part upon the complete, quality assured, and certified ambient ozone air monitoring data from calendar years 2021, 2022, and 2023. The DV for this period is 80 ppb, indicating that the Phoenix-Mesa area did not attain the 2015 ozone NAAQS of 70 ppb by its August 3, 2024 attainment date.

CAA section 179B(b) provides that where a state demonstrates to the Administrator's satisfaction that an ozone nonattainment area would have attained the NAAQS by the applicable attainment date but for emissions emanating from outside the United States, that area shall not be subject to the provisions of CAA section 181(b)(2).[4] In the event an air agency does not demonstrate to the Administrator's satisfaction that it would have attained the NAAQS but for international emissions, CAA section 179B(b) does not excuse that area from the provisions of CAA section 181(b)(2).

On September 24, 2025, the Maricopa Association of Governments (MAG) submitted to the EPA for review the ''MAG 2025 Clean Air Act Section 179B(b) Retrospective Demonstration of the Impact of International Emissions on Ozone Concentrations in the Maricopa Nonattainment Area'' (''Demonstration'').[5] Using several lines of evidence, MAG evaluated the extent to which ambient ozone levels in the Phoenix-Mesa area have been affected by international emissions. The Demonstration includes a conceptual model of ozone formation in the Phoenix-Mesa area including a discussion of the meteorological and topographic conditions that influence ozone formation, modeling to quantify international contribution, information about precursor emissions and ozone air quality trends, and an analysis of the transport patterns influencing the area. In addition, MAG provided information to support the exclusion of data from days that it found to be ''atypical wildfire exceedance days'' from the calculation of the base DV and the relative response factors used to quantify the international contribution in the modeling.

On November 19, 2025, the EPA proposed to find that MAG established to the satisfaction of the Administrator that, consistent with CAA section 179B(b), the Phoenix-Mesa area would have attained the 2015 ozone NAAQS by the Moderate area attainment date of August 3, 2024, but for emissions emanating from outside the United States, and is therefore not subject to the provisions of CAA section 181(b)(2)(A) and therefore would not be reclassified based on failure to attain.[6] The EPA also proposed that, if the Agency were to finalize the proposed CAA section 179B(b) determination, the State would no longer be required to submit contingency measures under CAA

[1] 90 FR 52019.

[2] 83 FR 25776 (June 4, 2018), effective August 3, 2018.

[3] 87 FR 60897.

[4] Note that the statute cites to 42 U.S.C 7511(a)(2), but that provision establishes ozone attainment deadlines for severe areas under the 1-hour standard. The EPA has long interpreted the citation in CAA section 179B(b) to be a scrivener's error that was supposed to refer to 42 U.S.C. 7511(b)(2), which refers to consequences for failure to attain by the attainment date. See 57 FR 13498, 13569, n. 41 (April 16, 1992).

[5] Letter dated September 24, 2025, from Ed Zuercher, Executive Director, MAG, to Lee Zeldin, Administrator, EPA.

[6] 90 FR 52019.

section 172(c)(9) for the Phoenix-Mesa 2015 ozone nonattainment area.

Please see our proposed rule and the associated technical support documents (TSDs) [7] for more information concerning the background for this action and for a more detailed discussion of our evaluation of the Demonstration and the rationale for our determination that the Phoenix-Mesa area would have attained the 2015 ozone NAAQS by the Moderate area attainment date of August 3, 2024, but for emissions emanating from outside of the United States. These documents are included in the docket for this action.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. The comment period opened on November 19, 2025, the date of publication in the **Federal Register**, and closed on December 19, 2025. During this period, we received a total of 69 comment submissions, 19 of which were supportive of our proposed action, and 48 that were opposed. Two comment submissions did not express either support or opposition. The EPA has prepared a response to comments document (RTC) that summarizes and responds to germane comments we received on this rulemaking. The RTC and all comments received are included in the docket for this rulemaking.

Commenters supporting the proposed rulemaking agreed with the proposed determination that MAG had demonstrated that the Phoenix-Mesa area would have attained the 2015 ozone NAAQS but for international emissions. These commenters also supported the determination that, if the EPA finalized the determination, the State would no longer be required to submit attainment and RFP contingency measures. MAG also provided additional information supporting the Demonstration as a part of its comments on the proposal.

A number of commenters requested that the EPA use this rulemaking to issue national guidance for areas affected by international emissions and provided specific legal rationales and recommendations for implementing 179B. We appreciate these comments and understand the desire for issuance of guidance regarding the implementation of CAA section 179B; however, as noted in the proposal, this rulemaking is applicable only to the Phoenix-Mesa area. Therefore, comments and recommendations related to potential future nationally applicable guidance for CAA section 179B are outside the scope of this action.

The EPA also received comments opposing the proposed rulemaking. Some commenters expressed overall opposition to the proposal, while others specifically challenged the Agency's legal interpretations of the CAA and prior rulemakings, the EPA's policy direction, and the adequacy of technical aspects of the Demonstration. Several commenters also opposed the proposal that the State would not be required to submit attainment or RFP contingency measures if the EPA finalizes the proposal on this issue. Commenters opposing the proposal also provided additional information supporting their arguments. In the following paragraphs, we provide a brief summary of our responses regarding some of the key issues raised in adverse comments.

We do not agree with assertions by some commenters that the proposal failed to provide a sufficient explanation for any changes in policy and interpretation of CAA section 179B(b). Under *FCC* v. *Fox Television Stations, Inc.,* an agency's change in policy is permissible if the agency acknowledges the change, believes it to be better, and ''show[s] that there are good reasons for the new policy.'' [8] As explained further in responses III.B.1. and III.B.3. of the RTC, the EPA has both acknowledged any changes in interpretation and policy and provided justification for those changes based on the wording of CAA section 179B(b). As noted in the proposal, we no longer consider specific characteristics as necessarily suggesting the need for a more detailed demonstration with additional evidence. We also no longer consider the weight of evidence more compelling when a CAA section 179B demonstration shows that international contributions are larger than when a demonstration shows that domestic contributions exceed international contributions.[9] Finally, we proposed to find that states will no longer be expected to show that they could not attain with on-the-books measures and potential reductions associated with controls required to be implemented by the attainment date in order to qualify for approval of a 179B(b) determination.[10] With respect to the proper interpretation of the statute, the EPA explained its proposed view of the statute's requirements as relevant to this decision.

We also do not agree with comments opposing our proposed determination that, following a final determination under CAA section 179B(b), the State would no longer be required to submit contingency measures for the Phoenix-Mesa 2015 ozone nonattainment area. As described in response III.B.2. of the RTC, the commenters' arguments conflate the requirements and consequences of actions under CAA sections 179B(a) and 179B(b), ignore the exemption from milestone compliance demonstrations requirements for Moderate Ozone nonattainment areas in CAA section 182(g), and improperly rely on CAA section 172(e).

In addition, we do not agree with comments asserting that CAA section 179B applies only to ''International border areas'' based on the section's heading. While ''the title of a statute and the heading of a section are tools available for the resolution of a doubt about the meaning of a statute'' they will not ''override the plain words'' of a statute.[11] The plain words of CAA section 179B(b) make the provision available to ''any State'' that meets the relevant requirements and do not limit its application to border areas. Thus, even though the heading of the section could suggest that it only applies to a subset of areas along international borders, the statutory language within the section does not explicitly limit it to a subset of states or areas. That interpretation is consistent with the plain meaning of the term ''any.'' [12] As further explained in response III.C. of the RTC, the commenters' other arguments regarding the purpose and legislative history of the provision similarly cannot overcome the plain text of the Act.

Finally, we do not agree with comments arguing that there was insufficient technical basis for approval of the Demonstration. As discussed in the proposal, the 179B(b) TSD, and response IV.A. of the RTC, the EPA has considered and weighed each piece of evidence in the Demonstration. The primary piece of evidence provided by

[7] The EPA's ''Technical Support Document for Review of Atypical Events on 2015 8-Hour Ozone Phoenix-Mesa, AZ Nonattainment Area for the 179B(b) Demonstration'' (''Atypical Events TSD'') and the ''EPA Evaluation of the Clean Air Act Section 179B(b) Demonstration for the Phoenix-Mesa 2015 Ozone NAAQS Nonattainment Area—Modeling and Impact of International Emissions Technical Support Document'' (''179B(b) TSD'').

[8] 556 U.S. 502, 515 (2009).

[9] 90 FR 52019, 52023.

[10] Id.

[11] *Dubin* v. *United States,* 599 U.S. 110, 120–21 (2023) (internal citations and quotations omitted).

[12] The Supreme Court has repeatedly explained that ''read naturally, the word 'any' has an expansive meaning, that is, 'one or some indiscriminately of whatever kind.''' *United States* v. *Gonzales,* 520 U.S. 1, 5 (1997)(quoting Webster's Third New International Dictionary 97 (1976)). See also *Ali* v. *Bureau of Prisons,* 552 U.S. 214, 220 (2008).

MAG was photochemical source apportionment modeling, which indicated an international anthropogenic contribution of 14 ppb to the 2021–2023 DV in the Phoenix-Mesa area. When subtracted from the 2021–2023 DV of 80 ppb, this would be a DV that attains the 70 ppb standard. Other photochemical modeling, including zero-out modeling performed by the EPA and other zero-out modeling performed by MAG, indicated an international anthropogenic contribution of 8.5–10.0 ppb to the Phoenix-Mesa area 2021–2023 DV. Information regarding potential wildfire influence on 31 exceedance days in 2021–2023 is supportive of the overall weight of evidence, as discussed in response IV.F. of the RTC, but is not relied upon to exclude particular days from the photochemical modeling. MAG also provided emissions estimates that ozone precursor emissions in the Phoenix-Mesa area are decreasing, while emissions in Mexico are increasing. Air parcel transport provided additional qualitative evidence of influence of emissions from Mexico on the Phoenix-Mesa area. We considered and qualitatively weighed each of these analyses based on their relevance to CAA section 179B and the nature of international contributions in the Phoenix area, as described in MAG's conceptual model. After considering all of these analyses, as well as both the supportive and adverse comments, we reaffirm that the weight of evidence supports the conclusion that the 2023 ozone DVs at all monitoring sites in the Phoenix area would have been at or below 70 ppb but for the influence of international emissions. Therefore, we conclude that the State [13] has established to the satisfaction of the Administrator that the Phoenix-Mesa area would have attained the 2015 ozone NAAQS but for emissions emanating from outside the United States.

III. Final Action

After reviewing the Demonstration and considering all comments received during the public comment period, and based on the weight of evidence, the EPA is finalizing its determination that the State has established to the satisfaction of the Administrator that the Phoenix-Mesa area would have attained the 2015 ozone NAAQS but for emissions emanating from outside the United States. This final action fulfills the EPA's statutory obligation under CAA section 181(b)(2)(A) to determine whether the Phoenix-Mesa area attained the NAAQS by the attainment date. As a result of this final action, the State is no longer required to submit attainment and RFP contingency measures for this area. The area will remain designated nonattainment and thus the State must continue to comply with applicable requirements for a Moderate ozone nonattainment area, other than the contingency measures requirement, as discussed in responses III.B.1., III.B.2., and III.E. of the RTC.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/lawsregulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 does not apply because this is not significant regulatory action and it is therefore exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action does not impose any information collection activities.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. The determination that the Phoenix-Mesa area would have attained the 2015 ozone NAAQS but for international emissions does not in and of itself create any new requirements beyond what is mandated by the CAA.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or Tribal governments, or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the National government and States and Tribes, or on the distribution of power and responsibilities among the various levels of government. The division of responsibility between the Federal Government and States for the purposes of implementing the NAAQS is established under the CAA.

G. Executive Order 13175: Coordination With Indian Tribal Governments

This action has Tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law.

The EPA has identified areas of Indian country within the Phoenix-Mesa area that would be potentially affected by this rulemaking. Specifically, the Fort McDowell Yavapai Nation, Gila River Indian Community of the Gila River Indian Reservation, Salt River Pima Maricopa Indian Community of the Salt River Reservation, and Tohono O'odham Nation have lands that are located within the boundaries of the Phoenix-Mesa area.

The EPA notified potentially affected Tribes located within the boundaries of the Phoenix-Mesa 2015 ozone nonattainment area upon publication of the proposed rule. The EPA did not receive any comments or requests for additional information from Tribes.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve technical standards.

[13] As explained in response III.D. of the RTC, it is appropriate for MAG to stand in the shoes of the ''State'' for purposes of CAA section 179B(b) with respect to the Phoenix-Mesa area.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 22, 2026. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classification, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 12, 2026.

Michael Martucci,

Acting Regional Administrator, EPA Region IX.

[FR Doc. 2026–05601 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 91, No. 55
Monday, March 23, 2026

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Doc. No. AMS–NOP–22–0029; NOP–22–02]

RIN 0581–AE25

National Organic Program: National List of Allowed and Prohibited Substances per October 2021, October 2022, and October 2024 Recommendations (Crops and Livestock)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the U.S. Department of Agriculture's (USDA) organic regulations related to organic crop and livestock production. The proposed rule would provide additional tools to organic producers, allowing carbon dioxide in organic crop production and meloxicam as a pain treatment in organic livestock production. Additionally, this rulemaking would remove overly burdensome restrictions for methionine, an amino acid, in organic poultry feed and would affirm that sodium nitrate may be used as a fertilizer in organic crop production, with certain conditions to protect soil quality.

DATES: Comments must be received by May 22, 2026.

ADDRESSES: You may send comments, identified by AMS–NOP–22–0029 and/or RIN 0581–AE25, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions on the website for sending comments.
- *Agency Website: www.ams.usda.gov/rules-regulations/proposed-rules.* Follow the instructions on the website for sending comments.
- *Email: Jared.Clark@usda.gov.* Include the identifier AMS–NOP–22–0029 and/or RIN 0581–AE25 in the subject line of the message.
- *Mail:* Jared Clark, Assistant Director, Standards Division, National Organic Program, USDA–AMS–NOP, 1400 Independence Ave. SW, Room 2642-South, Stop 0268, Washington, DC 20250–0268.

Instructions: All submissions received should include the agency name and docket number (AMS–NOP–22–0029) or Regulatory Information Number (RIN) 0581–AE25 for this proposed rule. When submitting a comment, clearly indicate the proposed rule topic and section number to which the comment refers. In addition, comments should clearly indicate whether the commenter supports or opposes the action being proposed and clearly indicate the reason(s) for the position. Comments can also include information on alternative management practices, where applicable, that support alternatives to the proposed amendments. Comments may also offer any recommended language change(s) to the regulatory text that would be appropriate to the position. Only relevant material supporting the position should be submitted. All comments and materials received will be posted without change, including any personal identifying information provided, to *www.regulations.gov.*

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov* (search for Docket ID AMS–NOP–22–0029).

FOR FURTHER INFORMATION CONTACT: Jared Clark, Standards Division, National Organic Program; telephone: (202) 720–3252; email: *Jared.Clark@usda.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

This proposed rule would amend the USDA organic regulations to implement recommendations from the National Organic Standards Board (''NOSB'' or ''Board''). If adopted, this proposed rule would allow two additional synthetic substances to be used in organic crop and livestock production (carbon dioxide and meloxicam, respectively). Additionally, the proposed rule would remove current restrictions on the use of methionine, an amino acid, in organic poultry feed, thus allowing producers additional flexibility and making it unnecessary for organic poultry producers to track the amount of methionine fed to each poultry flock. Finally, the proposed rule would affirm that sodium nitrate, a natural fertilizer, is allowed for limited use in organic crop production by renewing the substance's listing on the National List of Allowed Substances for 5 years.

Authority

The USDA Agricultural Marketing Service's (AMS) National Organic Program (NOP) administers the USDA organic regulations (7 CFR part 205) under the authority granted to it by the Organic Foods Production Act of 1990 (''OFPA'') (7 U.S.C. 6501–6524). This proposed rule would amend a portion of the USDA organic regulations known as the National List of Allowed and Prohibited Substances (or ''National List''), in accordance with the procedures and criteria set forth in the OFPA (7 U.S.C. 6503, 6517, 6518). OFPA authorizes the Secretary to make amendments to the National List based on recommendations developed by the Board. OFPA authorizes the Board to develop recommendations for submission to the Secretary to amend the National List and to establish a process by which persons may petition the Board for the purpose of having substances evaluated for inclusion on, or deletion from, the National List.

II. General Information

A. Does this proposed rule apply to me?

You may be affected by this proposed rule if you are engaged in organic crop and/or livestock production. Potentially affected entities may include, but are not limited to, the following:

- Organic crop and/or livestock producers;
- Individuals or business entities that are considering organic certification for crop and/or livestock production;
- USDA-accredited certifying agents, inspectors, and certification review personnel;
- Fertilizer, soil amendment, livestock feed supplement, and animal drug manufacturers;
- Material review organizations.

This list is not exhaustive but identifies key entities that this rulemaking may affect. Other types of entities may also be affected. To determine whether you or your business may be affected by this action, you

should carefully examine the regulatory text and discussion below.

B. What should I consider as I prepare my comments for AMS?

AMS seeks comment from the public and organic stakeholders regarding the proposed amendments. While all comments submitted are taken into consideration, the most effective comments:

- Clearly state a position (support, opposition, and/or requested modifications) on the proposed rule or specific parts of the proposed rule;
- Clearly identify which specific parts of the proposed rule a comment refers to;
- Explain why the commenter supports or opposes the proposed change;
- Describe the potential effects of the proposed rule using examples, data, or personal experience;
- If applicable, offer suggested alternatives to the proposed changes and/or regulatory text, and explain the reasoning for those suggested changes.

Comments are invited on the entire proposed rule; however, AMS is especially interested in public input on the following questions:

(1) Is the proposed regulatory language and accompanying discussion in this document clear enough to allow operations and certifying agents to comply with the proposed requirements?

(2) Do the proposed amendments create any conflict with current USDA organic regulations or other Federal regulatory requirements?

(3) *Carbon dioxide:*

(a) Why is synthetic carbon dioxide necessary for the uses described in this proposed rule? What are the various sources of synthetic carbon dioxide that operations would be able to obtain? Which of these are sourced as a byproduct? Is there adequate supply of byproduct-sourced synthetic carbon dioxide in the market to meet the needs of the organic industry for either or both uses of described in this proposed rule?

(b) Why is natural carbon dioxide insufficient or not available for the uses described in this proposed rule? Are other allowed natural or synthetic substances suitable as alternatives? Why or why not?

(c) Should both listings of carbon dioxide at 7 CFR 205.601(a) and/or 205.601(j) be annotated to only allow carbon dioxide sourced as a byproduct? Do producers and certifying agents have enough information to verify compliance with the proposed annotation?

(4) *Meloxicam:*

(a) Is the proposed annotation clear? Do veterinarians, producers, and certifying agents have the information they need to establish, document, and verify the proposed withdrawal period? If not, what additional information is necessary?

(b) Should the annotation further restrict the use of meloxicam, such as by specifying a minimum withdrawal period for bovine species, and/or restricting non-bovine uses to disbudding and dehorning only?

(c) AMS welcomes comments on the NOSB Livestock Subcommittee's technical analysis appendix published as part of the NOSB final recommendation.

III. Overview of Proposed Amendments

The following provides an overview of the proposed amendments to the National List, along with the NOSB recommendations and AMS justifications for each proposed amendment. AMS welcomes comments on each proposed amendment. Comments received during the comment period will inform AMS's decisions for the final rule; specifically, whether the proposed amendments align with OFPA criteria and are justified. More information on the NOSB meetings can be found in section IV, RELATED DOCUMENTS.

A. Carbon Dioxide (Crops)

AMS is proposing to add carbon dioxide to the National List at 7 CFR 205.601(a) and 205.601(j) as a synthetic substance allowed for use in organic crop production to adjust the pH of irrigation water and for atmospheric adjustment in indoor crop production environments. This proposed rule would allow organic crop operations to use synthetic carbon dioxide, which is commonly sourced as a byproduct from various commercial processes. This AMS proposal follows two recommendations from the NOSB following its review of a petition, third-party technical reports, and public comments.

Background

Synthetic carbon dioxide has been allowed for organic handling (7 CFR 205.605(b)(10)) since the USDA organic regulations were first established (65 FR 80548, December 21, 2000). Organic handling operations use synthetic carbon dioxide to carbonate beverages, freeze foods, extract compounds, prevent spoilage in modified atmosphere packaging, and control pests in post-harvest storage of grains and produce. This AMS proposal would expand the current allowance of synthetic carbon dioxide to allow it in organic crop production for irrigation water treatment and as a plant and soil amendment.

On November 30, 2020, Eco2Mix, Inc., a water treatment company, petitioned the NOSB to add carbon dioxide to the National List as an allowed synthetic substance for use in organic crop production.[1] The petition requests carbon dioxide be allowed to adjust the pH of water used in crop irrigation systems in § 205.601(a), and for use as a plant or soil amendment in § 205.601(j).

Many farming areas have alkaline (high pH) water sources that can hinder the efficiency of irrigation systems, reduce soil nutrient availability, and otherwise impair crop-growing conditions. To address these problems, carbon dioxide can be used to lower the pH of water. Dissolving carbon dioxide in water creates carbonic acid, which dissociates into hydrogen and bicarbonate ions, and the hydrogen ions acidify the water (lower the pH). By reducing the pH of alkaline irrigation water, operations can reduce mineral or algal buildup and prevent the clogging of irrigation system equipment (*e.g.,* drip lines, emitters, sprinklers). Adjusting the pH of irrigation water can also help improve nutrient availability and plant health by establishing an ideal pH value (typically neutral or slightly acidic) for crop nutrient absorption.

The petitioner states that the alternative substances currently allowed, such as natural carbon dioxide or synthetic sulfurous acid, are either not commercially available or are not as safe and effective as synthetic carbon dioxide. Natural carbon dioxide can be produced as a byproduct of fermentation (*e.g.,* from ethanol production). However, the petition states that sources of natural carbon dioxide are not typically available in the market and could have impurities. The petition describes several sources of synthetic carbon dioxide and states that most sources reclaim or recapture carbon dioxide from processes that would otherwise release carbon dioxide into the atmosphere.

Byproduct-sourced carbon dioxide is trapped and processed in different ways, depending on the source. Most sources involve the capture of byproduct gas mixture, purification of the gas, and final processing for the market as either liquified gas or as ''dry ice'' (solid carbon dioxide). Liquified

[1] Eco2Mix, Inc. carbon dioxide petition, November 30, 2020, *www.ams.usda.gov/sites/default/files/media/PetitionNOBCarbonDioxide2020.pdf.*

carbon dioxide gas is stored in pressurized refrigeration units or in tanks. Large quantities can be delivered as tanker trucks while small quantities can be obtained in 20–50-pound tanks from distributors. Dry ice is sold as ice blocks or pellets and shipped in insulated boxes.

NOSB Recommendation for § 205.601(a)

In 2022, the NOSB recommended adding synthetic carbon dioxide to the National List at 7 CFR 205.601(a) for water pH adjustment in irrigation systems.[2] In addition to reviewing the petition, the Board considered a third-party technical report related to synthetic carbon dioxide used in organic handling and public comments received at public NOSB meetings in October 2021, April 2022, and October 2022.[3] [4] [5] [6] The Board ultimately determined that the petitioned use of carbon dioxide meets the OFPA criteria (7 U.S.C. 6518(m)) for inclusion on the National List.

In its recommendation, the NOSB reasoned that when reclaimed synthetic carbon dioxide is used as petitioned, it is not harmful to the environment or human health. The Board acknowledged that carbon dioxide is a greenhouse gas;[7] however, the use of synthetic carbon dioxide as petitioned would not increase carbon dioxide in the atmosphere. The petitioned form of synthetic carbon dioxide is a byproduct and, if not captured, would be released into the atmosphere. Therefore, the Board concluded that the capture of the byproduct for crop production is akin to recycling.

The NOSB also noted there are no apparent adverse effects on other materials used in organic farming systems and that carbon dioxide has little direct impact on human health. Additionally, carbon dioxide is already permitted on the National List for use in or on processed organic products (7 CFR 205.605(b)), which indicates its acceptance as not harmful to human health.

The NOSB evaluated the suitability of natural alternatives and determined that natural sources of carbon dioxide are not widely available due to a lack of infrastructure at ethanol manufacturing facilities, where natural sources are produced. The Board acknowledged that some organic farmers have been using sulfurous acid from sulfur burners (§ 205.601(j)(11)) to lower pH levels in irrigation water. Sulfur burners create sulfurous acid by dissolving the fumes of burning sulfur in irrigation water, which can irritate human skin, eyes, and respiratory systems. The Board also considered that carbon dioxide is safer and more stable than alternatives, because using a weak acid such as carbon dioxide in the acidification process does not bring the pH of water below 5.0, well above values considered hazardous to humans.

Overall, the NOSB determined that the use of synthetic carbon dioxide to adjust the pH of irrigation water would pose little risk to the environment or human health and is compatible with a system of sustainable agriculture. The Board's vote was unanimous in recommending the addition of carbon dioxide to § 205.601(a) for use in irrigation systems.

NOSB Recommendation for § 205.601(j)

In 2024, the NOSB submitted a second recommendation to AMS related to the petition's request to add synthetic carbon dioxide to the National List in § 205.601(j) for use as a crop or soil amendment.[8] The petition did not detail the intended use(s), so the NOSB's Crops Subcommittee requested a new technical report.[9] The technical report identified the most prevalent use of carbon dioxide as an atmospheric enrichment substance in indoor (*e.g.,* greenhouse) crop production.

The NOSB considered the petition, technical report, and public comments received at its public meetings in April 2024 and October 2024.[10] [11] The Board ultimately determined that synthetic carbon dioxide, when sourced as a byproduct and used for atmospheric adjustment in indoor crop production, meets the OFPA criteria (7 U.S.C. 6518(m)) for inclusion in the National List.

In its recommendation, the NOSB explained the necessity of carbon dioxide supplementation in indoor crop production. An optimal concentration of atmospheric carbon dioxide for plant growth in a greenhouse environment is 800–1,000 parts per million. Plants consume atmospheric carbon dioxide as they grow, depleting carbon dioxide from the atmosphere inside the greenhouse. Supplemental carbon dioxide sources can be used to replenish the depleted atmospheric carbon dioxide within the greenhouse.

The NOSB discussed alternative practices for adjusting atmospheric carbon dioxide, such as venting (exchanging air between inside and outside the greenhouse); however, venting is not a practical solution in colder climates due to the need for a controlled environment and consistent temperature for crop production.

The NOSB evaluated the commercial sources of synthetic carbon dioxide and recommended allowing synthetic carbon dioxide only when sourced as a byproduct. The recommendation noted that synthetic carbon dioxide is available as a byproduct of manufacturing processes and propane heaters in greenhouses. The recommendation also noted that all commercial sources of synthetic carbon dioxide on the market are byproducts of other manufacturing processes. Restricting synthetic carbon dioxide to byproduct (recycled) sources only would ensure that the use of carbon dioxide will not have adverse effects on the environment. The Board also reaffirmed its assessment that natural sources are inadequate to meet commercial needs.

AMS Review of NOSB Recommendations

AMS agrees with both NOSB recommendations to add synthetic carbon dioxide to 7 CFR 205.601(a) and 205.601(j), as these uses meet the requirements for adding a synthetic substance to the National List under OFPA at 7 U.S.C. 6517(c)(1)(A). AMS reviewed all documentation that the Board considered as part of their recommendations, including the petition and public comments.

AMS agrees with the NOSB's conclusion that the recommended uses of carbon dioxide in crop production are not harmful to human health or the environment. This assessment is consistent with prior AMS determinations that supported the listing of synthetic carbon dioxide on the National List in 7 CFR 205.605(b) for

[2] NOSB recommendation on carbon dioxide, October 2022, *www.ams.usda.gov/sites/default/files/media/CSCarbonDioxidePetitionFinalRec.pdf.*

[3] NOP, carbon dioxide technical report, handling, 2006, *www.ams.usda.gov/sites/default/files/media/CarbonDioxideSyntheticTR2006.pdf.*

[4] NOSB virtual meeting, Fall 2021, *www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-sacramento-ca.*

[5] NOSB virtual meeting, Spring 2022, *www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-crystal-city-va-1.*

[6] NOSB Sacramento, CA meeting, Fall 2022, *www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-sacramento-ca-2022.*

[7] Gases that trap heat in the atmosphere are called greenhouse gases. Overview of Greenhouse Gases, U.S. Environmental Protection Agency (EPA), *www.epa.gov/ghgemissions/overview-greenhouse-gases.*

[8] NOSB recommendation on carbon dioxide, October 2024, *www.ams.usda.gov/sites/default/files/media/CS_NOSBRec_CarbonDioxide.pdf.*

[9] NOP, carbon dioxide technical report, crops, 2023, *www.ams.usda.gov/sites/default/files/media/CarbonDioxide_Crops.pdf.*

[10] NOSB Milwaukee, WI meeting, Spring 2024, *www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-milwaukee-wi.*

[11] NOSB Portland, OR meeting, Fall 2024, *www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-portland-or.*

use in organic processing. Additionally, carbon dioxide is generally recognized as safe by the U.S. Food and Drug Administration (FDA) and permitted for direct addition to food for human consumption (21 CFR 184.1240). The U.S. Environmental Protection Agency (EPA) also allows carbon dioxide for pest control on food commodities in storage (40 CFR 180.1049), and as an inert ingredient in EPA-registered pesticides (40 CFR 180.910) and minimum risk pesticide products (40 CFR 152.25(f)(2)). The EPA allowance for these uses is based on its assessment that the substance is not hazardous to public health or the environment.

AMS also agrees with the NOSB's conclusions that allowed natural and synthetic alternatives to the specific petitioned uses of synthetic carbon dioxide are not commercially available. AMS invites additional comments on the necessity of synthetic carbon dioxide for the uses described in this proposed rule, including whether synthetic substances already on the National List or natural substances are suitable alternatives.

If finalized, this proposed rule would add two listings for synthetic carbon dioxide to the National List for use in organic crop production. First, the rule proposes adding carbon dioxide to 7 CFR 205.601(a), allowing organic crop producers to use synthetic carbon dioxide as an algicide, disinfectants, and sanitizer, including irrigation system cleaning. This listing would allow carbon dioxide to be used to adjust irrigation water pH to inhibit mineral and algae buildup, preventing the clogging of irrigation system equipment. Second, the rule proposes adding carbon dioxide, when sourced as a byproduct, to § 205.601(j), allowing organic crop producers to use synthetic carbon dioxide as a crop or soil amendment. This listing would allow carbon dioxide to be used to adjust the atmosphere in indoor crop production systems, such as greenhouses. This listing also would allow carbon dioxide to be used to adjust irrigation water pH to establish ideal pH values for crop nutrient availability and protect soil quality from alkaline irrigation water.

This proposed rule would not supersede or conflict with applicable FDA or EPA legal authority regarding the uses of carbon dioxide for irrigation water treatment or greenhouse atmospheric enrichment. For example, producers using substances to treat irrigation water would need to do so in a manner that complies with relevant provisions of the FDA Produce Safety rules for agricultural water (21 CFR part 112, subpart E).

AMS requests comments about whether the proposed listing in 7 CFR 205.601(a) should include the same annotation limiting the sources of carbon dioxide proposed in § 205.601(j). Adding the annotation, ''must be sourced as a byproduct,'' at § 205.601(a), in addition to § 205.601(j), would support consistency among the listings. AMS welcomes comments on whether adding the restriction, ''must be sourced as a byproduct,'' to § 205.601(a) would preclude the intended uses of carbon dioxide as described in the petition and recommended by the Board. AMS also welcomes comments on whether any annotation related to the source of carbon dioxide is necessary for either listing.

B. Sodium Nitrate (Crops)

This rule proposes renewing the listing for sodium nitrate on the National List at 7 CFR 205.602 as a natural substance allowed for limited use in organic crop production. This AMS proposal follows a recommendation from the NOSB in October 2021 to reinstate the listing for this substance. The listing for sodium nitrate is currently expired for reasons further described in Background below. If finalized, this proposed rule would allow for application of natural sodium nitrate as a nitrogen fertilizer for up to 20 percent of a crop's total nitrogen requirement,[12] the same as prior to October 21, 2012, when the listing for sodium nitrate expired.

Background

The OFPA ''sunset provision'' requires that the NOSB reviews, and that AMS renews, each exception (''listing'') on the National List every 5 years (7 U.S.C. 6517(e)) for the listing to remain valid. This recurring re-review process is referred to as ''sunset review.'' For each substance on the National List, AMS calculates a ''sunset date'' that establishes the last date a substance listing is valid, calculated as 5 years after the date that AMS last renewed the listing. AMS publishes a complete list of sunset dates on its website.[13]

Typically, as the sunset date for a substance approaches, AMS either announces in the **Federal Register** that a substance on the National List is renewed (*i.e.,* retained on the National List for another 5 years) or AMS proposes a rule to remove a substance from the National List. The removal of a substance is only complete if AMS publishes a final rule that follows such a proposal, as rulemaking is required to add, remove, or revise listings on the National List.

A substance listing can expire (*i.e.,* become invalid) if AMS does not complete rulemaking actions to either renew or remove a substance from the National List by the sunset date. This is the case with sodium nitrate. Sodium nitrate still appears on the National List at 7 CFR 205.602, but AMS has not renewed its listing through rulemaking since October 21, 2007 (72 FR 58469, October 16, 2007). As announced in 2012, AMS considered possible regulatory action on sodium nitrate, (77 FR 1996, January 12, 2012; 77 FR 33290, June 06, 2012), by either renewing the listing or by prohibiting sodium nitrate—both recommended by the NOSB in April 2011.[14] However, AMS did not complete rulemaking. Therefore, the listing has expired.

The fact that the expired listing of sodium nitrate continues to appear on the National List creates confusion that this proposed rule seeks to remedy. If finalized, this rule would renew the listing and establish a new sunset date of 5 years after the effective date of a final rule. The proposed rule would retain the same limitations for use of sodium nitrate that were in place prior to the October 21, 2012 sunset date and described at § 205.602. Specifically, this proposed rule retains the maximum use rate for sodium nitrate of 20 percent of a crop's total nitrogen requirement.

Finally, this proposal would remove obsolete language in the annotation stating that use of sodium nitrate in spirulina production is unrestricted until October 21, 2005. Spirulina producers were restricted in their use of sodium nitrate from October 21, 2005, until October 21, 2012. AMS has no information that spirulina production requires a different limit than other types of crop production.

NOSB Recommendation

In October 2021, the NOSB unanimously recommended that AMS renew the listing for sodium nitrate on

[12] For example, if a producer determines that their corn crop requires 120 pounds of nitrogen per acre, they may apply up to 20 percent, or 24 pounds, of nitrogen from sodium nitrate. A typical sodium nitrate fertilizer contains 16% nitrogen, so a producer could apply such a fertilizer at a maximum rate of 150 pounds per acre to supply 24 pounds of nitrogen per acre to comply with the annotation.

[13] Sunset dates for substances on the National List are included in the ''NOSB Work Agenda,'' accessible online at: *www.ams.usda.gov/rules-regulations/organic/nosb.*

[14] NOSB recommendation on sodium nitrate, April 2011, *https://www.ams.usda.gov/sites/default/files/media/Sodium%20Nitrate%20Final%20Rec.pdf.*

the National List.[15] In its recommendation, the Board explained that reinstatement was necessary to resolve the confusion with this listing and to create uniform enforcement among certifying agents. The Board also reasoned that a reinstatement was necessary to resume sunset reviews, as directed by OFPA.

The NOSB evaluated over 60 public comments submitted at the October 2021 public meeting on this topic.4 Most organic crop producers and certifying agents supported the reinstatement of sodium nitrate, as the action would provide clarity. Several certifying agents explained that they would have no issues verifying compliance with the restriction, as verification using crop nitrogen calculations was a common practice prior to 2012 when the listing was valid. One certifying agent stated that restricting the allowable amount is unnecessary because operations are using sodium nitrate at rates well below the limit of 20 percent of a crop's total nitrogen requirement. Some comments stated they would prefer a complete prohibition of sodium nitrate out of concern that highly soluble nitrogen sources like sodium nitrate only feed the plant and do not protect soil quality. The Board weighed all comments and finalized their unanimous recommendation for AMS to reinstate the listing of sodium nitrate on the National List and allow its use for up to 20 percent of a crop's total nitrogen requirement, which protects soil quality.

AMS Review of NOSB Recommendation

AMS agrees with the NOSB's recommendation to reinstate the listing of sodium nitrate on the National List. The fact that sodium nitrate appears on the National List as an expired listing creates confusion. This proposed rule would resolve this confusion by affirming that the use of sodium nitrate as annotated (*i.e.,* comprising less than 20 percent of the crops' nitrogen requirements) is valid for 5 years from the effective date of a final rule. The proposed action, if finalized, would then allow the Board to subsequently review sodium nitrate according to the OFPA sunset provision (7 U.S.C. 6517(e)). The proposed rule would also implement a technical correction to remove obsolete language exempting spirulina production from the use limits that expired on October 21, 2005.

AMS also considered resolving the expired listing by removing sodium nitrate from the National List. However, OFPA requires a recommendation from the NOSB to revise the National List (7 U.S.C. 6517(c)(1)(C) and 6517(d)(1)), and the Board has made no such recommendation. Therefore, AMS believes this proposed action to reinstate the listing is the simplest and most effective approach to resolve the confusion around the sodium nitrate listing. If finalized, the rule would provide a path forward for the Board and AMS to resume a regular sunset review schedule for the sodium nitrate listing, like all other substances on the National List.

C. Meloxicam (Livestock)

AMS is proposing to add meloxicam to the National List at 7 CFR 205.603(a) as a synthetic substance allowed for use in organic livestock production. Meloxicam is a nonsteroidal anti-inflammatory drug (NSAID) used primarily to treat pain and inflammation. Organic livestock producers petitioned for use of meloxicam because they identified a need in their industry for more tools to improve pain management in their operations, for both dairy and meat animals. This AMS proposal follows a recommendation from the NOSB after their review of the petition as well as public comment.

Background

On February 6, 2024, a group of organic dairy operations submitted a petition to the NOSB to allow synthetic meloxicam as a medical treatment in organic livestock production at 7 CFR 205.603(a).[16] Meloxicam is an NSAID that works by reducing hormones that cause pain and inflammation in the body. Nonorganic dairy operations often use it as an easy and effective treatment of pain related to common veterinary procedures, such as disbudding (the removal of the soft tissue that would otherwise form horns on livestock) and dehorning. It is also used to manage pain related to castration and other surgical procedures and medical conditions. Meloxicam is typically administered to livestock in oral tablet form, though it is also available as an injection. Its therapeutic effect lasts 24–48 hours with a single dose.

While other pain management substances are available for organic livestock producers to use, petitioners explained that they are difficult to administer. The petition argues that meloxicam is easier to administer and/or more effective. For example, flunixin can only be administered by intravenous injection or by transdermal (*i.e.,* pour-on) solution. Using intravenous flunixin requires the producer to have the technical skills necessary to administer the injection. Administering transdermal flunixin requires caution to avoid spills or accidental human absorption while pouring the medicine on the animal. Neither application method of flunixin, the petition argues, is as easy nor as safe as the orally administered meloxicam pill. The petition also describes other alternatives as being less effective than meloxicam, *e.g.,* lidocaine has shorter-lived therapeutic effects, and natural remedies or tinctures show inconsistent effects in scientific studies.

FDA Allowance

Meloxicam is FDA-approved for use in humans and in certain companion animals (per approved labeling for dogs and/or cats) but only authorized for use in food-producing livestock under the conditions established by FDA at 21 CFR part 530. This practice, called extralabel use, was established by the Animal Medicinal Drug Use Clarification Act of 1994 (AMDUCA).[17] Extralabel use is when a drug is used in a manner that is not in accordance with the approved labeling (21 CFR 530.3).

FDA regulations at 21 CFR part 530 establish the conditions under which a licensed veterinarian may prescribe the extralabel use of FDA-approved drugs for treatment of meat- or dairy-producing animals. FDA regulations require veterinarians to use scientific information to establish an appropriate withdrawal period, *i.e.,* the required time between administering the treatment and the marketing of milk, meat, or other edible products from the animal (21 CFR 530.20(a)(2)(ii)). The withdrawal period must assure that no drug residues that could present a risk to public health remain in the animal (21 CFR 530.20(a)(2)(iv); 21 CFR 530.11).

The Food Animal Residue Avoidance Databank (FARAD) is a resource of science-based recommendations regarding safe withdrawal periods of drugs in food-producing animals.[18] Veterinarians use FARAD to determine

[15] NOSB recommendation on sodium nitrate, October 2021, *www.ams.usda.gov/sites/default/files/media/CSSodiumNitrateFinalRec.pdf.*

[16] CROPP Cooperative/Organic Valley/Organic Prairie, Horizon Organic Dairy, Lactalis Yogurt US/Stonyfield Farms, and Aurora Organic Dairy petition, February 06, 2024, *www.ams.usda.gov/sites/default/files/media/NOPPetitionMeloxicamV2.pdf.*

[17] Animal Medicinal Drug Use Clarification Act of 1994 (AMDUCA), *www.fda.gov/animal-veterinary/guidance-regulations/animal-medicinal-drug-use-clarification-act-1994-amduca.*

[18] Food Animal Residue Avoidance Databank, *www.farad.org.*

appropriate withdrawal periods that comply with FDA regulations for extralabel drug use.

NOSB Recommendation

In October 2024, the NOSB recommended adding meloxicam to 7 CFR 205.603(a) for use in organic livestock production.[19] The Board concluded that meloxicam is a synthetic substance and that the petitioned use of meloxicam meets the OFPA criteria for allowing a synthetic substance in organic production (7 U.S.C. 6517–6518). The Board voted in favor of adding meloxicam to the National List.

The NOSB's recommendation involved a thorough evaluation of the petition and public comments received during its October 2024 meeting. The petition included substantial technical information and numerous appendices with scientific literature to support the Board's review. Comments were provided from a range of stakeholders including farmers, manufacturers, veterinarians, researchers, trade associations, advocacy groups, certifying agents, inspectors, and consumers. There were more than 40 substantive written and oral comments provided to the Board specific to meloxicam, the majority of which supported the NOSB recommendation to allow meloxicam in organic production.

In the recommendation, the NOSB noted that the use of meloxicam has minimal adverse effects on the environment or human health (7 U.S.C. 6517(c)(1)(A)(i); 7 U.S.C. 6518(m)(1)–(5)). Specifically, the Board described that after the drug is administered to livestock, it is metabolized into biologically inactive metabolites, which have no adverse impacts on soil organisms or biodiversity when excreted from livestock through feces and urine. Several licensed veterinarians and university research centers submitted comments to the Board stating that meloxicam has been legally and safely administered to livestock with no observed negative side effects. Regarding human health, the FDA approved meloxicam for human use by prescription, and it is considered safe when taken according to the physician's recommendation. As noted above, FDA regulations at 21 CFR part 530 require that the administration of meloxicam to livestock is followed by a sufficient withdrawal period to ensure no residues enter the human food supply that would present a risk to public health.

The NOSB thoroughly discussed and evaluated the process that licensed veterinarians use to comply with AMDUCA and its implementing regulations at 21 CFR part 530. This included evaluating the veterinary procedures for diagnosing a specific condition or illness and obtaining scientific information to determine withdrawal periods for the specific dose, duration, and other confounding factors. The Board also received feedback from organic certifying agents, inspectors, and certified producers about the procedures currently in place for documenting treatments and verifying compliance with withdrawal times. The Board recommended that the withdrawal period for meloxicam in organic livestock should be double that required by the FDA for compliance with AMDUCA.

NOSB evaluated alternatives and determined that meloxicam is necessary for organic livestock production (7 U.S.C. 6517(c)(1)(A)(ii); 7 U.S.C. 6518(m)(6)). The Board recognized that the petition was submitted by a varied cross-section of the organic dairy industry representing a majority of U.S. organic dairy operations. Information in the petition and provided by public comments from livestock operators indicate a need for safe and effective pain management tools in both organic meat- and milk-producing animals. Specifically, the Board cited that meloxicam is easier to administer, provides longer therapeutic effectiveness, and requires fewer treatments in a specified period compared to alternatives.

The NOSB determined that alternative NSAIDs are insufficient replacements for meloxicam. Flunixin, whether in an injectable or pour-on form, is more difficult to apply than meloxicam, which can be administered by an oral tablet. Aspirin is another NSAID currently on the National List for use in livestock, but the FDA clarified that aspirin products are not permitted for use in lactating dairy cattle.[20] Lidocaine is on the National List for use in livestock as a local numbing relief, typically during disbudding, but its efficacy duration is far shorter that meloxicam (less than 2 hours for lidocaine compared to 24–48 hours for meloxicam). According to the Board's review of studies submitted with the petition and public comments, natural alternatives such as herbal tinctures or willow bark are not effective in managing pain.

The NOSB determined that the petitioned use of meloxicam is consistent with organic farming and compatible with sustainable agriculture (7 U.S.C. 6517(c)(1)(A)(iii); 7 U.S.C. 6518(m)(7)). The Board noted that safe and effective pain management is important for protecting animal welfare. The Board received comments from animal welfare groups supporting the allowance of meloxicam for organic livestock.

The NOSB explained that organic producers need access to appropriate pain management tools for dairy- and meat-producing livestock of all species and stages of life. A few comments suggested that meloxicam should be limited to disbudding bovine calves younger than 1 year of age. Other comments from producers and veterinarians cited the benefits of meloxicam as a pain relief tool for older animals, for non-bovine animals, and for treatments of pain other than disbudding, such as castration. The NOSB recommendation states that all animals need to receive pain management in accordance with veterinarian recommendations.

Board members on the NOSB's Livestock Subcommittee (''Subcommittee'') used their expertise in livestock management and relevant disciplines to evaluate technical information during their consideration of the meloxicam petition. The Subcommittee determined that the technical information provided in the petition was thorough, objective, and sufficient to evaluate meloxicam in conjunction with the Subcommittee members' own technical expertise and information-gathering effort. To verify sufficiency of the petition's technical information, the Subcommittee produced a technical appendix document that references how each question typically covered in a third-party technical report is directly addressed in the petition. The technical appendix document is attached to the Board's final recommendation, available on the AMS website, but was not published with the Subcommittee's original proposal prior to its meeting.[21]

During the NOSB deliberation at the public meeting, some Board members stated they would have preferred the Subcommittee to publish its technical analysis appendix for public visibility prior to the meeting. Some commenters

[19] NOSB recommendation on meloxicam, October 2024, *www.ams.usda.gov/sites/default/files/media/LS_MeloxicamFinalRec.pdf.*

[20] FDA Dear Veterinarian Letter regarding use of aspirin products in lactating dairy cattle. October 11, 2024, *www.fda.gov/animal-veterinary/product-safety-information/dear-veterinarian-letter-regarding-use-aspirin-products-lactating-dairy-cattle.*

[21] The Livestock Subcommittee's technical analysis appendix begins on page 8 of the final recommendation: *www.ams.usda.gov/sites/default/files/media/LS_MeloxicamFinalRec.pdf.*

also said that more technical information was needed and requested the issue be returned to the Subcommittee for further study. With support from the majority of commenters, the Board determined that there was sufficient technical information to support their recommendation, citing the robustness of the petition and public comments (including technical expertise of veterinarians and producers who authored the petition and submitted comments), in combination with the Subcommittee's own expertise in livestock production. Ultimately, the Board voted in favor of the recommendation. The Subcommittee's technical analysis appendix is publicly available on the AMS website as part of the NOSB final recommendation, and AMS welcomes comments from the public during this comment period.

AMS Review of NOSB Recommendation

AMS agrees with the NOSB recommendation to allow meloxicam as a medical treatment for organic livestock, as meloxicam meets the requirements for adding a substance to the National List under 7 U.S.C. 6517(c)(1)(A). AMS reviewed all documentation that the Board considered as part of its recommendation, including the petition and public comments, and consulted with the FDA to inform this determination. AMS also agrees with the Board's recommendation to classify meloxicam as synthetic because it is manufactured through a process that meets the definition of ''synthetic'' at 7 CFR 205.2.

AMS has reviewed and agrees with the NOSB's conclusion that the petitioned use of meloxicam is not harmful to human health or the environment (7 U.S.C. 6517(c)(1)(A)(i)). The FDA regulations that implement AMDUCA (21 CFR part 530) are sufficient to ensure that meloxicam is used in a manner that does not pose harm to human health. Scientific information reviewed by the Board and AMS indicates that metabolites of meloxicam excreted by livestock do not pose harm to the environment.

Consistent with the NOSB's recommendation, AMS proposes that the withdrawal period for meloxicam would be calculated to be twice as long as what a licensed veterinarian determines to be required for compliance with FDA regulations (AMDUCA (21 CFR 530.20(a)(2)(ii))). For example, if a licensed veterinarian determines that a 5-day milk withdrawal period is appropriate for extralabel use of meloxicam under full compliance with AMDUCA, then the withdrawal time would be doubled to 10 days for compliance with the USDA organic regulations for use in organic livestock.

AMS understands that veterinarians determine withdrawal periods for each animal based on the individual animal's conditions, diagnosis, dosage, and other case-specific factors in full compliance with AMDUCA. This approach may result in some variation in withdrawal times between animals with different conditions. However, it is an approach that relies on well-established FDA legal oversight of the use of animal drugs and the sound expertise of licensed veterinarians to determine appropriate prescriptions of each treated animal.

The extended withdrawal period proposed in this rule is only relevant for use of the substance under USDA organic regulations. Organic livestock producers are prohibited from administering animal drugs in violation of the Federal Food, Drug, and Cosmetic Act (7 CFR 205.238(c)(6)). This proposed rule would not supersede or conflict with the FDA's authority to approve drugs and determine the withdrawal periods for animal drugs.

AMS agrees with the NOSB determination that the use of meloxicam is necessary to the production or handling of the agricultural product because of the unavailability of natural substitutes (7 U.S.C. 6517(c)(1)(A)(ii)). Meloxicam is easy to administer as an oral pill compared to alternatives that require an intravenous or transdermal (pour-on) application. Meloxicam also has longer efficacy duration and requires fewer treatments in a given period than any alternatives. The majority of public comments and the Board vote indicate a broad range of support across the organic industry for the allowance of meloxicam in organic livestock production.

AMS further agrees with the NOSB determination that the use of meloxicam is consistent with organic farming (7 U.S.C. 6517(c)(1)(A)(iii)). USDA organic regulations require producers to establish and maintain preventive health care practices. Physical alterations and surgical procedures must be performed in a manner that minimizes pain, stress, and suffering, and with the use of allowed anesthetics, analgesics, and sedatives, as appropriate (7 CFR 205.238(a)(5) and 205.238(a)(7)). USDA organic regulations provide for the allowance of medications to alleviate pain or suffering and when preventive practices are inadequate to prevent sickness (7 CFR 205.238(b)). The use of meloxicam for pain management is consistent with the USDA organic regulations for minimizing pain and stress in organic livestock.

AMS finds that meloxicam meets OFPA requirements and proposes adding it to the National List at § 205.603(a) as a synthetic substance allowed in organic livestock production. If this proposal is finalized, meloxicam would be allowed for use as a medical treatment in organic livestock production. The proposed listing would require that meloxicam be used in full compliance with AMDUCA and 21 CFR part 530 of the FDA regulations. The proposed annotation further requires that meloxicam may only be used in organic production by the lawful written order of a licensed veterinarian, and the withdrawal period must be at least twice that required by FDA. Excipients added to product formulations would need to comply with 7 CFR 205.603(f).[22]

To comply with the proposed withdrawal period, AMS expects that veterinarians, organic livestock operations, and certifying agents would follow the same process for determining, documenting, and verifying compliance of withdrawal periods for meloxicam as is done for other synthetic substances on the National List that are used in accordance with AMDUCA. The proposed annotation to double the FDA withdrawal period is consistent with other synthetic livestock medications on the National List for which the FDA-required withdrawal period is doubled (*e.g.,* flunixin).

AMS welcomes comments on whether the proposed annotation is clear enough to allow producers to comply with the proposed requirements. If elements of the annotation are unclear, AMS welcomes suggestions for language to clarify the annotation to achieve the intended outcomes described in this proposed rule.

In developing this proposed rule, AMS considered alternative annotation language that would further restrict the use of meloxicam. For instance, AMS considered proposing a specific minimum withdrawal time for bovine species (*i.e.,* cattle and calves). The minimum withdrawal period could, for example, be calculated by doubling the longest recommended withdrawal times indicated by public comments: a meat withdrawal period of at least 56 days after administering to bovine livestock intended for slaughter, and a milk

[22] Excipients are ingredients that are intentionally added to livestock medications but do not exert therapeutic or diagnostic effects at the intended dosage, although they may act to improve product delivery (7 CFR 205.2).

discard period of at least 10 days after administering to bovine dairy animals. AMS welcomes comments on whether a specified minimum withdrawal period is necessary, and if so, what specific duration is appropriate for meat- and milk-producing bovine species. AMS also welcomes comments on whether further restrictions are appropriate, such as whether meloxicam should only be allowed for treating pain resulting from disbudding and dehorning, or whether meloxicam should be limited to certain species (*e.g.,* allowed for cattle but not allowed for goats and sheep).

D. Methionine (Livestock)

This rule proposes amending the current allowance of methionine, an amino acid, in poultry diets by removing the limits on the amount of synthetic methionine a producer can add to poultry feed rations. This AMS proposal follows a unanimous recommendation from the NOSB. If finalized, producers will have greater flexibility in using methionine to meet the health and nutrition requirements of organic poultry flocks.

Background

Methionine is an essential amino acid for poultry. It is a critical building block for proteins that form muscles, tissues, feathers, and support immune response. Without sufficient methionine, poultry are at risk of several significant health and production issues, including growth impairment, compromised immune function, poor feathering, reduced egg production, and behavioral problems like nervousness, feather picking, and cannibalism.

Poultry cannot synthesize methionine on their own, so they must obtain it from protein sources in their diets. Common plant-based feedstuffs typically lack a sufficient supply of methionine. Therefore, synthetic methionine is commonly added to poultry feed rations to meet nutritional needs of poultry.

The USDA organic regulations have allowed synthetic methionine for organic livestock production since 2003 (68 FR 61987, October 31, 2003). Methionine has undergone several amendments on the National List to restrict its use in various ways, including the use of expiration dates and maximum use limits. The current restriction, which has been effective since 2019, limits its use to no more than 2 to 3 pounds of methionine per ton of feed, depending on the type and species of poultry, calculated as an average over the life of the flock.[23] In this rulemaking, AMS is proposing to remove these limits and to allow the use of methionine as an organic poultry feed additive without restriction beyond the existing general practice standards for livestock feed in § 205.237.

NOSB Recommendation

In October 2024, the NOSB unanimously recommended amending the National List to remove the limit on the amount of methionine that organic producers may feed to poultry.[24] The Board recommended removing this limit primarily to give organic producers more flexibility to use methionine to support bird health and to reduce overly burdensome recordkeeping requirements.

In the rationale supporting its recommendation, the NOSB noted the challenges caused by the current annotation. The current limits have prevented some producers from being able to feed their poultry adequate methionine. To address this deficiency, some producers increased the amount of feed ingredients that are high in methionine, like soybean meal. However, these dietary adjustments (*e.g.,* feeding more soybean meal to address methionine deficits) can increase crude protein levels, which can negatively affect bird health, create problems with manure management, and result in increased ammonia concentration in poultry housing. To give producers more flexibility to provide healthy balanced feed rations, without resorting to over-feeding protein and creating secondary problems, the Board recommended removing the limit on methionine.

The NOSB recommendation also noted the ongoing lack of natural alternatives to synthetic methionine. One of the historical justifications for limiting synthetic methionine was preserving the incentive to develop viable natural methionine alternatives. Over the years, the organic industry has explored a number of possible sources of natural methionine, such as insects and fermentation products. However, these products have not achieved widespread adoption or developed the production scale necessary to adequately address the needs of the organic poultry industry. Because the limit on synthetic methionine has not meaningfully accelerated a natural alternative, the Board reasoned that a limit is not effective for this purpose.

The NOSB also explained its recommendation is intended to better align USDA organic regulations with those of our trading partners. For example, neither the European Union (EU) nor Canada limit the amount of methionine in organic feed. EU organic regulations permit a certain percentage of non-organic ingredients in grain-based poultry diets, which allows organic producers in the EU to include high-methionine ingredients (*e.g.,* corn gluten meal) in poultry feed to meet birds' needs. Similarly, Canada permits the addition of synthetic methionine when naturally occurring sources are not adequate to meet a flock's needs.

The NOSB recommendation was informed by public comments at the October 2024 meeting.[11] The majority of comments were supportive of removing the limits on methionine, citing benefits such as reduced paperwork burden for producers, inspectors, and certifying agents, as well as better health outcomes for poultry flocks. Comments from organic poultry operations and organic certification agencies indicated the recordkeeping burden was especially difficult for small farms and farms with mixed flocks of multiple poultry species that each required separate calculations. Calculating lifetime averages can also be challenging for flocks that change ownership or locations, requiring a combination of records from multiple operations. Commenters also continued to note that no viable natural alternatives to methionine have been found.

AMS Review of NOSB Recommendation

AMS agrees with the NOSB recommendation to allow methionine as an organic poultry feed additive without limits on the amount of methionine that may be added to organic poultry rations. This deregulatory action will give producers maximum flexibility in using methionine to meet the health and nutrition needs of their flocks. Furthermore, this proposed action will lift a recordkeeping burden from organic producers, who will no longer need to maintain records documenting pounds of methionine fed per ton of feed over the lifetime of each flock.

AMS also agrees with the NOSB's determination that synthetic methionine continues to be necessary for organic poultry production due to the absence of natural alternatives. Although existing limits were intended to

[23] The full text of the current annotation is, ''for use only in organic poultry production at the following pounds of synthetic 100 percent methionine per ton of feed in the diet, maximum rates as averaged per ton of feed over the life of the flock: Laying chickens—2 pounds; broiler chickens—2.5 pounds; turkeys and all other poultry—3 pounds.'' 7 CFR 205.603(d)(1).

[24] NOSB recommendation on methionine, October 2024, *www.ams.usda.gov/sites/default/files/media/LS_DLMethionineAnnotChangeFinalRec.pdf.*

incentivize the development of natural alternatives, it does not appear that the limits have been effective for this purpose. Viable natural alternatives have not been developed and are not commercially available to the extent necessary to support the organic poultry industry. Removing the limit on synthetic methionine should not deter future development of natural alternatives.

AMS concludes that all criteria at 7 U.S.C. 6517(c)(1)(A) would continue to be met under this proposed rule, even in the absence of the current limits. This supports the inclusion of synthetic methionine on the National List. Synthetic methionine is not harmful to human health or the environment, is necessary to the organic poultry production because of the unavailability of wholly natural substitute products and is consistent with organic farming and handling practices.

If this proposed amendment is finalized, producers will maintain access to synthetic methionine for use as a feed additive in organic poultry production. Producers would be allowed to use methionine in poultry feed in a way that complies with USDA organic regulations to meet the nutritional requirements of the animal (7 CFR 205.237 and 205.238(a)(2)).

IV. Related Documents

AMS published 5 notices in the **Federal Register** announcing the public NOSB meetings and inviting public comments on the NOSB recommendations addressed in this proposed rule: Fall 2021 (86 FR 29738, June 3, 2021), Spring 2022 (87 FR 12074, March 3, 2022), Fall 2022 (87 FR 37495, June 23, 2022), Spring 2024 (89 FR 8398, February 7, 2024), and Fall 2024 (89 FR 70591, August 30, 2024). Meeting transcripts and public comments received by the NOSB can be found on the AMS website at: *www.ams.usda.gov/rules-regulations/organic/nosb/meetings.*

V. Regulatory Analyses

A. Executive Order (E.O.) 12866 and E.O. 13563

USDA is issuing this proposed rule in conformance with Executive Orders (E.O.) 12866, ''Regulatory Planning and Review,'' and E.O. 13563, ''Improving Regulation and Regulatory Review.'' This proposed rule has been determined to be not significant for purposes of Executive Order 12866, and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) requires agencies to consider the economic impact of each rule on small entities and evaluate alternatives that would accomplish the objectives of the rule without unduly burdening small entities or erecting barriers that would restrict their ability to compete in the market. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to the action. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the final rule is not expected to have a significant economic impact on a substantial number of small entities.

AMS does not expect the economic impact on entities affected by this rulemaking to be significant. This proposed rule would allow two additional substances in organic crop and livestock production and would remove restrictions on the use of one substance, thus removing paperwork and regulatory burdens. The amendments would provide small entities with more options to use in day-to-day operations. The proposed rule would also affirm the validity of current USDA organic regulations related to the use of sodium nitrate as a nitrogen fertilizer. AMS does not expect any significant economic impact related to this action for small entities, as certified operations are already required to maintain records of all activities (*e.g.,* input applications) and transactions.

C. E.O. 12988

E.O. 12988 instructs each executive agency to adhere to certain requirements in the development of new and revised regulations to avoid unduly burdening the court system. This proposed rule is not intended to have a retroactive effect. Accordingly, to prevent duplicative regulation, states and local jurisdictions are preempted under OFPA from creating programs of accreditation for private persons or state officials who want to become certifying agents of organic farms or handling operations. A governing state official would have to apply to the USDA to be accredited as a certifying agent, as described in OFPA (7 U.S.C. 6514(b)). States are also preempted from creating certification programs to certify organic farms or handling operations unless the state programs have been submitted to, and approved by, the Secretary as meeting the requirements of OFPA (7 U.S.C. 6501–6524).

Pursuant to OFPA (7 U.S.C. 6507(b)(2)), a state organic certification program that has been approved by the Secretary may, under certain circumstances, contain additional requirements for the production and handling of agricultural products organically produced in the state and for the certification of organic farm and handling operations located within the state. Such additional requirements must (a) further the purposes of OFPA, (b) not be inconsistent with OFPA, (c) not be discriminatory towards agricultural commodities organically produced in other states, and (d) not be effective until approved by the Secretary.

In addition, pursuant to 7 U.S.C. 6519(c)(6) of the OFPA, this proposed rule does not supersede or alter the authority of the Secretary under the Federal Meat Inspection Act (21 U.S.C. 601–624), the Poultry Products Inspection Act (21 U.S.C. 451–471), or the Egg Products Inspection Act (21 U.S.C. 1031–1056) concerning meat, poultry, and egg products, respectively, nor any of the authorities of the Secretary of Health and Human Services under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 *et seq.*), nor the authority of the Administrator of the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 *et seq.*).

D. Paperwork Reduction Act

Routine collection, reporting and recordkeeping related to the use of substances on the National List are covered under OMB Number 0581–0191. No additional collection or recordkeeping requirements are imposed on the public by this proposed rule. Accordingly, OMB clearance is not required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, chapter 35.

E. E.O. 13175

E.O. 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. AMS has assessed the impact of this proposed rule on Indian Tribes and determined that this rulemaking would not have Tribal implications that require consultation under E.O. 13175.

F. Unfunded Mandates Reform Act

This proposed rule does not contain Federal mandates under the regulatory

provisions of title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25) (UMRA) for State, local and Tribal governments, or the private sector of $100 million or more in any one year. Thus, the proposed rule is not subject to the requirements of sections 202 and 205 of the UMRA.

List of Subjects in 7 CFR Part 205

Administrative practice and procedure, Agriculture, Agricultural commodities, Animals, Archives and records, Crops, Disinfectants, Fees, Imports, Labeling, Livestock, National List, National Organic Standards Board (NOSB), Organically produced products, Plants, Reporting and recordkeeping requirements, Sanitizers, Seals and insignia, Soil conservation, Sunset.

For the reasons stated in the preamble, AMS proposes to amend 7 CFR part 205 as follows:

PART 205—NATIONAL ORGANIC PROGRAM

■ 1. The authority citation for 7 CFR part 205 continues to read as follows:

Authority: 7 U.S.C. 6501–6524.

■ 2. Amend § 205.601 by:
■ a. Redesignating paragraphs (a)(2) through (8) as paragraphs (a)(3) through (9);
■ b. Adding new paragraph (a)(2);
■ c. Redesignating paragraphs (j)(2) through (11) as paragraphs (j)(3) through (12); and
■ d. Adding new paragraph (j)(2).

The additions read as follows:

§ 205.601 Synthetic substances allowed for use in organic crop production.

* * * * *

(a) * * *

(2) Carbon dioxide.

* * * * *

(j) * * *

(2) Carbon dioxide—must be sourced as a byproduct.

* * * * *

■ 3. Amend § 205.602 by revising paragraph (h) to read as follows:

§ 205.602 Nonsynthetic substances prohibited for use in organic crop production.

* * * * *

(h) Sodium nitrate—unless use is restricted to no more than 20% of the crop's total nitrogen requirement.

* * * * *

■ 4. Amend § 205.603 by:
■ a. Redesignating paragraphs (a)(20) through (30) as paragraphs (a)(21) through (31);
■ b. Adding new paragraph (a)(20); and
■ c. Revising paragraph (d)(1).

The addition and revision read as follows:

§ 205.603 Synthetic substances allowed for use in organic livestock production.

* * * * *

(a) * * *

(20) Meloxicam (CAS #71125–38–7)—Federal law restricts this drug to use by or on the lawful written or oral order of a licensed veterinarian, in full compliance with the AMDUCA and 21 CFR part 530 of the Food and Drug Administration regulations. Also, for use under 7 CFR part 205, the NOP requires:

(i) Use by or on the lawful written order of a licensed veterinarian; and

(ii) A withdrawal period of at least two times that required by the FDA.

* * * * *

(d) * * *

(1) DL-methionine, DL-methionine-hydroxy analog, and DL-methionine-hydroxy analog calcium (CAS #'s 59–51–8, 583–91–5, 4857–44–7, and 922–50–9)—for use only in organic poultry production.

* * * * *

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2026–05598 Filed 3–20–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2716; Project Identifier AD–2025–00990–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–8, 737–9, and 737–8200 airplanes. This proposed AD was prompted by a leak through the form-in-place (FiP) gasket found during a leak check. This proposed AD would require a detailed inspection of the FiP gasket at the engine fuel shutoff valve access panel for correct sealant installation, or a detailed inspection at the engine fuel shutoff valve access panel for any damage on the preformed seal, depending on configuration; a fluid leak test of the engine fuel shutoff valve access panel for any leak; and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 7, 2026.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2716; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–2716.

FOR FURTHER INFORMATION CONTACT: Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 907–271–5844; email: *erica.e.bayles@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–2716; Project Identifier AD–2025–00990–T'' at the beginning of your comments. The most

helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 907–271–5844; email: *erica.e.bayles@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating a leak through the FiP gasket was found during a leak check, completed as part of a non-conformance disposition for the Boeing Company Model 737–8, 737–9, and 737–8200 airplanes. An investigation found that the fairing requirements of the engine fuel shutoff valve access panel caused thin regions of the FiP gasket. This caused the manufacturer to apply non-permitted sealant after the initial FiP gasket had cured, which resulted in an uneven sealing surface on the engine fuel shutoff valve access panel and a fuel leak. Non-conforming FiP gasket installations may compromise the designated drainage provision in the wing leading edge area. This condition, if not addressed, could result in fuel leaking onto the engine nozzle and a consequent fire on the ground.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025. This material specifies procedures for a detailed inspection of the FiP gasket at the engine fuel shutoff valve access panel of the left and right wing for correct sealant installation, or a detailed inspection at the engine fuel shutoff valve access panel of the left and right wings for any damage on the preformed seal, depending on configuration; a fluid leak test of the engine fuel shutoff valve access panel for any leak; and applicable on-condition actions. On-condition actions include replacing the FiP gasket, repairing damage to the preformed gasket, and repeating the leak test until no leak is found.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2026–2716.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 433 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection for sealant application	1 work-hours × $85 per hour = $85	$0	$85	Up to $36,805.
Inspection for damage	1 work-hour × $85 per hour = $85	0	85	Up to $36,805.
Leak test	1 work-hour × $85 per hour = $85	0	85	36,805.

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. The agency has no way of determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	Up to 3 work-hours × $85 per hour = $255	Up to $1,000	Up to $1,255.

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs to the preformed gasket specified in this proposed AD.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2026–2716; Project Identifier AD–2025–00990–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 7, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–8, 737–9, and 737–8200 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a leak through the form-in-place (FiP) gasket found during a leak check. An investigation found that the fairing requirements of the engine fuel shutoff valve access panel caused thin regions of the FiP gasket, which caused non-permitted sealant to be applied after the initial FiP gasket had cured, resulting in an uneven sealing surface on the engine fuel shutoff valve access panel and a fuel leak. The FAA is issuing this AD to address incorrect sealant installation and damage to preformed seals. The unsafe condition, if not addressed, could result in fuel leaking onto the engine nozzle and a consequent fire on the ground.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–57A1358, dated November 17, 2025, which is referred to in Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, refer to the original issue date of Requirements Bulletin 737–57A1358 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(3) Where Table 1 and Table 2 in Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, specifies ''Do a fluid leak test of the engine fuel shutoff valve access panel for any leak. If any leak is found, do all applicable on-condition corrective action(s) and repeat the leak test until no leak is found'', this AD requires replacing that text with ''Do a fluid leak test of the engine fuel shutoff valve access panel for any leak. If any leak is found, replace the FiP gasket and repeat the leak test until no leak is found''.

(4) Where Table 3 and Table 4 in Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, specifies ''Do a fluid leak test of the engine fuel shutoff valve access panel for any leak. If any leak is found, do all applicable on-condition corrective action(s) and repeat the leak test until no leak is found'', this AD requires replacing that text with ''Do a fluid leak test of the engine fuel shutoff valve access panel for any leak. If any leak is found, replace the existing sealant installation with a removable fay seal and repeat the leak test until no leak is found''.

(5) Where step 4. b. of Appendix A in Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, specifies ''If any water leaks from the engine fuel shutoff valve access panel in less than two minutes, the fluid leak test has failed'', this AD requires replacing that text with ''If any water leaks from the engine fuel shutoff valve access panel in less than two minutes, the fluid leak test has failed. Replace the FiP gasket in accordance with Figure 3 (Group 1) and removable fay seal in accordance with Figure 7 (Group 2), and repeat the leak test until no leak is found''.

(6) Where step 4. b. of Appendix B in Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025, specifies ''If any water leaks from the engine fuel shutoff valve access panel in less than two minutes, the fluid leak test has failed'', this AD requires replacing that text with ''If any water leaks from the engine fuel shutoff valve access panel in less than two minutes, the fluid leak test has failed. Replace the FiP gasket in accordance with Figure 4 (Group 1) and removable fay seal in accordance with Figure 8 (Group 2), and repeat the leak test until no leak is found''.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (j) of this AD.

Information may be emailed to: *AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Additional Information

For more information about this AD, contact Erica Bayles, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 907–271–5844; email: *erica.e.bayles@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 737–57A1358 RB, dated November 17, 2025.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*

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

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

Lona C. Saccomando,

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

[FR Doc. 2026–05597 Filed 3–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2720; Project Identifier MCAI–2023–00668–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2019–09–03 and AD 2021–05–15, which apply to certain Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters. AD 2019–09–03 requires a one-time inspection of the jettisoning mechanism of the cabin doors. AD 2021–05–15 requires repetitive inspections, modifying the release system of each cabin lateral sliding plug door or modifying the design of the jettison system of each cabin lateral sliding plug door. Since the FAA issued AD 2021–05–15, the manufacturer developed a prerequisite modification for certain helicopters, determined improved modification instructions were necessary for installation of the release system of the cabin lateral sliding plug door, and determined the compliance time could be extended. This proposed AD would require modifying the release system of each cabin lateral sliding plug door or modifying the design of the jettison system of each cabin lateral sliding plug door as a terminating action for the repetitive inspections. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by May 7, 2026.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2720; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI) any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Aryanna Sanchez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5257; email: *aryanna.t.sanchez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2026–2720; Project Identifier MCAI–2023–00668–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt

from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Aryanna Sanchez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2019–09–03, Amendment 39–19637 (84 FR 22693, May 20, 2019) (AD 2019–09–03), for certain Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters. AD 2019–09–03 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2017–0022, dated February 8, 2017 (EASA AD 2017–0022), which required an initial inspection and repetitive inspections after certain maintenance tasks of the jettisoning mechanism of the left-hand (LH) and right-hand (RH) door, followed by corrective actions if needed. EASA AD 2017–0022 also provided a terminating action for repetitive inspections by incorporating MOD [modification] 0725366. During a scheduled test of the jettisoning mechanism of the cabin lateral sliding plug door, a failure was reported. Subsequent investigation of the affected mechanism revealed that the cable of the jettison handle interfered with the cable clamp. AD 2019–09–03 required a one-time inspection of the jettisoning mechanism of the doors.

The FAA issued AD 2021–05–15, Amendment 39–21458 (86 FR 17290, April 2, 2021) (AD 2021–05–15), for certain Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters. AD 2021–05–15 was prompted by an MCAI originated by EASA. EASA issued AD 2019–0064R1, dated December 19, 2019 (EASA AD 2019–0064R1) to supersede EASA AD 2017–0022. EASA AD 2019–0064R1 required an initial inspection and repetitive inspections after certain maintenance task, describes procedures for modifying the release system of each cabin lateral sliding plug door, or modifying the design of the jettison system of each cabin lateral sliding plug door to prevent the jettison handle cable from interfering with the cable clamps. EASA AD 2019–0064R1 provided a terminating action for repetitive inspections by incorporating MOD 0725366 or MOD 0725367.

AD 2021–05–15 requires modifying the release system of each cabin lateral sliding plug door or modifying the design of the jettison system of each cabin lateral sliding plug door. The FAA issued 2021–05–15 to correct an unsafe condition identified as jamming of the door jettisoning mechanism, which prevents the jettisoning of the affected door in an emergency situation with possible obstruction of occupant evacuation.

Actions Since AD 2021–05–15 Was Issued

Since the FAA issued AD 2021–05–15, EASA superseded EASA AD 2019–0064R1 and issued EASA AD 2021–0139, dated June 11, 2021 (EASA AD 2021–0139). EASA AD 2021–0139 was issued to provide updated instructions for the installation of the various modifications. EASA then superseded EASA AD 2021–0139 and issued EASA AD 2021–0139R1, dated May 10, 2023 (EASA AD 2021–0139R1) (also referred to as the MCAI).

The MCAI states the manufacturer received additional reports regarding the difficulty of installing the MOD 0725366 on certain helicopters, and the manufacturer developed MOD 0729230 as a prerequisite to installing MOD 0725366 for certain helicopter configurations. In addition, the manufacturer determined that the compliance time to incorporate the modifications could be extended from within 1,100 flight hours or 27 months to within 1,325 flight hours or 40 months.

The FAA is issuing this AD to prevent the jettison handle cable from interfering with the cable clamps, which could lead to jamming of the door jettisoning mechanism, and prevent the jettisoning of the affected door in an emergency situation with possible obstruction of occupant evacuation.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–2720.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2021–0139R1, which specifies procedures for inspecting the jettisoning mechanism of the LH and RH side of the cabin lateral sliding plug doors, and, ensuring the cables are not contacting the cable clamps and accomplishing the applicable corrective actions. EASA AD 2021–0139R1 also specifies procedures for modifying the release system of each cabin lateral sliding plug door or modifying the design of the jettison system of each cabin lateral sliding plug door. EASA AD 2021–0139R1 specifies that the modification is a terminating action for the repetitive inspections and gives credit for the modification if it was accomplished using certain previously issued service material as applicable to EASA AD 2021–0139R1.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require the same modifications as AD 2021–05–15 and would also require accomplishing the actions specified in EASA AD 2023–0139R1, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA incorporates EASA AD 2023–0139R1 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2023–0139R1 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2023–0139R1 does

not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2023–0139R1. Material required by EASA AD 2023–0139R1 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–2720 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 12 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspecting cable clamps	1 work hour × $85 per hour = $85	$0	$85	$1,020.
Modify the release	214 work-hours × $85 per hour = $18,190.	Up to $122,500	Up to $140,690	Up to $1,688,280.
Modify the jettison system	214 work-hours × $85 per hour = $18,190.	Up to $122,500	Up to $140,690	Up to $1,688,280.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2019–09–03, Amendment 39–19637 (84 FR 22693, May 20, 2019); and Airworthiness Directive 2021–05–15, Amendment 39–21458 (86 FR 17290, April 2, 2021); and

■ b. Adding the following new airworthiness directive:

Airbus Helicopters: Docket No. FAA–2026–2720; Project Identifier MCAI–2023–00668–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 7, 2026.

(b) Affected ADs

(1) This AD replaces AD 2019–09–03, Amendment 39–19637 (84 FR 22693, May 20, 2019) (AD 2019–09–03).

(2) This AD replaces AD 2021–05–15, Amendment 39–21458 (86 FR 17290, April 2, 2021) (AD 2021–05–15).

(c) Applicability

This AD applies to Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2021–0139R1, dated May 10, 2023 (EASA AD 2021–0139R1).

(d) Subject

Joint Aircraft System Component (JASC) Code 5200, Doors.

(e) Unsafe Condition

This AD was prompted by a report that the cabin lateral sliding plug door failed its emergency jettisoning test; subsequent investigation revealed that the jettison handle cable interfered with the cable clamps. The FAA is issuing this AD to address this condition, which could lead to jamming of the door jettisoning mechanism, preventing the jettisoning of the affected door in an emergency situation, and possibly obstructing occupant evacuation.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0139R1.

(h) Exceptions to EASA AD 2021–0139R1

(1) Where EASA AD 2021–0139R1 refers to June 25, 2021 (the effective date of EASA AD 2021–0139, dated June 11, 2021), this AD requires using the effective date of May 7, 2021 (the effective date of AD 2021–05–15).

(2) Where EASA AD 2021–0139R1 requires compliance in terms of flight hours (FH), this AD requires using hours time-in-service (TIS).

(3) Where paragraph (1) of EASA AD 2021–0139R1 specifies ''During the next jettisoning test of the cabin lateral sliding plug door, or within 110 FH, whichever occurs first after 22 February 2017 [the effective date of EASA AD 2017–0022], and, thereafter, during accomplishment of each maintenance task listed in paragraph 1.E.2 of the inspection ASB, inspect the affected parts in accordance with the instructions of section 3 of the inspection ASB'', this AD requires replacing that text with ''During the next jettisoning test of the cabin lateral sliding plug door, or within 110 hours TIS, whichever occurs first after June 24, 2019 [the effective date of AD 2019–09–03], and, thereafter, during the

accomplishment of each maintenance task (adjustments as per Maintenance

Manual (MET) Work Card 52–11–01–601, cable change, removal of the cable clamp, etc.) identified in paragraph 1.E.2 Compliance in Service of Airbus Helicopters Alert Service Bulletin ASB 332–52.00.56 Revision 1, dated April 11, 2019, is accomplished inspect the affected parts as defined in EASA AD 2021–0139R1 in accordance with the instructions of section 3 of the inspection ASB referenced in EASA 2021–0139R1''.

(4) Where paragraph (3) of EASA AD 2021–0139R1 specifies ''in accordance with the instructions of section 3 of the modification ASB'' this AD requires replacing that text with ''in accordance with section 3.B.2 through 3.B.3. of the modification ASB''.

(5) If the modification specified in paragraph (4) of EASA AD 2021–0139R1 is done, it must be done at the compliance time specified in paragraph (3) of EASA AD 2021–0139R1.

(6) Although the material referenced in EASA AD 2021–0139R1 specifies to discard or scrap certain parts, this AD does not include that requirement.

(7) Where the material referenced in EASA AD 2021–0139R1 specifies to contact Airbus Helicopters, or a qualified Airbus Helicopters Group Technician, or by a customer technician previously qualified by Airbus Helicopters to perform certain actions, this AD requires performing those actions using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(8) Where the material referenced in EASA AD 2021–0139R1 specifies ''check'', this AD requires replacing that text with ''inspection''.

(9) This AD does not adopt the ''Remarks'' section of EASA AD 2021–0139R1.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Additional Information

For more information about this AD, contact Aryanna Sanchez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5257; email: *aryanna.t.sanchez@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0139R1, dated May 10, 2023.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on March 18, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–05574 Filed 3–20–26; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–0056; FRL–12601–04–R9]

Air Plan Revisions; California; Antelope Valley Air Quality Management District; New Source Review; Stationary Source Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and partial withdrawal of proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of one permitting rule, submitted on October 16, 2025, as a revision to the Antelope Valley Air Quality Management District (AVAQMD or ''District'') portion of the California State Implementation Plan (SIP). This revision concerns the District's New Source Review (NSR) permitting program for new and modified sources of air pollution under part D of title I of the Clean Air Act (CAA or ''Act''). The AVAQMD amended and resubmitted the rule after the EPA identified deficiencies in an earlier proposed rulemaking on a previous submittal. In this action, the EPA is also withdrawing our proposed limited approval and limited disapproval of the previous version of this AVAQMD rule. If finalized, this action will update the AVAQMD's current SIP with the amended rule. We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before April 22, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2025–0056 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Cecelia Working, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; by phone: (213) 244–1911; or by email to *working.cece@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA.

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I. The State's Submittal

A. What rules are in the current SIP?

Table 1 lists the rules in the current SIP with the dates they were adopted or amended by the AVAQMD, submitted by the California Air Resources Board (CARB), the governor's designee for California SIP submittals, and approved by the EPA.

TABLE 1—CURRENT SIP RULES

District rule No.	Title/subject	State effective date	EPA approval date
1300	New Source Review General	7/20/2021	7/3/2023 (88 FR 42621).
1301	New Source Review Definitions	7/20/2021	7/3/2023 (88 FR 42621).
1302 (except 1302(C)(5) and 1302(C)(7)(c))	New Source Review Procedure	7/20/2021	7/3/2023 (88 FR 42621).
1303	New Source Review Requirements	7/20/2021	7/3/2023 (88 FR 42621).
1304	New Source Review Emissions Calculations	7/20/2021	7/3/2023 (88 FR 42621).
1305	New Source Review Emissions Offsets	7/20/2021	7/3/2023 (88 FR 42621).
1306	New Source Review for Electric Energy Generating Facilities.	7/20/2021	7/3/2023 (88 FR 42621).
1309	Emission Reduction Credit Banking	7/20/2021	7/3/2023 (88 FR 42621).

B. What rules did the State submit?

CARB provided a submittal to the EPA on October 16, 2025 (hereafter referred to as the ''October 2025 submittal''), to revise the AVAQMD's nonattainment NSR (NNSR) permitting program in the California SIP.

CARB's October 2025 submittal provided the amended NNSR permitting program rule listed in Table 2—Rule 1314—that the AVAQMD amended on July 15, 2025. Locally amended Rule 1314 supersedes the version of Rule 1314 that CARB submitted to the EPA on January 7, 2025. In addition to Rule 1314, CARB's January 7, 2025 submittal included amended AVAQMD rules 1301, 1302, 1303, 1304, 1305, and 1309. CARB submitted these rules to replace the current EPA-approved SIP rules in Table 1 that apply in the AVAQMD. On March 26, 2025, the EPA proposed to take action on CARB's January 7, 2025 submittal (the ''March 2025 Proposed Action'').[1]

TABLE 2—SUBMITTED RULE

District rule No.	Title/subject	Amended or adopted	Amendment or adoption date	Submittal date[a]
1314	Federal Nonattainment New Source Review for Ozone Precursors.	Adopted (New Rule)	[b] 7/15/2025	10/16/2025

[a] The October 2025 submittal of Rule 1314 was transmitted to the EPA via a letter from CARB dated October 1, 2025.
[b] The AVAQMD Governing Board adopted amended Rule 1314 on July 15, 2025. On August 4, 2025, the AVAQMD renumbered the rule to correct cross-referencing errors, as the AVAQMD submission letter to CARB explains. The change copy of Rule 1314 that is included in the AVAQMD's submission to CARB shows the corrections to the July 15, 2025 AVAQMD Board-adopted amended rule. These documents are available in the docket for this action.

Section 110(k)(1)(B) of the CAA requires the EPA to determine whether a SIP submission is complete within 60 days of receipt. The EPA's SIP completeness criteria are found in 40 CFR part 51, Appendix V. Based on our review of the public process documentation for the October 2025 submittal, we find that the District has provided sufficient evidence of public notice and opportunity for public comment and held a public hearing prior to adoption and submittal of this rule to the EPA pursuant to 40 CFR part 51, Appendix V, and that the submittal fulfills the completeness criteria of Appendix V.

C. What is the purpose of the submitted rule revisions?

The AVAQMD is the permitting authority for a portion of the Los Angeles-San Bernardino Counties (West Mojave Desert), CA (''West Mojave Desert'') nonattainment area that is designated as a ''Severe'' nonattainment area for the 2015 ozone NAAQS. The area is designated as Unclassifiable/Attainment for the nitrogen dioxide, carbon monoxide, particulate matter equal to or less than 10 micrometers (PM_{10}), particulate matter equal to or less than 2.5 micrometers ($PM_{2.5}$), sulfur dioxide, and lead NAAQS.[2] The designation of the West Mojave Desert as a federal ozone nonattainment area triggered the requirement for the District to develop and submit an NNSR program to the EPA for approval into the California SIP.

The submitted rule listed in Table 2 of this **Federal Register** action, in conjunction with the rules that the EPA proposed to approve in the March 2025 Proposed Action, is intended to replace

[1] 90 FR 13719 (March 26, 2025). In the March 2025 Proposed Action, the EPA proposed to approve AVAQMD Rules 1301, 1302 (except subsections 1302(C)(5) and 1302(C)(7)(c), which CARB did not submit for inclusion in the SIP), 1303, 1304, 1305, and 1309, and proposed a limited approval and limited disapproval of the prior version of AVAQMD Rule 1314, which the AVAQMD superseded with the July 15, 2025 Board-adopted version of the rule. 90 FR 13719, 13722.

[2] 40 CFR 81.305.

the rules currently in the SIP as listed in Table 1. The submitted rule is intended to satisfy the NNSR requirements of section 110(a)(2)(C) and part D of title I of the Act and the EPA's implementing regulations at title 40 of the Code of Federal Regulations (CFR) part 51. NNSR requirements apply only in areas designated as nonattainment for one or more National Ambient Air Quality Standards (NAAQS). The submitted rule is also intended to resolve deficiencies identified in two EPA actions: (1) our July 3, 2023 NSR action (''2023 NSR Action'') [3] that included a limited disapproval of AVAQMD Rules 1301, 1302, 1303, 1304, 1305, and 1309, as locally amended on July 20, 2021, and (2) our proposed limited approval and limited disapproval of AVAQMD Rule 1314, as adopted on December 30, 2024, as described in our March 2025 Proposed Action.[4]

The AVAQMD adopted new Rule 1314 and amended its existing rules 1301, 1302, 1303, 1304, 1305, and 1309 to address the deficiencies that the EPA identified in the 2023 NSR Action. In the March 2025 Proposed Action, the EPA proposed to find that the AVAQMD's revisions to its rules addressed the deficiencies that the EPA identified in the 2023 NSR Action. In the March 2025 Proposed Action, however, the EPA identified a new deficiency in the newly adopted AVAQMD Rule 1314.[5] The deficiency that the EPA first identified in the March 2025 Proposed Action is separate and unrelated to the deficiencies the EPA identified in the 2023 NSR Action. In the March 2025 Proposed Action, the EPA explained that AVAQMD Rule 1314 did not include the reasonable possibility requirements that are stated in 40 CFR 51.165(a)(6) and (7).[6] Before the EPA finalized the March 2025 Proposed Action, the AVAQMD amended Rule 1314 with the intention of addressing the missing requirements that the EPA identified in the March 2025 Proposed Action.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rule?

In the EPA evaluation of the prior and now superseded version of AVAQMD Rule 1314 as part of the March 2025 Proposed Action, the EPA reviewed the rule for compliance with the CAA requirements as follows: (1) the general SIP requirements as set forth in CAA section 110(a)(2), including 110(a)(2)(A) and 110(a)(2)(E)(i); (2) the stationary source preconstruction permitting program requirements as set forth in CAA part D of title I, including CAA sections 172(c)(5), 173, and 182; (3) the requirements for the review and modification of major sources in accordance with 40 CFR 51.160–51.165 as applicable in Severe ozone nonattainment areas; (4) the SIP revision requirements as set forth in CAA sections 110(l) and 193; and (5) the provisions of CAA section 302(z). We described our review in detail in the March 2025 Proposed Action **Federal Register** Notice and in the accompanying Technical Support Document (''TSD'').[7]

Sections 110(a)(2) and 110(l) of the Act require that each SIP or revision to a SIP submitted by the State must be adopted after reasonable notice and public hearing. In addition, section 110 of the Act requires that SIP rules be enforceable. Section 110(a)(2)(C) of the Act requires each SIP to include a program to regulate the modification and construction of any stationary source within the areas covered by the SIP as necessary to assure attainment and maintenance of the NAAQS.

Part D of title I of the Act contains the general requirements for areas designated nonattainment for a NAAQS (section 172), referred to as NNSR, including preconstruction permit requirements for new major sources and major modifications proposing to construct in nonattainment areas (section 173) and the de minimis plan provisions for Severe nonattainment areas (sections 182(c)(6) and 182(d)).

The EPA's regulations at 40 CFR 51.160–51.164 provide general programmatic requirements to implement the statutory mandate under section 110(a)(2)(C) of the Act that is commonly referred to as the ''general'' or ''minor'' NSR program. These NSR program regulations impose requirements for approval of state and local programs that are more general in nature as compared to the specific statutory and regulatory requirements for NSR permitting programs under part D of title I of the Act.

The EPA's regulations at 40 CFR 51.165 set forth the EPA's regulatory requirements for SIP approval of a NNSR permit program. Our review also evaluated the submittal for compliance with the NNSR requirements applicable to Severe ozone nonattainment areas and ensured that the submittal addressed the NNSR requirements for the 2015 ozone NAAQS.

Section 110(l) of the Act prohibits the EPA from approving any SIP revisions that would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA.

Section 193 of the Act, which only applies in nonattainment areas, prohibits the modification of a SIP-approved control requirement in effect before November 15, 1990, in any manner unless the modification insures equivalent or greater emission reductions of such air pollutant.

Section 302(z) of the Act defines the term ''Stationary Source'' as generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in title II of the Act.

B. Does the rule meet the evaluation criteria?

In the March 2025 Proposed Action, the EPA reviewed the submitted rule listed in Table 2 of this document in accordance with the rule evaluation criteria described in Section II.A. of this document. The only difference between the version of Rule 1314 that is the focus of this proposed action and the superseded version of the rule that is the subject of the March 2025 Proposed Action is the amended rule's new section (G), ''Projects That Rely On a Projected Actual Emissions Test,'' which the AVAQMD added when it amended the rule. The language in Rule 1314(G) contains the requirements of 40 CFR 51.165(a)(6) and (7).

With respect to procedural requirements, CAA sections 110(a)(2) and 110(l) require SIP revisions to be adopted by the state after reasonable notice and public hearing. Based on our review of the public process documentation included in the October 2025 submittal for the amended rules listed in Table 2 of this document, we find that the AVAQMD has provided sufficient evidence of public notice, opportunity for comment, and a public hearing prior to the adoption and submittal of these rules to the EPA.

We have determined that the submitted rule satisfies the statutory and regulatory requirements in part D of the Act (including sections 172, 173, 182(c)(6) and 182(d)) and with the relevant provisions of sections 110(a)(2) and 302(z) of the Act, as well as 40 CFR 51.160–51.165, and addresses all of the deficiencies previously identified by the

[3] 88 FR 42621.

[4] 90 FR 13719 (March 26, 2025).

[5] 90 FR 13719, 13722. The Technical Support Document (''TSD'') in the March 2025 Proposed Action also describes the deficiency at sections 5.2, 7.2, and in TSD Attachment 4. The Technical Support Document that is associated with the March 2025 Proposed Action is available in the docket for this proposed action.

[6] Id.

[7] Id.

EPA.[8] We describe how these deficiencies have been resolved in Section II.C. of this notice.

C. How are the previously identified rule deficiencies resolved?

The October 2025 submittal resolves the deficiencies previously identified by the EPA in the 2023 NSR Action and in the March 2025 Proposed Action. In the October 2025 submittal, the AVAQMD made no changes to Rule 1314 that affect our rationale for proposing to find, in the March 2025 Proposed Action, that it resolved the deficiencies identified in the 2023 NSR Action. By amending Rule 1314 such that it includes new section (G), the AVAQMD in the October 2025 submittal resolved the deficiency we identified in the March 2025 Proposed Action.

D. Proposed Action and Public Comment

Based on the rationale set forth above, the EPA is proposing to approve AVAQMD Rule 1314 as submitted in the October 2025 submittal as authorized in section 110(k)(3) of the Act. The explanation we provided in the March 2025 Proposed Action—in our **Federal Register** Notice and TSD—of how AVAQMD Rule 1314 satisfies CAA statutory and regulatory requirements still stands, but we are, in this action, revising the March 2025 Proposed Action to remove our proposed deficiency findings regarding the missing requirements of 40 CFR 51.165(a)(6) and (7), because Rule 1314 now includes these requirements. We are simultaneously withdrawing our proposed limited approval and limited disapproval of Rule 1314 from the March 2025 Proposed Action in light of our proposed full approval of the rule.[9] Therefore, we no longer plan to take final action on the January 7, 2025 submittal of Rule 1314 because it is superseded by the October 2025 submittal of amended Rule 1314.

Because this action proposes to fully approve Rule 1314, the EPA's March 26, 2025 interim final determination that stayed the application of the offset sanction and deferred the action of the highway sanction remains in effect.[10] We will respond to the public comment we received on the interim final determination when we take final action on the District's submitted Regulation XIII rules.

If we finalize this action as proposed, we plan to do so in a single final action on the October 2025 submittal for Rule 1314 as well as on the January 7, 2025 submittal from CARB for Rules 1301, 1302, 1303, 1304, 1305 and 1309, for which we proposed action in the March 2025 Proposed Action. Our action, if finalized, will be codified through revisions to 40 CFR 52.220a (Identification of plan—in part).

III. Incorporation by Reference

In this rule, the EPA is proposing to include in final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the AVAQMD rule described in Table 2 of this preamble. This rule implements the District's nonattainment NSR program. The EPA has made, and will continue to make, these materials available through *https://www.regulations.gov* and in hard copy at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it proposes to approve a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 11, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

[FR Doc. 2026–05636 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

[8] The EPA describes the deficiencies in sections II.C and II.D of the **Federal Register** Notice for the March 2025 Proposed Action (90 FR 13719, 13721–22) as well as the TSD.

[9] We are not withdrawing our proposed approval of AVAQMD Rules 1301, 1302, 1303, 1304, 1305, and 1309 from the March 2025 Proposed Action.

[10] 90 FR 13702.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2023–0230; FRL–9329–01–R3]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; West Virginia; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve a revision to a Clean Air Act (CAA) section 111(d) plan (plan) submitted by the West Virginia Department of Environmental Protection (WVDEP). This revision updates the plan to include changes made to Emissions Guidelines and Compliance Times for municipal solid waste (MSW) landfills. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before April 22, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2023–0230 at *Regulations.gov,* or via email to *Supplee.Gwendolyn@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Krystal Stankunas, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5271. Ms. Stankunas can also be reached via electronic mail at *Stankunas.Krystal@epa.gov.*

I. Background

On March 26, 2020 (85 FR 17244), the EPA finalized the residual risk and technology review conducted for the MSW Landfills source category regulated under national emission standards for hazardous air pollutants which included changes to the standards of performance for new MSW landfills, and emission guidelines and compliance times for existing MSW landfills published at 40 Code of Federal Regulations (CFR) 60, subparts XXX, and Cf respectively. This action was taken under section 111 of the CAA.

Section 111(d) of the CAA requires the EPA to establish a procedure for a state to submit a plan to the EPA which establishes standards of performance for any air pollutant: (1) for which air quality criteria have not been issued or which is not included on a list published under CAA section 108 or emitted from a source category which is regulated under CAA section 112 but; (2) to which a standard of performance under CAA section 111 would apply if such existing source were a new source. The EPA established these requirements for state plan submittals in 40 CFR part 60, subpart B and later in subpart Ba. State submittals under CAA section 111(d) must be consistent with the relevant emission guidelines, in this instance 40 CFR part 60, subpart Cf, and the requirements of 40 CFR part 60, subpart B, subpart Ba where applicable,[1] and part 62, subpart A.

On November 18, 2021, WVDEP submitted to the EPA a formal section 111(d) revision for existing MSW landfills. The submitted revision to the plan was in response to the EPA's March 26, 2020 (85 FR 17244) final residual risk and technology review for the MSW Landfills source category. The EPA originally approved West Virginia's MSW 111(d) plan effective July 23, 2001 (66 FR 28375), and it was subsequently revised and approved on November 22, 2019 (84 FR 64430).

II. Summary of Plan Revision and EPA Analysis

The EPA has reviewed the West Virginia section 111(d) plan revision in the context of the requirements of 40 CFR part 60, subparts B, Ba (where applicable), and Cf, and part 62, subpart A. In this action, the EPA has determined that the submitted section 111(d) plan revision meets the above-cited requirements. Included within the section 111(d) plan are regulations under the West Virginia Code, specifically, West Virginia legislative rule 45 Code of State Rule (C.S.R.) 23, entitled ''Control of Air Pollution from Municipal Solid Waste Landfills.'' A detailed explanation of the rationale behind this approval is available in the technical support document (TSD), located in the docket for this rulemaking.

III. Proposed Action

The EPA is proposing to approve the revision to the West Virginia section 111(d) plan for MSW landfills submitted pursuant to 40 CFR part 60, subpart Cf. The EPA is also proposing to amend 40 CFR part 62, subpart XX to reflect this action, including replacing both existing 40 CFR 62.12125(b) and 40 CFR 62.12125(c) with new 40 CFR 62.12125(b) and 40 CFR 62.12125(c), respectively, and adding new 40 CFR 62.12125(d) and 40 CFR 62.12127(c). This approval will update the rule to include references and dates relevant to the November 18, 2021 submittal. The scope of the approval of the section 111(d) plan revision is limited to the provisions of 40 CFR parts 60 and 62 for existing MSW landfills, as referenced in the emission guidelines, subpart Cf.

The EPA Administrator continues to retain authority for approval of alternative methods to determine the nonmethane organic compound concentration or a site-specific methane generation rate constant (k), as stipulated in 40 CFR 60.30f(c), as well as section 4.8.b, ''Implementation of Emission Guidelines for Existing MSW Landfills,'' of West Virginia's 111(d) plan submittal.

IV. Incorporation by Reference

In this document, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference West Virginia legislative rule 45CSR23, Control of Air Pollution from Municipal Solid Waste Landfills, effective June 1, 2021, which provides emissions guidelines and compliance times for MSW landfills. The EPA has made, and will continue to make, these documents generally available through *Regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the EPA is required to approve a CAA section 111(d) submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 40 CFR part 60, subparts B, Ba, and Cf; and 40 CFR part 62, subpart A. Thus, in

[1] Section 60.30f, Scope and delegated authorities, was amended on August 26, 2019 (84 CF 44555), subsequent to the promulgation of subpart Ba. As amended, § 60.30f indicates that for state plans submitted after September 6, 2019, §§ 60.23a and 60.27a of subpart Ba will apply instead of §§ 60.23 and 60.27 of subpart B.

reviewing CAA section 111(d) state plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act and implementing regulations. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not expected to be an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This action merely delegates to the local agency the authority to implement the already applicable requirements of the Federal Plan.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and does not significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the states, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. This action is not subject to the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

J. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Landfills, Incorporation by reference, Intergovernmental relations, Methane, Ozone, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2026–05637 Filed 3–20–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R06–OAR–2026–0233; FRL–13256–01–R6]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Louisiana; Control of Emissions From Existing Other Solid Waste Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is notifying the public that we have received a CAA section 111(d)/129 negative declaration from Louisiana for existing incinerators subject to the Other Solid Waste Incineration units (OSWI) Emission Guidelines (EG). This negative declaration certifies that existing incinerators subject to the OSWI EG and the requirements of sections 111(d) and 129 of the CAA do not exist within specified jurisdictions in Louisiana. The EPA is proposing to accept the negative declaration and amend the agency regulations in accordance with the requirements of the CAA.

DATES: Written comments must be received on or before April 22, 2026.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2026–0233, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact Kevin Kim, (214) 665–8554, *kim.kevin@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-*

dockets. Docket: The index to the docket for this action is available electronically at *www.regulations.gov.* While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Kevin Kim, EPA Region 6 Office, Air and Radiation Division—State Planning and Implementation Branch, (214) 665–6530, *kim.kevin@epa.gov.* We encourage the public to submit comments via *https://www.regulations.gov.* Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

A. Clean Air Act Sections 111(d) and 129

Sections 111(d) and 129 of the CAA require states to submit plans to control certain pollutants (designated pollutants) at existing solid waste combustor facilities (designated facilities) whenever standards of performance have been established under CAA section 111(b) for new sources of the same type, and the EPA has established emission guidelines for such existing sources. CAA section 129 directs the EPA to establish standards of performance for new sources (NSPS) and emissions guidelines (EG) for existing sources for each category of solid waste incineration unit. Under CAA section 129, NSPS and EG must contain numerical emissions limitations for particulate matter, opacity (as appropriate), sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans. While NSPS are directly applicable to affected facilities, EG for existing units are intended for states to use to develop a state plan to submit to the EPA. Once approved by the EPA, the state plan becomes federally enforceable. If a state does not submit an approvable state plan to the EPA, the EPA is responsible for developing, implementing, and enforcing a Federal plan.

The regulations at 40 CFR part 60, subpart B, contain general provisions applicable to the adoption and submittal of state plans for controlling designated pollutants. Additionally, 40 CFR part 62, subpart A, provides the procedural framework by which EPA will approve or disapprove such plans submitted by a state. When existing designated facilities are located in a state, the state must then develop and submit a plan for the control of the designated pollutant. However, 40 CFR 60.23(b) and 62.06 provide that if there are no existing sources of the designated pollutant in a state, the state may submit a letter of certification to that effect (*i.e.,* negative declaration) in lieu of a plan. The negative declaration exempts the state from the requirements of subpart B that require the submittal of a CAA section 111(d)/129 plan.

B. Other Solid Waste Incineration Units Emission Guidelines

EPA promulgated the OSWI NSPS and EG on December 16, 2005, codified at 40 CFR part 60, subparts EEEE and FFFF, respectively (70 FR 74870). Thus, states were required to submit plans for incinerators subject to the OSWI EG pursuant to sections 111(d) and 129 of the Act and 40 CFR part 60, subpart B. Under the 2005 OSWI EG, the designated facilities to which the OSWI EG apply were existing incinerators [1] subject to the OSWI EG that commenced construction on or before December 9, 2004, and were not modified or reconstructed on or after June 16, 2006, as specified in 40 CFR 60.2991 and 60.2992, with limited exceptions as provided under 40 CFR 60.2993. EPA finalized revisions to the OSWI EG and NSPS on April 17, 2024 (89 FR 27392), removing the title V permitting requirements for air curtain incinerators (ACIs) that only burn wood waste, clean lumber, yard waste, or a mixture of those, and are not located at title V major sources or subject to title V for other reasons. Technical corrections addressing inadvertent errors in the regulatory text amended the rule on November 14, 2024 (89 FR 89928).

On June 30, 2025 (90 FR 27910), the EPA finalized a comprehensive periodic review of and revisions to the OSWI NSPS and EG. These revisions include applicability-related and definitional changes as well as changes to OSWI subcategories and the standards for the new subcategories. Under the 2025 OSWI EG, the applicability of designated facilities to which the OSWI EG apply was revised to include existing incinerators that commenced construction on or before August 31, 2020.[2] The 2025 OSWI EG also included new subcategories of less than or equal to 10 tons per day (TPD) and greater than 10 TPD for existing categories of OSWI (institutional waste incinerator units (IWI) and very small municipal waste combustion unit (VSMWC)).[3]

C. Negative Declarations From Louisiana

In order to fulfill obligations under CAA sections 111(d) and 129, the Louisiana Department of Environmental Quality (LDEQ) submitted negative declarations for incinerators subject to the OSWI EG for its air pollution control jurisdiction. The submittal of these negative declarations exempts Louisiana from the requirement to submit a state plan for incinerators subject to the OSWI EG under 40 CFR part 60, subpart FFFF.

On November 24, 2020, LDEQ submitted a negative declaration for the 2005 OSWI EG under 40 CFR part 60, subpart FFFF. We accepted that negative declaration and amended the CFR accordingly in a **Federal Register** final rule published on April 30, 2021 (86 FR 22875).

Revisions to the OSWI EG in 2025 changed the applicability and requirements of designated facilities, which necessitated the submission of new state plans or negative declarations to EPA. LDEQ submitted a new OSWI negative declaration letter to the EPA on November 4, 2025, to address 2025 OSWI EG requirements.[4] In that letter, the LDEQ certified that there are no sources subject to the current OSWI EG, as revised in 2025, in accordance with CAA sections 111(d) and 129 requirements in its individual air pollution control jurisdiction in Louisiana. A copy of LDEQ's negative declaration letter is included in the docket for this proposed rulemaking.

II. Proposed Action

The EPA is proposing to amend 40 CFR part 62, subpart T, to reflect receipt of the negative declaration letter from LDEQ, submitted on November 4, 2025, certifying that there are no existing incinerators subject to the OSWI EG at 40 CFR part 60, subpart FFFF, under the specified jurisdictions of Louisiana in accordance with 40 CFR 60.2982, 40 CFR 60.23(b), 40 CFR 62.06, and sections 111(d) and 129 of the CAA.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a CAA section

[1] These incinerators include both OSWI and air curtain incinerators (ACI). The ACI that are subject to the OSWI EG at 40 CFR part 60, subpart FFFF, are those ACI that may not fit the definition of an ''OSWI'' under the OSWI EG due to burning certain types of wastes. See 40 CFR 60.2994(b) and 60.3078.

[2] As specified in 40 CFR 60.2991 and 60.2992, with limited exceptions as provided under 40 CFR 60.2993.

[3] See 40 CFR 60.3022 and 40 CFR part 60 subpart FFFF, tables 2 and 2a.

[4] The Louisiana negative declaration letter for incinerators subject to the OSWI EG does not cover sources located in Indian country.

111(d)/129 submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 42 U.S.C. 7429; 40 CFR part 60, subparts B and FFFF; and 40 CFR part 62, subpart A. Thus, in reviewing CAA section 111(d)/129 state plan submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Act and implementing regulations. Accordingly, this action merely proposes to accept a CAA section 111(d)/129 negative declaration from a state and does not impose additional requirements. For that reason:

A. Executive Order 12866: Regulatory Planning and Review

This action is not a significant regulatory action as defined in Executive Order 12866 (58 FR 51735, October 4, 1993) and was therefore not subject to a requirement for Executive Order 12866 review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is certified to not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This action will approve a state plan pursuant to CAA section 111(d)/129 and will therefore have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local, or Tribal Governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action will not apply to areas of Indian country within the State and therefore does not have tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). This action will neither impose substantial direct compliance costs on federally recognized Tribal Governments, nor preempt Tribal law. This action will not impose substantial direct compliance costs on federally recognized Tribal Governments because no actions will be required of Tribal Governments. This action will also not preempt Tribal law as no State tribe implements a regulatory program under the CAA and thus does not have applicable or related Tribal laws.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definitions of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it approves a state program.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution and Use

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards. This action is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 11, 2026.

Walter Mason,

Regional Administrator, Region 6.

[FR Doc. 2026–05606 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 241

[EPA–HQ–OLEM–2025–1609; FRL–12828–01–OLEM]

RIN 2050–AH44

Protecting Public Health and Unleashing American Energy by Facilitating Scrap Tire Pile Cleanups

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is proposing to improve protection of public health and recover valuable energy and mineral resources by designating scrap tires, including previously abandoned scrap tires, that are combusted in cement kilns, as non-waste fuel. In addition, the EPA is proposing to revise the definition of established tire collection program to include abandoned scrap tires that are recovered for use as fuel so they can be managed the same as collected scrap tires. These proposed regulatory changes support several goals of the Resource Conservation and Recovery Act (RCRA) by facilitating the use of abandoned scrap tires as a non-waste fuel and ingredient in Portland cement manufacturing while simultaneously reducing risks to human health and addressing environmental harms caused by tire piles. These proposed revisions are amendments to the Non-Hazardous Secondary Materials (NHSM) regulations, which establish standards and procedures for identifying whether non-hazardous secondary materials are solid wastes when legitimately used as fuels or ingredients in combustion units.

DATES: Comments must be received on or before May 22, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OLEM–2025–1609 by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, OLEM Docket, Mail code 28221T, 1200

Pennsylvania Avenue NW, Washington, DC 20460.

• *Hand Delivery or Courier (by scheduled appointment only):* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. We encourage the public to submit comments via *https://www.regulations.gov/* or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Brian Knieser, Office of Resource Conservation and Recovery, Waste Identification, Notice, and Generators Division, Mail code 5303T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566–0516; email address: *knieser.brian@epa.gov,* or Paul Diss, Office of Resource Conservation and Recovery, Waste and Chemical Implementation Division, Mail code 5303T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number (202) 566–0321; email address: *diss.paul@epa.gov.*

SUPPLEMENTARY INFORMATION: The following outline is provided to aid in locating information in this preamble.

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I. General Information

A. List of Abbreviations and Acronyms Used in This Proposed Rule

Btu British thermal unit
CAA Clean Air Act
CFR Code of Federal Regulations
CISWI Commercial and Industrial Solid Waste Incinerator
EPA U.S. Environmental Protection Agency
FR Federal Register
HAP Hazardous air pollutants
NAICS North American Industrial Classification System
NESHAP National emission standards for hazardous air pollutants
NHSM Non-hazardous secondary material
OMB Office of Management and Budget
RCRA Resource Conservation and Recovery Act
RIN Regulatory information number
SBA Small Business Administration
TDF Tire-Derived Fuel
U.S.C. United States Code

B. What is the statutory authority for this proposed rule?

The EPA is proposing revisions to the NHSM regulations found at 40 CFR part 241 under the authority of sections 2002(a)(1) and 1004(27) of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6912(a)(1) and 6903(27). Section 2002(a)(1) of RCRA authorizes the EPA to promulgate regulations as are necessary to carry out its functions under the Act. The statutory definition of ''solid waste'' is stated in RCRA section 1004(27).

Section 129(a)(1)(D) of the Clean Air Act (CAA) directs the EPA to establish standards for Commercial and Industrial Solid Waste Incinerators (CISWIs). Section 129(g)(6) of the CAA provides that the term ''solid waste'' shall have the meanings established by the Administrator pursuant to RCRA (42 U.S.C. 7429(g)(6)). Further, unless directed otherwise by statute, the Agency is generally free to reconsider policy positions and to revise or rescind prior actions provided that it acknowledges the change in position, provides a reasonable explanation for the new position, and considers reasonable reliance interests on the prior position.[1]

C. Does this proposed rule apply to me?

Categories and entities potentially affected by this action, either directly or indirectly, include, but may not be limited to, the cement manufacturing industry (North American Industrial Classification System (NAICS) code 32731). In addition, waste management and remediation services (NAICS 562) may also be affected. Other types of entities not listed could also be affected. To determine whether your facility, company, business, organization, etc., is affected by this action, you should examine the applicability criteria in this rule. If you have any questions regarding the applicability of this action to a particular entity, consult the people listed in the **FOR FURTHER INFORMATION CONTACT** section.

II. Background

A. Background on Scrap Tires

Scrap tires are tires that have reached the end of their useful life and are no longer suitable for their original intended purpose. The U.S. Tire Manufacturers Association estimates there were 264 million end-of-life tires generated in 2023. Of these tires, 207 million (79%) were recycled or used as fuel. Tire fuel markets include 43 million tires going to cement manufacturing, 31 million to pulp and paper mills, and 11 million to electric utilities.

Not all scrap tires have been managed appropriately. At the peak of the tire pile issue in the 1990s, the US Tire Manufacturers Association (USTMA) estimated there were a billion abandoned scrap tires in piles across the United States. Thanks to concerted and sustained efforts by states, EPA Regions, and industry, USTMA estimates that number has been reduced to about 48 million as of 2023. This represents a steep reduction of about 95 percent since the 1990s.[2]

[1] See *e.g., FDA* v. *Wages & White Lion Invs., LLC,* 145 S. Ct. 898 (2025); *FCC* v. *Fox TV Stations, Inc.,* 556 U.S. 502 (2009); *Clean Air Council* v. *Pruitt,* 862 F.3d 1, 8 (D.C. Cir. 2017) (''Agencies obviously have broad discretion to reconsider a regulation at any time.'').

[2] U.S. Tire Maufactures Association 2023 End-of-Life Tire Management Report: *https://*

Continued

Abandoned scrap tires are discarded material. They have been placed in open dumps in numerous locations across the country and the resulting piles contribute to the national solid waste management problem due to the threat of fires and because they provide an ideal breeding ground for mosquitoes and rodents.[3] Despite substantial reduction in recent years, the remaining abandoned scrap tires continue to present risks to human health and the environment.

Scrap tire piles present a substantial fire risk which can cause adverse impacts on human health and the environment. There are many documented incidents where scrap tire piles have caught fire. Once alight, such fires are difficult to extinguish. Tires are highly combustible and capable of sustained combustion because of their chemical composition and hollow structure that facilitates airflow. Abandoned tire piles are often located in areas that are hard for first responders to access and can require specialized equipment to fully extinguish, leading to long initial response times.[4] Additionally, as tires burn, they produce thick, oily residue that can re-ignite even after initial suppression. This means tire fires can smolder underground or beneath debris for weeks or even months, requiring significant effort, specialized foam, and large volumes of water to fully extinguish.[5] Fumes from burning tires can harm nearby residents and emergency responders in a variety of short- and long-term ways, ranging from irritation of the skin, eyes, and mucous membranes; central nervous system effects; depression; respiratory effects; and cancer.[6]

They also increase disease risk to nearby communities. Rainwater collects inside abandoned tires and provides a breeding ground for mosquitoes, which can transmit illnesses like West Nile virus, which causes West Nile fever, and Eastern Equine Encephalitis virus, which causes encephalitis.[7] [8] Abandoned tires also provide an ideal habitat for other pests like rodents which can carry numerous bacterial and viral diseases like leptospirosis and hantavirus.[9]

This proposed rule will address the threats to human health and the environment described above. The EPA intends this rule to facilitate recovery of abandoned scrap tires; reducing the number of abandoned tires through resource recovery is an important strategy to reduce the health and environmental risks they pose.

B. History of Scrap Tires and the NHSM Regulations [10]

The NHSM regulations establish standards and procedures for identifying whether non-hazardous secondary materials (NHSM) are solid wastes or are legitimately used as non-waste fuels or ingredients when combusted. The RCRA statute defines in relevant part a ''solid waste'' as ''any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and *other discarded material.. . .* resulting from industrial, commercial, mining, and agricultural operations, and from community activities . . .'' (RCRA section 1004(27) (emphasis added), 42 U.S.C. 6903(27)).

The meaning of ''solid waste,'' as defined under RCRA, is of particular importance as it relates to section 129 of the CAA (42 U.S.C. 7429). CAA section 129 states that the term ''solid waste'' shall have the meaning ''established by the Administrator pursuant to the Solid Waste Disposal Act'' (*Id.* at 7429(g)(6)).[11] If a material is solid waste under RCRA, a combustion unit burning the waste material is required to meet the applicable CAA section 129 emission standards for solid waste incineration units. If the material is not solid waste, the combustion unit is required to meet the applicable CAA section 112 emission standards.

The Agency first solicited comment on whether and when secondary materials should be defined as solid waste when used as fuels or ingredients in combustion units in an advanced notice of proposed rulemaking (ANPRM), which was published in the **Federal Register** on January 2, 2009 (74 FR 41). The EPA considered the responses to the ANPRM and published the proposed NHSM rule on June 4, 2010 (75 FR 31844). The EPA issued the final NHSM rule on March 21, 2011 (76 FR 15456).

i. Solid Waste Identification and Legitimacy Criteria

In the final NHSM rule, the EPA codified standards and procedures to be used to identify whether an NHSM is solid waste when used as a fuel and/or ingredient in a combustion unit. As part of this process, EPA codified the legitimacy criteria, determined certain categories of NHSM are non-waste fuel when combusted (including scrap tires from scrap tire collection programs), and discussed processing scrap tires into tire-derived fuel (TDF). The final rule codified several definitions in 40 CFR 241.2. ''Secondary material'' is defined as ''any material that is not the primary product of a manufacturing or commercial process, and can include post-consumer material, off-specification commercial chemical products or manufacturing chemical intermediates, post-industrial material, and scrap.'' ''Non-hazardous secondary material'' is defined as ''a secondary material that, when discarded, would not be identified as a hazardous waste . . .'' under the RCRA Subtitle C hazardous waste regulations found at 40 CFR part 261. Per 40 CFR 241.3(a), an NHSM, including post-consumer materials, is solid waste when combusted, unless it is determined to be non-waste fuel or ingredient.

The codified legitimacy criteria ensure that NHSM fuels are used to replace other energy resources and are not simply being discarded through combustion (*i.e.,* via sham recycling). NHSM used as non-waste fuel in a combustion unit must meet the legitimacy criteria specified in 40 CFR 241.3(d)(1) to be legitimately combusted as non-waste fuel. To meet the legitimacy criteria for non-waste fuel, the NHSM must: (1) be managed as a valuable commodity, (2) have a meaningful heating value and be used as a fuel in a combustion unit that recovers energy; and (3) contain contaminants or groups of contaminants at concentration levels comparable to (or lower than) those in traditional fuels which the combustion unit is designed to burn.

ii. Categorical Non-Waste Determinations

In the final NHSM rule, the EPA determined that several categories of NHSM are non-waste fuel when combusted. The EPA evaluated the characteristics, impacts, and potential

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www.ustires.org/system/files/2024-10/USTMA%27s%202023End-of-Life%20tire%20Management%20Report.pdf.

[3] 75 FR 31875, June 4, 2010.

[4] US EPA. *Illegal Dumping Prevention Guide.* June 2025. EPA Publication 905B25001: *https://www.epa.gov/system/files/documents/2025-08/epa_r5_illegal-dumping-prevention-guide_508.pdf.*

[5] ehttps://

[6] EPA 1997. *Air Emissions from Scrap Tire Combustion,* EPA–600/R–97–115, October 1997

[7] Ohio State University Extension, ''West Nile Virus,'' accessed September 2, 2025, *https://ohioline.osu.edu/factsheet/WNV-1004.*

[8] CDC, ''About Eastern Equine Encephalitis,'' accessed February 6, 2026. *https://www.cdc.gov/eastern-equine-encephalitis/about/index.html.*

[9] CDC, ''Controlling Wild Rodent Infestations,'' accessed December 21, 2025. *https://www.cdc.gov/healthy-pets/rodent-control/index.html.*

[10] The following information is provided for the readers' convenience and general context. Except as expressly described in this document, EPA is not reopening, and will not respond to comments on, other provisions of the NHSM regulations.

[11] The Solid Waste Disposal Act, as amended, is commonly referred to as RCRA.

uses of several common secondary materials used as fuel in combustion units in making those determinations. These categorical non-waste determinations are listed at 40 CFR 241.4(a)(1)–(10). EPA made the categorical determination that scrap tires managed in an established tire collection program and burned for energy recovery are non-waste fuel. They were deemed to meet the legitimacy criteria for use as fuel discussed above. First, EPA determined that tire collection programs manage the scrap tires they collect as a valuable commodity. This criterion ensures that the NHSM is managed in a manner consistent with an analogous fuel or is otherwise adequately contained to prevent releases to the environment. Management as a valuable commodity is both an indication that no discard is occurring and accords with statutory safeguards by preventing disposal. Second, EPA found that scrap tires meet the requirement for meaningful heating value, in that scrap tires have a higher heating value (12,000–16,000 Btu/lb) than the replacement fuel, coal (11,000–13,000 Btu/lb).[12] Third, EPA concluded that scrap tires have comparable (or lower) levels of contaminants as compared to the traditional fuel it is replacing.[13] See 76 FR 15456–15491.

For the purposes of defining solid waste whose combustion is subject to CAA section 129 standards, categorical non-waste determinations apply at the point of combustion when an NHSM is burned as fuel or ingredient. EPA's categorical non-waste determinations recognize that combustion of specific NHSMs for energy recovery is use akin to combustion of traditional fuel product, as opposed to the incineration of solid waste as a means of disposal. In summary, the Agency considered (i) whether the NHSM had been discarded in the first instance, (ii) the legitimacy criteria for the respective fuel and, (iii) if the material had been discarded, whether it had been sufficiently processed such that EPA could determine that the combustion of the legitimate non-waste NHSM fuel was not a form of discard or disposal. If EPA determines that an NHSM is a legitimate non-waste fuel, then facilities that combust this material do not fall under the CAA Section 129 requirements and that CAA Section 112 permit holders must perform appropriate compliance obligations.

iii. Processing NHSM Into Fuel

The 2011 NHSM final rule also discussed the processing of NHSM into legitimate fuel. Most types of discarded NHSM cannot function, from a practical perspective, as legitimate fuel as-is and must first be processed in order to recover a legitimate non-waste fuel. Processing as defined in 40 CFR 241.2 includes, but is not limited to, operations necessary to remove or destroy contaminants, significantly improve the fuel characteristics of the material, *e.g.,* sizing or drying the material in combination with other operations, chemically improve the as-fired energy content, or improve the ingredient characteristics. Minimal operations that result only in modifying the size of the material by shredding do not constitute processing for purposes of this definition.

In making a determination that an NHSM is a categorical non-waste fuel to be identified in 40 CFR 241.4, the Agency can take into consideration relevant factors specific to the particular NHSM regarding the degree of processing needed to render a discarded material into a non-waste fuel. In particular, heterogeneous wastes such as construction and demolition (C&D) debris require a great deal of processing to ensure that legitimate non-waste fuel (clean wood) has been fully recovered from the discarded material. See 40 CFR 241.4(a)(5) for a description of best management practices that C&D waste processors must follow to recover non-waste C&D wood. For coal refuse recovered from legacy piles a type of NHSM, the same manner of processing that is needed for currently generated coal refuse is enough for the recovered NHSM to be considered non-waste fuel. See 40 CFR 241.4(a)(3).

In another example, the categorical non-waste designation for resinated wood used as fuel in a combustion unit, found at 40 CFR 241.4(a)(2), has no explicit processing requirement or any other limiting provisions in the regulations because it is not discarded. The EPA acknowledged that resinated wood may be processed before being combusted as non-waste fuel (*e.g.,* by chipping or hogging) but also stated that such processing is not necessary for the resinated wood to be considered non-waste fuel. (76 FR 15500.) The non-waste determination was thus made in part due to the EPA's finding that the management of the resinated wood under the conditions described does not constitute discard, noting that ''resinated wood residuals are routinely transferred between either intra- or inter- company facilities and used as either ''furnish'' (*i.e.,* raw materials) or fuel at the receiving facilities. The material being transferred off-site is used and handled in the same manner that resinated wood residuals are used when generated onsite (such that it is impossible to distinguish between materials that are being used as a raw material and those that are being used as a fuel.)'' (76 FR 15472.).

iv. Scrap Tires From Tire Collection Programs Versus Abandoned Scrap Tires

Similarly, the EPA made a finding that scrap tires that are managed under the oversight of established tire collection programs are not discarded and can be combusted as non-waste fuel without processing (see 40 CFR 261.4(a)(1)). The 2011 final NHSM rule explicitly states that cement kilns may combust whole tires as non-waste fuel without processing as long as these tires are sourced from established tire collection programs. ''In particular, cement kilns operate at much higher temperatures and need, not only the fuel from the tires, but also the noncombustible portions in order to produce cement clinker, creating a strong market for this type of beneficial use. Whole tires removed from vehicles under established tire collection programs still meet the legitimacy criteria when replacing traditional fuel sources (*e.g.,* coal) in cement kilns due to the contaminant levels and combustion properties.'' (76 FR 15535.) In contrast, where tires are discarded in the first instance (*e.g.,* abandoned scrap tires), sufficient processing is needed before they are considered non-waste fuel. In response to public comment, the EPA said that it ''sympathizes with the commenters' concern that the processing requirement could have the effect of applying different standards to identical materials, such as scrap tires.'' The EPA went on to explain that ''[o]nce the material has been discarded—thrown into waste piles or on stacks—there is no choice. Something other than mere recycling must happen to the material before it may lose its waste designation.'' (76 FR 15476.) The preamble to the 2011 final rule stated that TDF that has been chipped/shredded, sorted, and dewired (or at least 90% wire free) would be considered sufficiently processed, but other standards may apply to specific

[12] EPA 2008 *Materials Characterization Paper—Scrap Tires,* December 17, 2008, EPA–HQ–RCRA–2008–0329–0239. *https://www.regulations.gov/document/EPA-HQ-RCRA-2008-0329-0239.*

[13] Global Efficiency Intelligence. June 2023 *Emissions impacts of alternative fuels combustion in the cement industry. https://www.globalefficiencyintel.com/emissions-impacts-of-alternative-fuels-combustion-in-the-cement-industry.*

units.[14] Subsequent EPA guidance noted that cement kilns can manage TDF with less metal removal because kilns utilize metal contained in scrap tires as a component in their manufacturing process. Under current EPA guidance, metal removal as low as 2–10 percent may be considered a sufficient alternative processing goal when discarded scrap tires are burned in a cement kiln.[15]

In summary, under the existing regulations, tires that are abandoned or have otherwise been discarded cannot be combusted as non-waste fuel without first being sufficiently processed per the definition of ''processing'' in 40 CFR 241.2. In contrast, tires that are managed in an established tire collection program are not considered discarded and can be managed as non-waste fuel when combusted whole or simply shredded without metal removal before combustion per the categorical non-waste determination in 40 CFR 241.4(a)(1).

v. 2013 Amendment to the NHSM Rules

On February 7, 2013, the EPA amended the NHSM rules to ''clarify several provisions in order to implement the non-hazardous secondary materials rule as the agency originally intended.'' (78 FR 9112.) Among other changes, the EPA issued a revised definition of ''established tire collection program'' in order to account for ''off-specification'' (including factory scrap) tires that are contractually arranged to be collected, managed, and transported between a tire manufacturer (including retailers or other parties involved in the distribution and sale of new tires) and a combustor, which is analogous to how scrap tires removed from vehicles are managed. The EPA also revised the definition to specifically include tires that were not abandoned and were received from the general public at tire collection program events. Following the promulgation of the NHSM rules and their non-waste determinations, the regulations were upheld by the D.C. Circuit in *Solvay USA Inc.* v. *EPA,* 608 F. App'x 10 (D.C. Cir. 2015).

Note that the EPA is summarizing this background information for the reader's convenience and is not reopening or asking for comment on the original non-waste determination for scrap tires.

[14] 76 FR 15456, March 21, 2011 (page 15498).

[15] EPA 2020. *Fact Sheet on Non-Hazardous Secondary Materials Determinations and Scrap Tires.* EPA 530–F–20–008, December 2020. *https://www.epa.gov/sites/default/files/2020-12/documents/scrap_tire_fact_sheet_dec_2020_v2.pdf.*

III. Proposed Changes to the NHSM Rules Regarding Recovered Scrap Tires

A. Proposed Categorical Non-Waste Determination for Recovered Scrap Tires Combusted in Cement Kilns

i. Recovered Scrap Tires as Non-Waste Fuel

The EPA is proposing that scrap tires, including abandoned scrap tires that are recovered, are a categorical non-waste fuel when managed as a valuable commodity and combusted as fuel in cement kilns. Abandoned scrap tires that are recovered are largely physically and chemically identical to whole scrap tires collected by established tire collection programs. The categorical non-waste determination in 40 CFR 241.4(a)(1) applies only to collected scrap tires and excludes abandoned tires based on their origin instead of physical or chemical properties of the material. Both types of scrap tires have equivalent thermal values and contain iron wire that has utility in cement kilns. This proposed determination would have the effect of regulating recovered and collected scrap tires identically when they are managed as a valuable commodity and destined for use as fuel in cement manufacturing. It would also allow recovered scrap tires to be managed as non-waste fuel outside of established tire collection programs (as amended in today's proposal) when used as fuel in cement kilns. Given that ''it is 'eminently reasonable to treat materials that are indistinguishable' from virgin materials as non-waste fuel,'' the EPA's proposed determination on abandoned tires will reasonably allow otherwise indistinguishable scrap tires to be regulated the same way when combusted as fuel in cement kilns. See *Solvay USA Inc.* v. *EPA,* 608 F. App'x 10, 13 (D.C. Cir. 2015) (quoting *Safe Food & Fertilizer* v. *EPA,* 350 F.3d 1263, 1269 (D.C. Cir. 2003)).

This proposed categorical non-waste determination at 40 CFR 241.4(a)(11) would apply to previously abandoned scrap tires only when they are recovered and managed as a valuable commodity from the point of recovery onward to the cement kiln, thus ensuring that the first legitimacy criterion is met. Recovered scrap tires have a meaningful heating value that is comparable to virgin coal in cement kilns [16] and contain contaminants at levels comparable in concentration to or lower than those in traditional fuels like coal, satisfying the second and third legitimacy criteria discussed in the Background section. Replacing traditional fuels with scrap tires may also offer benefits such as reduced emissions for select contaminants like nitrogen oxides, sulfur dioxide, and particulate matter.[17] [18] Furthermore, this rule will conserve virgin materials such as coal and iron by partially supplementing their use as fuel and ingredients in clinker manufacturing. In turn, this will potentially reduce the upstream environmental and economic costs of extracting these resources and transporting them to cement kilns. In summary, the EPA is proposing that recovered scrap tires categorically satisfy the legitimacy criteria for NHSM non-waste fuel because of their physical and chemical characteristics, comparability to coal as the analogous fuel, and supply chain practices that ensure scrap tires will be managed as a valuable commodity.

For the reasons outlined above, the EPA is exercising its regulatory authority to define solid waste to reasonably accomplish the objectives of the statute described in RCRA section 1002. This includes a national policy to promote the protection of health and the environment and to conserve land, valuable material, and energy resources. Reducing the volume of abandoned tires will have other substantial benefits through reducing human health risks posed by fire, smoke, and disease, especially in rural, Tribal, and economically disadvantaged areas.[19] The tire pile clean-up process will also require the action of the tire recycling community, operators along the supply chain, the cement kiln industry, and the states. The EPA is proposing this categorical non-waste determination in an effort to facilitate actions by these stakeholders to address the tire pile problem.

ii. Revising the Amount of Processing Required for Scrap Tires To Be Considered Non-Waste Fuel When Combusted

In addition to their properties as fuel, previously abandoned scrap tires, like

[16] U.S. Energy Information Administration. Manufacturing Energy Consumption Survey (MECS). Accessed March 10, 2026. *https://www.eia.gov/consumption/manufacturing/data/2018/.*

[17] EPA. (2008). *Materials Characterization Paper—Scrap Tires,* December 17, 2008, EPA–HQ–RCRA–2008–0329–0239. *https://www.regulations.gov/document/EPA-HQ-RCRA-2008-0329-0239.*

[18] Global Efficiency Intelligence. June 2023 *Emissions impacts of alternative fuels combustion in the cement industry. https://www.globalefficiencyintel.com/emissions-impacts-of-alternative-fuels-combustion-in-the-cement-industry.*

[19] US EPA. *Illegal Dumping Prevention Guide.* June 2025. EPA Publication 905B25001: *https://www.epa.gov/system/files/documents/2025-08/epa_r5_illegal-dumping-prevention-guide_508.pdf.*

collected scrap tires, contain small amounts of metals (primarily iron) which are useful ingredients in the cement production process.[20] Because the current regulations require a meaningful degree of wire removal for previously abandoned tires to be considered a non-waste fuel, processing into TDF results in the removal of ingredients useful to cement kilns that burn scrap tires. However, despite the advantages of using whole tires and shredded tires still containing wire as inputs into cement kilns, the 2011 NHSM final rule omitted abandoned scrap tires from the types of tires that may be combusted as non-waste fuel when collected by an established tire collection program. The result is that recovered scrap tires still require extensive processing into tire derived fuel before use as non-waste fuel. This distinction has resulted in an unnecessary and unreasonable processing requirement that exceeds the degree of processing needed to render the material useful in cement kilns. Processing whole tires into TDF requires a significant amount of time and resources to shred and de-wire.[21] Hogging or shredding tires requires specialized equipment and often involves transport to and from off-site processing facilities adding further time, labor, logistics costs, and environmental impacts. The current regulatory framework has disincentivized the use of recovered scrap tires as fuel in cement kilns by requiring extensive processing to be regulated as non-waste fuel.

The EPA is now proposing to change its position regarding the extent to which abandoned tires must be processed to be regulated as non-waste fuel when combusted in cement kilns or managed in an established tire collection program based on the characteristics of the tires and other relevant factors discussed above. The EPA proposes that these tires may be considered a non-waste fuel and satisfy the definition of ''processing'' in 40 CFR 241.2 which states, ''Processing includes, but is not limited to, operations necessary to: Remove or destroy contaminants; significantly improve the fuel characteristics of the material . . .'' Abandoned tires may satisfy the definition of processing through the recovery process which typically includes physically removing them from the location where they were abandoned, removing and/or ensuring the absence of contaminants like other solid waste that may be dumped alongside or commingled, and removing and/or ensuring the absence of large-scale contamination by soil and organic material. Such processing ensures that recovered scrap tires are equivalent to collected scrap tires when managed in an established tire collection program or combusted in cement kilns. The EPA's proposal would eliminate the need to process via shredding and dewiring, which is currently required for previously abandoned scrap tires prior to combustion as non-waste fuel. Shredding may be used to make them more amendable for use as fuel, but it would not be required to meet the definition of processing. These proposed changes would remove regulatory inconsistency for both industry and regulatory authorities charged with applying the NHSM rules at regulated facilities with respect to all scrap tires, simplify implementation of tire pile clean-ups, reduce compliance burden, and add flexibility for state programs to address their abandoned scrap tire piles. As scrap tires can be legitimately combusted whole in cement kilns, they do not require extensive processing to render their material valuable, and previously abandoned scrap tires are largely identical to collected tires, EPA expects these changes to result in the health and economic benefits described above.

Lastly, this rule will also have upstream benefits by reducing the virgin materials required for cement manufacturing. The mining, processing, and transportation of these resources have notable environmental and economic impacts. These processes create substantial amounts of waste and release atmospheric pollutants. Energy resources like coal can also be used instead for applications like energy generation and steel manufacturing. This proposed rule will partially supplement these virgin resources with previously abandoned scrap tires advancing the resource conservation and recovery goals congress codified in RCRA.

B. Proposed Revision to the Definition of ''Established Tire Collection Programs''

In addition to proposing a new categorical non-waste determination for scrap tires recovered for use as fuel in cement kilns, the EPA is proposing to revise the definition of ''established tire collection program,'' referenced in the categorical exclusion contained in 241.4(a)(1), to include programs that recover abandoned scrap tires and ensure that the recovered tires are not discarded after their recovery. An established tire collection program is currently defined in the regulations as a comprehensive collection system or contractual arrangement that ensures scrap tires are not discarded after collection and are handled as valuable commodities through arrival at the combustion facility. Currently, such programs are allowed to manage whole scrap tires that are removed from vehicles as non-waste fuel, off-specification tires, and tires that were received from the general public at collection program events (see 40 CFR 241.2 and 40 CFR 241.4(a)(1)). The current definition excludes the management of abandoned tires, and therefore abandoned tires must instead be processed into TDF in accordance with the requirements of 40 CFR 241.3 to be considered non-waste fuel.

The EPA is proposing that abandoned scrap tires will no longer need to be shredded or dewired to meet the processing criteria to be considered non-waste fuel when managed through an established tire collection program and sent to a combustion facility. Because whole abandoned scrap tires would no longer be solid waste when recovered, an established tire collection program would be able to manage recovered scrap tires no differently than it does the un-discarded scrap tires it collects. Whether the collection program shreds recovered tires or sends them whole as non-waste fuel to combustion facilities, the tire collection program would meet the definition in 40 CFR 241.2 and legitimacy criteria in 40 CFR 241.3(d)(1)(i) by ensuring that the recovered tires are managed as a valuable commodity and are not discarded after collection. Therefore, this proposal to amend the definition of established tire collection program to include previously abandoned scrap tires would mean that the categorical non-waste determination at 40 CFR 241.4(a)(1) would apply to previously abandoned scrap tires collected in an established tire collection program.

Thus, the proposed definition in 40 CFR 241.2 of an established tire collection program will read ''a comprehensive collection system or contractual arrangement that ensures scrap tires are not discarded after collection and are handled as valuable commodities through arrival at the combustion facility. This can include scrap tires that were received from the general public at collection program events and previously abandoned scrap

[20] European Cement Research Academy (ECRA). 2016. Technical Report A–2016/1039. *Evaluation of the energy performance of cement kilns in the context of co-processing. https://cembureau.eu/media/oyahklgk/12042-ecra-energy-performance-cement-kilns-2017-10-15.pdf.*

[21] CM Shredders. *Starting a scrap tire business 101.* CM Shredders. *https://cmshredders.com/tire-recycling-business/starting-a-scrap-tire-business-101/.*

tires that were recovered for use as fuel.''

C. Request for Comment

The EPA is not reopening or asking for comment on the original non-waste determination in 40 CFR 241.4(a)(1) for scrap tires that are not discarded and managed under the oversight of established tire collection programs. The intent of this proposal is to identify certain specific aspects of the NHSM rule related to scrap tires which EPA is reconsidering and on which it is soliciting public comment. The Agency is not reopening the entire NHSM rule for reconsideration and will not respond to comments directed toward rule provisions that are not specifically identified in this proposal. As such, the Agency is not taking comment on the underlying NHSM regulations, such as the legitimacy criteria at 40 CFR 241.3(d)(1)(i). The Agency is also not taking comment on the pre-existing designation of scrap tires as a legitimate non-waste fuel as this action only includes the additions to 40 CFR 241.2 and 241.4(a)(11). The Agency is only taking comment on the addition of recovered scrap tires sent to cement kilns as NHSM and the expansion of the definition of established tire collection program to include recovered tires as discussed in this document.

As discussed in the Regulatory Impact Analysis (RIA) for this proposal, there are several sources of uncertainty in the analysis of costs and benefits. As such, EPA is soliciting comment on a number of topics that could impact the estimated cost savings of the rule, if finalized. Of particular interest is information regarding tire processing frequency and costs, as well as projected market effects of the rule. See Chapter F of the RIA for the complete list of topics on which the EPA is requesting comment.

IV. Effects of This Proposed Rule on Other Programs

Beyond adding scrap tires combusted in cement kilns to the list of non-waste fuels and revising the definition of established tire collection program, this proposal does not change the effect of the NHSM regulations on other programs as described in the March 21, 2011 NHSM final rule, as amended on February 7, 2013 (78 FR 9138), February 8, 2016 (81 FR 6688), and October 18, 2023 (88 FR 71761). Refer to section VIII of the preamble of the March 21, 2011, NHSM final rule [22] for the discussion on the effect of the NHSM rule on other programs.

V. State Authority

A. Relationship to State Programs

This proposed change to add scrap tires combusted in cement kilns to the list of non-waste fuel and to revise the definition of established tire collection program does not change the relationship to state programs as described in the March 21, 2011, NHSM final rule. Refer to section IX of the preamble to the March 21, 2011, NHSM final rule [23] for the discussion on state authority including, ''Applicability of State Solid Waste Definitions and Beneficial Use Determinations'' and ''Clarifications on the Relationship to State Programs.'' The Agency, however, would like to reiterate that this proposed rule (like the March 21, 2011, and the February 7, 2013, final rules) is not intended to interfere with a state's program authority over the general management of solid waste.

B. State Adoption of the Rulemaking

No federal approval procedures are included in this proposed rule. As a jurisdictional rule, this regulatory change will become effective nationally without state adoption if finalized. Some states incorporate federal regulations by reference or have specific state statutory requirements that their state program can be no more stringent than the federal regulations. In those cases, the EPA anticipates that, if finalized and if required by state law, this rule's proposed changes will be incorporated (or possibly adopted by authorized state air programs) consistent with the state's laws and administrative procedures.

VII. Costs and Benefits

This action is definitional in nature, and any costs or benefits accrue to the corresponding Clean Air Act rules. In accordance with the Office of Management and Budget (OMB) Circular A–4 requirement that the EPA analyze the costs and benefits of regulations, the EPA prepared a RIA document for this proposal that examined the scope of indirect impacts for both costs and benefits.

The proposed changes are expected to result in an annual cost savings of $11.6 to $19.2 million from reduced fuel costs, reduction in tire processing required for tires used as fuel in cement kilns, and reduced disposal costs for tires that have been abandoned. Beyond cost savings, the proposed rule offers environmental and public health benefits by reducing air pollutants and supporting a circular economy. It also facilitates the cleanup of abandoned tire piles, enhancing public health and safety.

VIII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is expected to be an Executive Order 14192 deregulatory action. Details on the estimated cost savings of this proposed rule can be found in the EPA's analysis of the potential costs and benefits associated with this action.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA as this action only defines scrap tires combusted in cement kilns as a non-waste fuel for the purposes of the NHSM regulations. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2050–0205.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule relieves regulatory burden on the small entities subject to the rule. This action will reduce regulatory uncertainty associated with these materials and help increase management efficiency. We have therefore concluded that this action will relieve regulatory burden for all directly regulated small entities.

[22] 76 FR 15456, March 21, 2011 (page 15545).

[23] 76 FR 15456, March 21, 2011 (page 15546).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector. It is expected to result in cost-savings and affected entities are not required to manage the final additional NHSMs as non-waste fuels. While this action may impact Clean Air Act permits and compliance obligations, it is expected to result in a reduced regulatory burden.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. While this proposed rule may benefit Tribes by facilitating the clean-up of tires that have been abandoned on Tribal lands, it will neither impose substantial direct compliance costs on Tribal governments, nor preempt Tribal law. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 directs federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. To the extent that the rule facilitates cleanup of abandoned tire piles, the EPA expects any impact on children's health to be positive. However, EPA's *Policy on Children's Health* applies to this action. Information on how the Policy was applied is available under ''Children's Environmental Health'' in the **SUPPLEMENTARY INFORMATION** section of this preamble.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

List of Subjects in 40 CFR Part 241

Environmental protection, Air pollution control, Non-hazardous secondary materials, Waste treatment and disposal.

Lee Zeldin,

Administrator.

For the reasons stated in the preamble, EPA proposes to amend title 40, chapter I, of the Code of Federal Regulations as follows:

PART 241—SOLID WASTES USED AS FUELS OR INGREDIENTS IN COMBUSTION UNITS

■ 1. The authority citation for part 241 continues to read as follows:

Authority: 42 U.S.C. 6903, 6912, 7429.

Subpart A—General

■ 2. In § 241.2, revise the definition ''established tire collection program'' to read as follows:

§ 241.2 Definitions.

* * * * *

Established tire collection program means a comprehensive collection system or contractual arrangement that ensures scrap tires are handled as valuable commodities through arrival at the combustion facility. This can include scrap tires that were received from the general public at collection program events and previously abandoned scrap tires that were recovered for use as fuel.

* * * * *

Subpart B—Identification of Non-Hazardous Secondary Materials That Are Solid Wastes When Used as Fuels or Ingredients in Combustion Units

■ 3. In § 241.4, add paragraph (a)(11) to read as follows:

§ 241.4 Non-Waste Determinations for Specific Non-Hazardous Secondary Materials When Used as a Fuel.

(a) * * *

(11) Previously abandoned scrap tires managed as valuable commodities from the point of recovery through use as a fuel in cement kilns (with or without shredding).

* * * * *

[FR Doc. 2026–05586 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 91, No. 55
Monday, March 23, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–LP–26–0034]

Request for Extension of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the U.S. Department of Agriculture (USDA) Agricultural Marketing Service's (AMS) intent to request approval from the Office of Management and Budget (OMB) for an extension of the currently approved information collection used in support of the Regulations Governing the Inspection of Eggs (as authorized by the Egg Products Inspection Act (EPIA)), which is commonly referred to as the Shell Egg Surveillance Program (OMB Number 0581–0113).

DATES: Comments must be received by May 22, 2026.

ADDRESSES: Interested persons are invited to submit comments concerning this notice by using the electronic process available at *www.regulations.gov.* Written comments may also be submitted to the Livestock and Poultry Program; Agricultural Marketing Service, USDA; 1400 Independence Avenue SW, Stop 0249; Washington, DC 20250–0258. All comments should reference the docket number AMS–LP–26–0034, the date of submission, and the page number of this issue of the **Federal Register**. All comments received will be posted without change, including any personal information provided, at *www.regulations.gov* and will be made available for public inspection at the above physical address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Lakisha Aller, Assistant to the Director, Quality Assessment Division; (515) 657–1644; or *Lakisha.Aller@usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview of This Information Collection

(1) *Agency:* USDA, AMS.

(2) *Title:* Regulations for the Inspection of Eggs (Egg Products Inspection Act).

(3) *OMB Number:* 0581–0113.

(4) *Expiration Date of Approval:* June 30, 2026.

(5) *Type of Request:* Request for extension of a currently approved information collection.

(6) *Abstract:* Congress enacted the EPIA (21 U.S.C. 1031–1056) to provide, in part, a mandatory inspection program to control the disposition of dirty and checked shell eggs; to control unwholesome, adulterated, and inedible shell eggs that are unfit for human consumption; and to control the movement and disposition of imported shell eggs.

The EPIA authorized USDA to issue regulations describing how these functions would be carried out to ensure that only eggs fit for human consumption are used for such purposes. To this end, USDA published regulations implementing the EPIA, commonly referred to as the Shell Egg Surveillance Program, in 7 CFR part 57.

Under the Shell Egg Surveillance Program, shell egg handlers and hatcheries are required to register with USDA. A state or Federal surveillance inspector visits each registered handler quarterly to verify that shell eggs packed for consumer use comply with the regulations (*e.g.,* restricted eggs are not used for human consumption, storage temperatures are maintained at 45 degrees ambient, etc.), that restricted eggs are being disposed of properly, and that adequate records are being maintained.

The information and recordkeeping requirements in this request are essential to carry out the intent of Congress, to administer the mandatory inspection program, and to take regulatory action, in accordance with the regulations and the EPIA. The forms within this collection package require the minimum information necessary to effectively carry out the requirements of the regulations, and their use is necessary to fulfill the intent of the EPIA.

The information collected is used only by authorized representatives of the AMS Livestock and Poultry Program's Quality Assessment Division, which includes state agencies authorized to conduct inspections on AMS's behalf. The information is used only to verify compliance with the EPIA and the regulations, and to facilitate regulatory action. AMS is the primary user of the information; secondary users include each authorized state agency that has a cooperative agreement with AMS.

There have been no changes in the Shell Egg Surveillance Program or in the information collection requirements. Since the previous submission, there was an overall increase of + 535.25 burden hours, a decrease of 41 Shell Egg Surveillance Program respondents, and an increase of 975 shell egg import certification program respondents. The increase in burden hours is due primarily to the increase in the number of importer respondents who provided information required by 7 CFR 57.915(b) and 57.920. This change is attributed to volatile market conditions, specifically stemming from widespread outbreaks of Highly Pathogenic Avian Influenza within the United States, which precipitated an increase in shell egg imports to offset domestic supply shortages. The decrease in the overall number of Shell Egg Surveillance Program survey respondents is primarily due to industry consolidation.

(7) *Estimate of Burden:* Public reporting burden for this collection of information is estimated to average .25 hours per response.

(8) *Respondents:* Businesses or other for-profits, and small businesses or organizations.

(9) *Estimated Number of Respondents:* 719.

(10) *Estimated Number of Responses per Respondent:* 7.

(11) *Estimated Total Annual Responses:* 6,338.00.

(12) *Estimated Total Annual Burden on Respondents:* 1,984.60 hours.

Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of AMS, including whether the information will have practical utility; (2) the accuracy of AMS's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All responses will become a matter of public record, including any personal information provided.

Melissa Bailey,

Associate Administrator,Agricultural Marketing Service.

[FR Doc. 2026–05653 Filed 3–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and approval under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 22, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Interstate Shipment of Meat and Poultry Products.

OMB Control Number: 0583–0143.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat and poultry products are safe, wholesome, and properly labeled. FSIS is requesting a renewal of the approved information collection regarding the voluntary cooperative interstate shipment program.

Need and Use of the Information: FSIS administers a voluntary cooperative inspection program under which State-inspected establishments with 25 or fewer employees in states that have a cooperative agreement with FSIS are eligible to ship meat and poultry products in interstate commerce (21 U.S.C. 683 and U.S.C. 472) (9 CFR 321.3, 9 CFR part 332, 9 CFR 381.187, and 9 CFR part 381 subpart Z). In participating States, State-inspected establishments selected for this program are required to comply with all Federal standards under the FMIA and the PPIA.

Description of Respondents: Business or other for-profit.

Number of Respondents: 67.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 733.

Food Safety and Inspection Service

Title: Permit To Transport Undenatured Inedible Meat Products.

OMB Control Number: 0583–0179.

Summary of Collection: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*). This statute mandates that FSIS protect the public by verifying that meat and meat products are safe, wholesome, and properly labeled. FSIS is requesting a renewal of the approved information collection regarding permits to transport domestic undenatured inedible meat products.

Need and Use of the Information: Under the regulations at 9 CFR 325.11(e), official establishments are to apply in writing to their District Office to obtain a permit for the transport of undenatured inedible meat products in commerce. The application is to indicate the name and address of the applicant, a description of the type of business operations, and the purpose of making such application.

Description of Respondents: Business or other for-profit.

Number of Respondents: 150.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 25.

Food Safety and Inspection Service

Title: Permit To Obtain Specimens of Condemned or Other Inedible Materials From Official Establishments.

OMB Control Number: 0583–0180.

Summary of Collection: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53) as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, and properly labeled. FSIS is requesting a renewal of the approved information collection regarding applicants that want to obtain specimens of condemned or other inedible materials from official establishments.

Need and Use of the Information: FSIS requires any person desiring specimens of condemned or other inedible materials, including embryos and specimens of animal parasites, to file a written application on the FSIS Form 6700–2, ''Application and Permit to Obtain Specimens from Official Establishments'' (9 CFR 314.9(a)). The applicant must indicate the purpose for the specimens and arrange with and receive permission from the official establishment to obtain the specimens. Under the regulations, official establishments may release specimens for educational, research, or other nonfood purposes under the permit issued by the inspector in charge. The applicant agrees that the collection and handling of the specimens will be at such time and place and in such a manner as not to interfere with inspection or to cause any objectionable condition.

Description of Respondents: Business or other for-profit.

Number of Respondents: 1,642.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 274.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–05604 Filed 3–20–26; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

[Docket ID FSA–2023–0020]

Information Collection Request; Emergency Relief Program (ERP) 2022; Correction

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; request for comments; correction.

SUMMARY: The Farm Service Agency, Department of Agriculture, published a document in the **Federal Register** on March 9, 2026, to request comments from all interested individuals and organizations on revisions of a currently approved information collection for the Emergency Relief Program (ERP) 2022. The document was missing the comment period end date and addresses section for submitting comments.

DATES: We will consider comments that we receive by May 22, 2026.

ADDRESSES: We invite you to submit comments on the information collection request. You may submit comments, identified by Docket ID: FSA–2023–0020, by following this method: Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of March 9, 2026, in FR Doc 2026–04511, on page 11271, in the first column, after the 2nd paragraph following the Summary, correct by inserting:

Jared Hagert,

Acting Administrator, Farm Service Agency.

[FR Doc. 2026–05565 Filed 3–20–26; 8:45 am]

BILLING CODE 3411–E2–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2025–0345]

Notice of Request To Renew an Approved Information Collection: Voluntary Destruction of Imported Meat, Poultry, and Egg Products

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, FSIS is announcing its intention to renew the approved information collection regarding the voluntary destruction of imported meat, poultry, and egg products. There are no changes to the existing information collection. The approval for this information collection will expire on July 31, 2026.

DATES: Submit comments on or before May 22, 2026.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *https://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Jamie L. Whitten Building, Room 350–E, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2025–0345. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *https://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202) 286–2255 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; 202–720–5046.

SUPPLEMENTARY INFORMATION:

Title: Voluntary Destruction of Imported Meat, Poultry, and Egg Products.

OMB Number: 0583–0182.

Type of Request: Renewal of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18 and 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, and properly labeled.

FSIS is announcing its intention to request a renewal of the approved information collection regarding the voluntary destruction of imported meat, poultry, and egg products. There are no changes to the existing information collection. The approval for this information collection will expire on July 31, 2026.

Imported meat, poultry, and egg products that do not comply with U.S. requirements are not allowed to enter U.S. commerce and are identified as ''U.S. Refused Entry'' product. Inspection Program Personnel (IPP) are required to verify that U.S. refused entry product is stored and segregated from other product at an official import inspection establishment until final disposition occurs, or permission to move the shipment is granted by a FSIS Office of Field Operations (OFO) District Office (DO).

The regulations at 9 CFR 327.13, 381.202, 557.13, and 590.945 provide different options for the disposition of U.S. Refused entry product, including: (1) Exportation (return) of the product to the originating country or to a third country, if permitted; (2) destruction of the product for human food purposes; (3) denaturing the product so it cannot be used for human food; (4) conversion of the product to animal food if permitted and approved by the Food and Drug Administration (FDA), and that permission is communicated to the FSIS DO; and (5) rectification if the reason for refusal has been corrected.

FSIS is requesting renewal of the information collection to document the

Importer/Broker/Agent decision to voluntarily destroy product for human food purposes. This information collection is applicable only to destruction witnessed by FSIS IPP. FSIS IPP uses the information during the observation of the product destruction to verify that the product being destroyed is the same product that was refused entry and that the product is controlled by the import establishment until destruction is completed.

The Importer/Broker/Agent completes FSIS Form 9840–4, Voluntary Destruction of Imported Meat (Including Siluriformes), Poultry, and Egg Product, for product that will be destroyed under FSIS supervision. The form is maintained in the FSIS case file. IPP also enter information into the Public Health Information System (PHIS), based on the information provided on the form.

FSIS has made the following estimates based upon an information collection assessment:

Respondents: Importers/Brokers/Agents.

Estimated Total Number of Respondents: 151.

Estimated Annual Number of Responses per Respondent: 1,416.

Estimated Total Annual Burden on Respondents: 17,818 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; 202–720–5046.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the method 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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *https://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service that provides automatic and customized access to selected food safety news and information. This service is available at: *https://www.fsis.usda.gov/subscribe.* The available information ranges from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Mail Stop 9410, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: *program.intake@usda.gov.*

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Jeremy T. Reed,

Chief Operating Officer.

[FR Doc. 2026–05550 Filed 3–20–26; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Solicitation of Nominations for Membership for the Forestry Research Advisory Council

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of solicitation of nominations for membership.

SUMMARY: In accordance with the Agriculture and Food Act of 1981 and the Federal Advisory Committee Act, as amended, the United States Department of Agriculture (USDA) announces its intent to establish the Forestry Research Advisory Council (FRAC). The FRAC will advise the Secretary of Agriculture on proposed forestry research, regional and national planning and coordination of forestry research within the Federal and State agencies concerned with developing and utilizing the Nation's Forest resources, forestry schools, and the forest industries, and other such matters as the Secretary determines. The FRAC will be governed by the provisions of the Federal Advisory Committee Act. Nominations are for a three-year term, unless renewed by the Secretary.

DATES: Nominations must be submitted via email or postmarked by April 23, 2026.

ADDRESSES: Please submit nominations and resumes to the Secretary of Agriculture through the USDA Forest Service, David Lytle, Office of the Deputy Chief, Research and

Development, to 14th and Independence SW, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: David Lytle, FRAC Designated Federal Official, USDA Forest Service, Office of the Deputy Chief, Research and Development, by email at *david.lytle@usda.gov* or phone at 928–419–7738; or Wendy Zirngibl, Director of Knowledge Management and Communication, USDA Forest Service, Office of the Deputy Chief, Research and Development, by email at *wendy.zirngibl@usda.gov* or phone at 202–875–1561.

SUPPLEMENTARY INFORMATION: The FRAC will be composed of no more than 20 members approved by the Secretary of Agriculture. The FRAC membership will be fairly balanced in terms of the points of view represented and functions to be performed, and will represent a broad array of expertise, leadership and relevancy to a membership category. Geographic balance and balanced distribution among the membership categories are also important. The FRAC members will serve 3-year terms and will meet annually, or as often as necessary. The FRAC shall include a maximum of five representatives from each of the four following membership categories: (1) Federal and State agencies; (2) forest industry; (3) academic institutions; and (4) volunteer organizations. Vacancies on the FRAC will be filled in the manner in which the original appointment was made. Members of the FRAC shall serve without compensation. FRAC members may be allowed travel expenses and per diem for attendance at council meetings, subject to approval of the Designated Federal Official responsible for administrative support to the FRAC.

Membership Nomination Information

The appointment of members to the FRAC will be made by the Secretary of Agriculture. The public is invited to submit nominations for membership on the FRAC, either as a self-nomination or a nomination of any qualified and interested person. Any individual or organization may nominate one or more qualified persons to represent the membership categories listed above. To be considered for membership, nominees must:

1. Identify which membership category they would represent and how they are qualified to represent that group;

2. Provide a cover letter stating why they want to serve on the FRAC and what they can contribute;

3. Provide a resume showing their experience working successfully as part of a group working on forest research activities; and

4. Complete Form AD–755, Advisory Committee Membership Background Information.

The Form AD–755 may be obtained from the Forest Service contact person or from the following website: *https://www.usda.gov/sites/default/files/documents/ad-755.pdf.* All nominations will be vetted by USDA.

Equal opportunity practices, in accordance with USDA policies, will be followed in all membership appointments to the council.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (Braille, large print, audiotape, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Mail Stop 9410, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: *program.intake@usda.gov.*

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Dated: March 18, 2026.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2026–05566 Filed 3–20–26; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

[Docket No. RHS–26–SFH–0133]

Single Family Housing Section 502 Home Loan Program—Self-Help and Affordable Housing

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Housing Service (RHS or the Agency), a Rural Development (RD) agency of the United States Department of Agriculture (USDA), is issuing this notice to announce a pilot for the Single Family Housing Section 502 direct loan program (Section 502) to test alternative values of modest housing for self-help housing and when affordable housing products are provided. The Agency intends to evaluate the impact of authorizing the value of properties constructed through the self-help program to exceed the maximum area loan limit under RHS's current regulations; and permitting grants and other affordable housing products to exceed the area loan limit for all Section 502 loans. This notice outlines the pilot parameters and provides contact information for additional details about the pilot.

DATES: *Pilot Duration:* The effective date of this pilot program is March 23, 2026 and will continue until March 23, 2028.

FOR FURTHER INFORMATION CONTACT: Sunceri Dade, Finance and Loan Analyst, Special Programs and Initiatives Branch, Single Family Housing Direct Division, Rural Development, U.S. Department of Agriculture, Email: *Sunceri.dade@usda.gov;* Phone: (202) 720–1485.

SUPPLEMENTARY INFORMATION:

Authority

The RHS Single Family Housing direct program is authorized under Section 502 of the Housing Act of 1949, as amended, and is codified in the U.S. code at 42 U.S.C. 1472(h); it is implemented under 7 CFR part 3550. Demonstration programs for the Section 502 program are authorized by the Housing Act of 1949 in section 506(b) (42 U.S.C. 1476(b)) and 7 CFR 3550.7. Program requirements that are not addressed in this notice will remain in effect.

Background

The RHS offers a variety of programs to build or improve housing and essential community facilities in rural areas. The Agency offers loans, grants, and loan guarantees for single- and multifamily housing, community facilities, such as, child-care centers, fire and police stations, hospitals, libraries, nursing homes, schools, first responder vehicles and equipment, multifamily housing for farm laborers, and much more. RHS also provides technical assistance loans and grants in partnership with non-profit organizations, Indian tribes, state and federal government agencies, and local communities.

The RHS administers the Section 502 program with the objective to assist very-low and low-income applicants obtain decent, safe and sanitary housing in eligible rural areas by providing payment assistance to increase an applicant's repayment ability. The purpose of this pilot program is to evaluate the impact of authorizing the value of properties constructed through the Section 502 self-help program to exceed the maximum area loan limit at 7 CFR 3550.63(a)(1); and permitting grants and other affordable housing products to exceed the area loan limit for all Section 502 direct loans. This pilot program is necessary to ensure that any new area loan limits do not prohibit new construction under the self-help housing method and allows for other affordable housing financing products to successfully supplement gaps in financing.

The following twenty-four (24) States are selected to participate in the pilot based on program usage, the wide geographic variation, historic loan levels, and variety of construction and affordable housing partners: Alaska, Arizona, California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Maine, Maryland, Michigan, Minnesota, Montana, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Washington, Utah, and Virginia.

Maximum Loan Limit Pilot Program

The implementation of the Maximum Loan Limit Pilot Program is an alternative approach to underwriting self help loans and all Section 502 direct loans with additional affordable housing financing from third parties. Agency staff will inidicate in each individual Section 502 borrower file, that one or more of the approaches below were used in approval of the loan.

1. The first approach is to remove the maximum loan limit for self-help housing found at 7 CFR. 3550.63(a)(3). The purpose of this pilot is to demonstrate the viability of allowing self-help loan amounts to align with market realities, particularly in higher cost areas where market values often exceed total financial assistance plus sweat equity needed to complete the home's construction. The Agency's security interest will still be protected as the maximum self-help loan amount must still not exceed the area loan limit established in 7 CFR 3550.63(a)(1). Addtionally, the appraised value will continue to be used to determine the value of sweaty equity as it relates to the original equity amount shown on Form RD 3550–12, Subsidy Repayment Agreement.

2. The second approach will address situations when an applicant is receiving a housing grant or other form of affordable housing assistance from a third party for purposes other than closing costs. In these situations, the maximum loan limit may be exceeded by the third party financing amount(s), as long as the agency loan itself remains at or below the maximum loan limit. Using this process deviates from the requirements set forth in 7 CFR 3550.63(a)(2)(ii) but is needed to establish whether or not other affordable housing financial products supplement gaps in financing. The Agency will not subordinate its first lien position in these situations.

Paperwork Reduction Act

The regulatory exceptions for this pilot contain no new reporting or recordkeeping burdens under OMB control number 0575–0179 that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/about-usda/general-information/staff-offices/office-assistant-secretary-civil-rights/how-file-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; or

(2) *Fax:* (202) 690–7442; or

(3) *Email: Program.Intake@usda.gov.*

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Anthony Priest,

Chief of Staff, Rural Housing Service.

[FR Doc. 2026–05595 Filed 3–20–26; 8:45 am]

BILLING CODE 3410–XV–P

ARCTIC RESEARCH COMMISSION

Notice of Vacancy

AGENCY: Arctic Research Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to the Arctic Research and Policy Act Amendments of 1990, which states that any vacancy occurring in the membership of the Commission shall be filled, after notice of the vacancy is published in the **Federal Register**, in the manner in which the original appointment was made, for the remainder of the unexpired term. This notice is published to comply with the aforesaid requirement. The Arctic Research and Policy Act of 1984 and the Presidential Executive Order on Arctic Research (Executive Order 12501) dated January 28, 1985, established the United States Arctic Research Commission and provides the authority for this notice.

FOR FURTHER INFORMATION CONTACT: Debra Dickson, Administrative Officer,

Arctic Research Commission, 703–235–1040.

Debra L. Dickson.

Administrative Officer.

[FR Doc. 2026–05605 Filed 3–20–26; 8:45 am]

BILLING CODE 8050–01–P

COMMISSION ON CIVIL RIGHTS

Closing the Gap: Addressing Declining Black Male Enrollment at HBCUs and Other Colleges

AGENCY: Commission on the Social Status of Black Men and Boys (CSSBMB), U.S. Commission on Civil Rights.

ACTION: Notice of CSSBMB FY26 Q1 public business meeting.

DATES: Tuesday, March 24, 1:00 p.m. EDT.

ADDRESSES: Meeting to take place virtually and is open to the public via livestream on the Commission's YouTube page: *www.youtube.com/usccr.*

FOR FURTHER INFORMATION CONTACT: Diamond Newman, 202–339–2371, *dnewman@usccr.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Public Law 116–156, 1134 Stat. 700 (2020), the U.S. Commission on the Social Status of Black Men and Boys (CSSBMB) will hold its FY26 First Quarter Business Meeting exploring CSSBMB business items, operations, and next steps. This business meeting is open to the public via livestream on the U.S. Commission on Civil Rights' YouTube page at: *https://youtube.com/live/9wG-TeEBNIE.* (*Streaming information subject to change.*) Public participation is available for the event with view access, along with an audio option for listening. Computer-assisted real-time transcription (CART) will be provided. (*Date and meeting details are subject to change.*) For more information on the CSSBMB or the upcoming public briefing, please visit *www.usccr.gov/CSSBMB* and CSSBMB's Instagram, Facebook, and X.

Meeting Agenda

I. Call to Order & Opening Remarks (5 Minutes)

Chair Wilson

- Call meeting to order
- Welcome Commissioners, staff, and attendees
- Opening remarks on meeting theme

II. Roll Call & Adoption of Agenda (2 Minutes)

Chair Wilson

- Roll call of Commissioners
- Presentation and adoption of agenda
- Motion and vote

III. Framing the Theme: ''Closing the Gap'' (10 Minutes)

Chair Wilson

- Historical significance of HBCUs for Black male achievement
- Overview of enrollment decline trends and contributing factors
- Setting the framework for discussion and action

IV. Director's Report: Findings & Operations Update (10 Minutes)

Director Brier

- Preliminary findings: enrollment decline, gender gap, financial barriers
- K–12 pipeline failures and college readiness disparities
- HBCU institutional challenges and competition from PWIs
- Workforce and cultural pressures on Black male enrollment
- Preliminary recommendations: targeted financial aid, HBCU capital investment, pipeline programs, policy reforms, national awareness campaign
- Operations and dissemination update

V. Commissioners' Clarifying Questions on Report (5 Minutes)

All Commissioners

- Clarifying questions on Director's Report findings and recommendations

VI. Focused Discussion: Reversing the Decline in Black Male Enrollment (10 minutes)

Director Brier (Staff Data Overview—5 min)/Commissioners (Targeted Discussion—5 min)

- Staff data overview: enrollment crisis, gender disparity, HBCU financial vulnerability, completion rates, cost of inaction, state disinvestment
- Targeted Commissioner discussion on systemic implications and intervention strategies

VII. Open Floor for Commissioners (5 Minutes)

All Commissioners

- Additional comments, initiatives, and policy recommendations
- Discussion of report recommendations and implementation strategies

VIII. Next Steps & Action Items (10 Minutes)

Chair Wilson

- Dissemination of findings to Congress, Department of Education, and stakeholders
- Identification of legislative actions: HBCU appropriations, Pell Grant expansion, scholarship programs
- Engagement with HBCU leadership and regional roundtables
- Partnerships with TMCF, UNCF, National Urban League, and My Brother's Keeper Alliance
- National public awareness campaign planning
- Commissioner advocacy assignments

IX. Adjournment (3 Minutes)

Chair Wilson

- Final comments
- Closing remarks and adjournment

Zakee Martin,

U.S. CSSBMB Deputy Director.

[FR Doc. 2026–05578 Filed 3–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–147–2026]

Foreign-Trade Zone 27; Application for Subzone; Methods Machine Tools, Inc.; Acton and Sudbury, Massachusetts

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Massachusetts Port Authority, grantee of FTZ 27, requesting subzone status for the facilities of Methods Machine Tools, Inc., located in Acton and Sudbury, Massachusetts. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on March 18, 2026.

The proposed subzone would consist of the following sites: *Site 1* (2.5 acres) 976 Main Street, Acton; and *Site 2* (1.38 acres) 65 Union Avenue, Sudbury. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 27.

In accordance with the FTZ Board's regulations, Juanita Chen of the FTZ Staff is designated examiner to review the application and make

recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is May 4, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through May 18, 2026.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov.*

Dated: March 18, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–05572 Filed 3–20–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF619]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public meetings of the Council.

DATES: The meetings will be held Tuesday, April 7 through Thursday, April 9, 2026. For agenda details, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: This will be an in-person meeting with a virtual option. Council members, other meeting participants, and members of the public will have the option to participate in person at the Westin New York Grand Central (212 East 42nd Street, New York, NY 10017) or virtually via Webex webinar. Webinar connection instructions and briefing materials will be available at: *https://www.mafmc.org/briefing/april-2026.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *https://www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255. The Council's website, *https://www.mafmc.org,* also has details on the meeting location, proposed agenda, webinar listen-in access, and briefing materials.

SUPPLEMENTARY INFORMATION: The following items are on the agenda, although agenda items may be addressed out of order (changes will be noted on the Council's website when possible.)

Tuesday, April 7th

Omnibus Essential Fish Habitat Amendment

Review public input obtained during comment period

Review recommendations from Fishery Management Action Team (FMAT), Ecosystem and Ocean Planning (EOP) Committee and Advisory Panel, and staff

Consider final action and submission to NOAA Fisheries

Habitat Activities Update—Greater Atlantic Regional Fisheries Office (GARFO) Habitat and Ecosystem Services Division (HESD)

Presentation on activities of interest in the region

Sturgeon Project Update—Dewayne Fox, Delaware State University

Review preliminary results of project comparing catch rates of dogfishes and Atlantic Sturgeon in standard low-profile gillnets

Wednesday, April 8th

Scup Winter I Quota Period Landings Threshold Analysis

Review and consider potential management action

Multi-Year Specifications

Review staff memo and consider initiating an omnibus management action

---------- LUNCH ----------

Recreational Tilefish Permitting

Review public comments and Tilefish Committee recommendations

Select preferred alternatives and take final action

Individual Fishing Quota (IFQ) Program Scoping for Monkfish and/or Skate Wings—Jennifer Couture, NEFMC

Review and approve scoping document

Spiny Dogfish Ageing Project Summary—Madison Philipp and Dr. Michelle Passerotti, NOAA Fisheries

Review results of project to improve dogfish ageing

Council Award Presentation

Presentation of the 2025 Ricks E Savage Award

Thursday, April 9th

Business Session

Committee Reports (Scientific and Statistical Committee, Northeast Trawl Advisory Panel); Executive Director's Report; Organization Reports; and Liaison Reports

Other Business and General Public Comment

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c).

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: March 18, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–05551 Filed 3–20–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF587]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of virtual meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Scallop Plan Team will meet on April 6, 2026.

DATES: The meeting will be held on Monday, April 6, 2026, from 9 a.m. to 1 p.m. AK time.

ADDRESSES: The meeting will be a virtual meeting. Attend online through

the link at *https://meetings.npfmc.org/Meeting/Details/4125.*

Council address: North Pacific Fishery Management Council, 1007 W 3rd Ave., Ste. 400, Anchorage, AK 99501–2252; telephone: (907) 271–2809. Instructions for attending the meeting via video conference are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Anita Kroska, Council staff; phone; (907) 271–2805; email: *akroska@npfmc.org.* For technical support, please contact our admin Council staff, email: *support@npfmc.org.*

SUPPLEMENTARY INFORMATION:

Agenda

Monday, April 6, 2026

The agenda will include (a) 2025–26 fishery, survey, & socioeconomic updates; (b) status of assessment development; (c) stock status, Over Fishing Limit, and Acceptable Biological Catch determination; (d) future planning for Scallop Plan Team, and (e) other business. The agenda is subject to change, and the latest version will be posted at *https://meetings.npfmc.org/Meeting/Details/4125* prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smart phone, or by phone only. Connection information will be posted online at: *https://meetings.npfmc.org/Meeting/Details/4125.*

Public Comment

Public comment letters will be accepted and should be submitted electronically to *https://meetings.npfmc.org/Meeting/Details/4125.*

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

Dated: March 18, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–05626 Filed 3–20–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Request for Comment on Satellite-Derived Bathymetry Addition to Standard Ocean Mapping Protocol

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of request for public comment.

SUMMARY: The National Ocean Mapping, Exploration, and Characterization (NOMEC) Council and the Interagency Working Group on Ocean and Coastal Mapping (IWG–OCM) request input from all interested parties on the draft addendums to the Standard Ocean Mapping Protocol (SOMP). The SOMP was developed in accordance with Objective 2.1 of the National Strategy for Ocean Mapping, Exploring, and Characterizing the United States Exclusive Economic Zone (NOMEC Strategy), which directed the IWG–OCM to establish a SOMP to encourage consistency in data acquisition, stewardship, and management across a subset of ocean sensing capabilities for seafloor mapping. The first version of the SOMP was released in April 2024 and includes sections on bathymetry, seabed backscatter, water column backscatter, side scan sonar imagery, sub-bottom profiling, and magnetometer data readings. The draft addendums to the Bathymetry and Data Management chapters are focused on Satellite-Derived Bathymetry (SDB).

DATES: All comments on this **Federal Register** Notice must be received by 5 p.m. ET on May 22, 2026.

ADDRESSES: Written comments on the draft addendums must be submitted via email to *iwgocm.staff@noaa.gov.* Please include ''Public Comment on SOMP SDB Addendums'' in the subject line of the email message. If applicable, clearly indicate the section and page number to which submitted comments pertain. The written comments NOAA receives are considered part of the public record, and the entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials, will be publicly accessible. Sensitive personally identifiable information, such as account numbers and Social Security numbers, should not be included with the comment. Comments that contain profanity, vulgarity, threats, or other inappropriate language will not be considered. All submissions must be in English. Email attachments will be accepted in plain text, Microsoft Word, or Adobe PDF formats only. Each individual or institution is requested to submit only one comment. Commenting on this FRN is voluntary. Please note that the U.S. Government will not pay for comment preparation, or for the use of any information contained in the comment.

Documents are available at the following locations:

- The draft SDB-addendum to the Bathymetry chapter of the April 2024 SOMP may be downloaded or viewed at: *https://iocm.noaa.gov/standards/DRAFT+-+SOMP+SDB+Addendum+Chapters+1+and+2_+01.09.2026.pdf*
- The April 2024 SOMP may be downloaded or viewed at: *https://iocm.noaa.gov/standards/SOMPFinal2024.pdf*
- The 2020 NOMEC Strategy may be downloaded or viewed at: *https://www.noaa.gov/sites/default/files/2022-07/NOMECStrategy.pdf*
- The 2024 NOMEC Strategy Implementation Plan may be downloaded or viewed at: *https://www.noaa.gov/sites/default/files/2025-01/2024%20NOMEC%20Implementation%20Plan_FINAL.pdf.*

FOR FURTHER INFORMATION CONTACT: Paul Turner, NOAA Integrated Ocean and Coastal Mapping, 240–429–0293, *iwgocm.staff@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Request for Technical Feedback

The NOMEC Council and IWG–OCM issued this FRN to solicit public input that will inform the IWG–OCM's refinement of the SDB-addendums to the Bathymetry and Data Management chapters of the April 2024 SOMP. Specifically, the IWG–OCM is looking for feedback to address technical aspects relevant to the scope and content of the SDB addendums.

II. Background

The SOMP encourages use of national standards and best practices to guide all ocean mapping actions in order to ensure the widest access to, use of, and integration of data while minimizing duplication of effort and archiving of ocean and coastal mapping data in publicly accessible repositories and databases. Collecting, processing, and archiving data to established standards expands its utility for multiple uses. Ocean mapping data are required to meet many Federal government missions. To make the most of every survey mile collected, the IWG–OCM works with and encourages participation from partnering federal, state, local, academic, private industry, and non-profit organizations on mapping activities, data collection, and data sharing.

Pursuant to Objective 2.1 of the NOMEC Strategy, the April 2024 SOMP was drafted to encourage consistency in data acquisition, stewardship, and data management for seafloor mapping. The SOMP is organized into the following seven chapters:

(1) Data Management—The data management chapter covers methods for

effective data management, metadata, and archive techniques, which allow data to be accessed by and shared freely with the public.

(2) Bathymetry—The bathymetric data chapter focuses on procedures for collecting, processing, and delivering bathymetry acquired by multibeam, single beam, and phase-discriminating sonar, and light detection and ranging (lidar) systems and satellite-derived bathymetry. This chapter summarizes best practices for: positioning, system calibration and Quality Assurance/Quality Control (QA/QC) techniques, coverage and resolution, uncertainty, tides and water levels, and general gridded data specifications.

(3) Seabed and Lakebed Backscatter—The backscatter data chapter focuses on establishing common backscatter acquisition and processing methods, acoustic signal corrections, and image processing steps leveraging existing guidelines and recommendations from the Marine Geological and Biological Habitat Mapping (GeoHab) Backscatter Working Group (BSWG), as well as expert input from government, industry, academic institutions, and other relevant bodies.

(4) Water Column Sonar —The water column sonar chapter focuses on collecting, processing, and delivering raw and interpreted backscatter from single beam and multibeam echosounders (MBES). This chapter summarizes best practices for system configurations, operating frequencies and depth ranges, system calibration, QA/QC techniques, and analysis, and interpretation of backscatter.

(5) Side Scan Sonar —The Side Scan Sonar (SSS) chapter focuses on collecting, processing, and delivering SSS data. This chapter summarizes best practices for acquisition standards and system set-up, range scales, frequencies and ping rates, coverage requirements, positioning, system calibration, QA/QC techniques, and derivation of products.

(6) Sub-bottom -The sub-bottom profiling chapter focuses on common system types, practical survey design, conventional acquisition procedures, processing protocols, data formats, and publication of subsurface imaging data. The chapter describes the standard operating procedure for the use of single-channel acoustic systems that commonly operate in the 0.2 to 24 kilohertz (kHz) frequency range to remotely image the surface morphology and near-surface stratigraphy.

(7) Magnetometer—The magnetometer chapter focuses on general magnetic theory as it relates to anomaly detectability, factors that influence data quality, instrument configuration and selection, platforms, coverage specifications, testing and calibration, and resolution/line spacing based on survey objectives.

Authority: 33 U.S.C. 883e; 33 U.S.C. 3501 *et seq.*

Christiaan van Westendorp,

RDML, NOAA, Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–05585 Filed 3–20–26; 8:45 am]

BILLING CODE 3510–G1–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF516]

Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement

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

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a public meeting of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) on May 27, 2026. Meeting topics are provided under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting of the PAC will be held via web conference on May 27, 2026, from 10 a.m. to 1 p.m. Hawaii Standard Time (HST) (or until business is concluded).

ADDRESSES: The public meeting will be conducted via web conference. For details on how to call in to the web conference or to submit comments, please contact Katrina Poremba, NMFS Pacific Islands Regional Office; telephone: 808–725–5096; email: *katrina.porembas@noaa.gov*. Documents to be considered by the PAC will be sent out via email in advance of the conference call. Please submit contact information to Katrina Poremba (telephone: 808–725–5096; email: *pir.wcpfc@noaa.gov)* by May 7, 2026 to receive documents via email. This meeting may be recorded for the purpose of generating notes of the meeting. As public comments will be made publicly available, participants and public commenters are urged not to provide personally identifiable information (PII) at this meeting. Participation in the meeting by web conference, or by telephone, constitutes consent to the audio recording.

FOR FURTHER INFORMATION CONTACT: Katrina Poremba, NMFS Pacific Islands Regional Office; 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818; telephone: 808–725–5096; email: *pir.wcpfc@noaa.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*), the PAC has been formed to advise the U.S. Commissioners to the WCPFC. The PAC is composed of: (i) no less than 15 nor more than 20 individuals appointed by the Secretary of Commerce in consultation with the U.S. Commissioners to the WCPFC; (ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee (or the chair's designee); and (iii) officials from the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees). The PAC supports the work of the U.S. National Section to the WCPFC in an advisory capacity. The U.S. National Section is made up of the U.S. Commissioners, the Department of State, and the U.S. head of delegation. NMFS Pacific Islands Regional Office provides administrative and technical support to the PAC in cooperation with the Department of State. More information on the WCPFC, established under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, can be found on the WCPFC website: *http://www.wcpfc.int.*

Meeting Topics

The purpose of the May 27, 2026 meeting is to discuss U.S. objectives leading up to the 23rd Regular Session of the WCPFC and its Subsidiary Body Meetings. There will also be an opportunity for the U.S. Participating Territories (American Samoa, Guam, and CNMI) to present their priority issues to the U.S. Commissioners.

Special Accommodations

The web conference is accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Katrina Poremba at 808–725–5096 by May 1, 2026.

Authority: 16 U.S.C. 6902 *et seq.*

Dated: March 19, 2026.

David R. Blankinship,

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

[FR Doc. 2026–05619 Filed 3–20–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No.: 260313–0081]

RIN 0648–BN96

Deep Seabed Mining: Notice of Receipt of Applications for Deep Seabed Mining Exploration Licenses and Announcement of Public Comment Period and Virtual Public Hearings

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of receipt of applications for deep seabed mining exploration licenses; request for comments; notice of virtual public hearing.

SUMMARY: NOAA has received two applications for licenses to conduct seabed mining exploration activities that are fully compliant with the applicable information requirements of the Deep Seabed Hard Mineral Resources Act (DSHMRA or the Act) and the Act's implementing regulations. As part of the application review process, NOAA will hold one virtual public hearing on American Metal Resources, LLC's (AMR) application and one virtual public hearing on SeaX, Inc.'s (SeaX) application, and will accept written comments on the applications submitted electronically via the instructions below.

DATES: Comments on the applications must be received by May 22, 2026. The virtual public hearing for AMR's application is scheduled for April 21, 2026, from 3 p.m. to 5 p.m. Eastern Time. For SeaX's application, the virtual public hearing is scheduled for April 22, 2026, from 3 p.m. to 5 p.m. Eastern Time. Instructions for attending the virtual public hearings are provided below.

ADDRESSES: The AMR application is electronically available at *https://www.regulations.gov/docket/NOAA-NOS-2026-0034;* The SeaX application is electronically available at *https://www.regulations.gov/docket/NOAA-NOS-2026-0035.* You may send comments, identified by docket number, by either of the following means:

Written Comments

- For the AMR application, submit all public written comments via the Federal *regulations.gov* e-Portal at *https://www.regulations.gov/docket/NOAA-NOS-2026-0034* or go to *www.regulations.gov* and enter ''NOAA–NOS–2026–0034'' in the search bar.
- For the SeaX application, submit all public written comments via the Federal *regulations.gov* e-Portal at *https://www.regulations.gov/docket/NOAA-NOS-2026-0035* or go to *www.regulations.gov* and enter ''NOAA–NOS–2026–0035'' in the search bar.

For each docket, locate the document you wish to comment on from the resulting list and click on the ''Submit a comment'' icon on the right of that line. Please note that comments will only be considered for the docket to which they are submitted. If your comment is in response to both the AMR application and the SeaX application, you must submit two comments, one to each docket.

Comments must be submitted by the date and electronic method described above to ensure that the comments are received, documented, and considered by NOAA. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. Comments that are not related to the applications or that contain profanity, vulgarity, threats, or other inappropriate language will not be considered. To ensure full consideration by NOAA, comments must be submitted in English. Comments that are not submitted in English may not be posted to the public dockets on *regulations.gov*, or considered by NOAA. All relevant comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NOAA will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Virtual Public Hearings

You may submit oral comments for AMR's Application during the April 21, 2026 meeting and oral comments for SeaX's Application during the April 22, 2026 meeting. Oral comments received during the hearing for AMR may not be considered as to SeaX, and vice versa.

NOAA will conduct two virtual public hearings via Adobe Connect. Each person who wants to attend either virtual public hearing must electronically register by April 21, 2026, 5 p.m. Eastern Time. Attendance at each virtual public hearing will be limited to 1,000 individuals. Any person who registers and wants to speak at a virtual public hearing should indicate that they want to speak during registration. To register for either hearing, use the following link: *https://events-na13.adobeconnect.com/content/connect/c1/2358677976/en/events/event/shared/10627447973/event_landing.html?sco-id=10651739456&_charset_=utf-8.* Any person who registers and wants to speak at a virtual public hearing should indicate that they want to speak during registration. Each registered participant will receive an Adobe Connect link for the virtual public hearing.

Once the virtual public hearing starts, NOAA will describe the virtual public hearing logistics. NOAA will then start the public comment part of the virtual public hearing and will call on speakers on a first come/first served basis through the raised hand function of Adobe Connect. NOAA will then unmute the person speaking. Each speaker will have three minutes to speak on the application (AMR application on April 21, 2026, and SeaX application on April 22, 2026). If a speaker does not respond when they are called on, NOAA will move to the next speaker. At the three-minute mark for each speaker, NOAA will mute that speaker. Speakers cannot allot their time to another speaker. Once all speakers have spoken, or at the scheduled end of the virtual public hearing, whichever is earlier, NOAA may end the virtual public hearing. NOAA retains discretion to extend the virtual public hearing if appropriate and feasible. NOAA will record each hearing and will include a transcript of each hearing on the appropriate public docket for each of the applications on the *regulations.gov* website at *https://www.regulations.gov/docket/NOAA-NOS-2026-0034* for the AMR application and at *https://www.regulations.gov/docket/NOAA-NOS-2026-0035* for the SeaX application. The names provided by each speaker will also be published as part of the transcripts.

The virtual public hearings do not replace the process for submission of written comments. NOAA will not respond during the hearings to oral comments or questions. To ensure full consideration by NOAA, oral comments must be in English. Comments that are not in English may not be transcribed or considered by NOAA.

FOR FURTHER INFORMATION CONTACT: Bryan Cole, 301–233–2998, *bryan.cole@noaa.gov.*

SUPPLEMENTARY INFORMATION: On August 7, 2025, NOAA received an amended application from AMR for a license to conduct seabed mining exploration activities within the seabed area beyond national jurisdiction generally known as the Clarion-Clipperton Zone. NOAA also received an amended application from SeaX on August 10, 2025. AMR and SeaX are both subsidiaries of American Metal Resources Inc. NOAA has determined that these applications are fully compliant with the applicable information requirements of the Act and its implementing regulations. Under DSHMRA, NOAA shall publish notice of all license applications and, subject to applicable public disclosure limitations, interested persons are afforded the opportunity to examine the relevant application materials and to submit written and oral comments to NOAA. NOAA has determined that the AMR and SeaX applications and their associated supplementary documents are the relevant materials for examination during the notice of application. 30 U.S.C. 1426(a)(1). These applications and supplementary documents are electronically available at the locations listed in the **ADDRESSES** section. Please note that the statements made in the applications and supplementary documents do not necessarily reflect the views of NOAA or the views of the U.S. Government. The applications also contain maps and coordinates of proposed exploration areas, portions of which may conflict with areas over which an earlier-in-time applicant has priority of right. NOAA has determined that AMR and SeaX only have priority of right for issuance of licenses in areas that do not conflict with an earlier-in-time applicant.

(Authority: 30 U.S.C. 1426(a)(1).)

Neil A. Jacobs,

Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator National Oceanic and Atmospheric Administration.

[FR Doc. 2026–05599 Filed 3–20–26; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF582]

Fisheries of the South Atlantic, Gulf and Caribbean; Southeast Data, Assessment, and Review; Public Meeting

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

ACTION: Notice of Pre-Data Workshop webinar.

SUMMARY: The Southeast Data Assessment and Review (SEDAR) 101 assessment process will consist of a Data Workshop, an internal agency led assessment stage, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 101 Pre-Data Workshop Webinar will be held from 2 p.m. until 4 p.m. EDT April 9, 2026.

ADDRESSES:

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405. *www.sedarweb.org.*

Meeting address: The SEDAR101 Pre-Data Workshop Webinar will be held via webinar. The webinar is open to members of the public. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

FOR FURTHER INFORMATION CONTACT: Emily Ott, SEDAR Coordinator; (843) 302–8434. Email: *Emily.Ott@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the NMFS and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process, a multi-step method for determining the status of fish stocks in the Southeast Region SEDAR is a participatory process for developing, evaluating and reviewing information used for fisheries management advice. The process may include (1) a Data stage, and (2) an Assessment stage, and (3) a Review stage. The product of the Data stage is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment stage is a report which compiles and evaluates recommended model configurations that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks and projects future population conditions. The product of the Review Workshop is a Review Summary documenting panel opinions regarding the strengths and weaknesses of the products reviewed. Participants for SEDAR Workshops are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and National Marine Fisheries Service Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations; International experts; and staff of Councils, Commissions, and state and Federal agencies.

The items of discussion in the Pre-Data Workshop Webinar are as follows:

The Panel will discuss preliminary data analysis, make recommendations, and provide guidance for the in-person data workshop. Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 19, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–05627 Filed 3–20–26; 8:45 am]

BILLING CODE 3510–22–P

NATIONAL COMMISSION ON THE FUTURE OF THE NAVY

Announcement of Public Hearing

AGENCY: National Commission on the Future of the Navy

ACTION: Notice.

SUMMARY: The Commissioners of the National Commission on the Future of the Navy (FNC), in accordance with the National Defense Authorization Act of 2023, will hold a public hearing to hear from Members of Congress and experts from government and industry to better understand to provide an opportunity for stakeholders to present their views. Those wishing to attend, present at, or submit a written statement to the Board prior to the public hearing must provide advance notice to the agency as detailed below.

DATES: The hearing is set for Wednesday, March 25, 2026 at 10 a.m. EST.

ADDRESSES: The public hearing will take place in the Russell Senate Building, Room 222. The hearing is open to the public.

SUPPLEMENTARY INFORMATION: Congress established the National Commission on the Future of the Navy in the Fiscal Year 2023 National Defense Authorization Act to provide an independent, bipartisan assessment of U.S. naval force structure, readiness, and long-term maritime requirements. The statute directs the Commission to conduct a comprehensive review of fleet size and force mix, naval aviation, shipbuilding capacity, personnel policies, and the force-generation model that sustains combat power at sea. It authorizes the Commission to hold public hearings, receive testimony, and obtain information from federal departments and agencies to support recommendations to Congress. This hearing is the first in support of this effort.

The hearing is compromised of two panels. The first panel is open to the public and will consist of a bipartisan/bicameral group of Members of Congress from the House and Senate Armed Services Committees. The Commission will hear their expectations for the commission and deliverables they hope to see. The second panel will be a closed session. It will consist of experts from government and industry, and they will provide perspectives on what a future Navy looks like to include strategy, force structure and needs of the industrial base to meet such strategy and force structure.

Matthew Neumeyer,

Chief of Staff, National Commission on the Future of the Navy.

[FR Doc. 2026–05575 Filed 3–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–0628]

Agency Information Collection Activities; Comment Request; IDEA Part C State Performance Plan (SPP) and Annual Performance Report (APR)

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 revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before May 22, 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–0628. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Division Director of the Monitoring and State Improvement Planning Division, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Ave SW, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Christine Pilgrim, (202) 245–6292.

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: IDEA Part C State Performance Plan (SPP) and Annual Performance Report (APR).

OMB Control Number: 1820–0578.

Type of Review: Revision of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 61,208.

Abstract: The Individuals with Disabilities Education Improvement Act of 2004, signed on December 3, 2004, became PL 108–446. In accordance with 20 U.S.C. 1416(b)(1) and 20 U.S.C. 1442, not later that one year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, each Lead Agency must have in place a performance plan that evaluates the Lead Agency's efforts to implement the requirements and purposes of Part C and describe how the Lead Agency will improve such implementation. This plan is called the Part C State Performance Plan (Part C—SPP). In accordance with 20 U.S.C. 1416(b)(2)(C)(ii) and 20 U.S.C. 1442 the Lead Agency shall report annually to the public on the performance of each Part C program located in the State on the targets in the Lead Agency's performance plan. The Lead Agency shall report annually to the Secretary on

the performance of the State under the Lead Agency's performance plan. This report is called the Part C Annual Performance Report (Part C—APR).

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–05616 Filed 3–20–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–0531]

Agency Information Collection Activities; Comment Request; Student Assistance General Provision—Subpart E—Verification Student Aid Application Information

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before May 22, 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–0531. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to Zelma Barrett, U.S. Department of Education, Federal Student Aid, 400 Maryland Avenue SW, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Zelma Barrett, (202) 245–8012.

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: Student Assistance General Provision—Subpart E—Verification Student Aid Application Information.

OMB Control Number: 1845–0041.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments; Individuals and Households.

Total Estimated Number of Annual Responses: 2,345,626.

Total Estimated Number of Annual Burden Hours: 371,252.

Abstract: This request is for an extension of the information collection supporting the policies and reporting requirements contained in Subpart E of Part 668—Verification and Updating of Student Aid Application Information. Sections 668.53, 668.54, 668.55, 668.56, 668.57, 668.59 and 668.61 contain information collection requirements (OMB control number 1845–0041). This subpart governs the verification and updating of information provided on the Free Application for Federal Student Aid (FAFSA®) form which is used to calculate an applicant's need for student financial assistance under Title IV of Higher Education Act of 1965, as amended (HEA). The regulations have not changed since the prior information collection filing.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–05615 Filed 3–20–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–0661]

Agency Information Collection Activities; Comment Request; IDEA Part B State Performance Plan (SPP) and Annual Performance Report (APR)

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 revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before May 22, 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–0661. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Division Director of the Monitoring and State Improvement Planning Division, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Ave SW, LBJ, Room 4B103, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Christine Pilgrim, (202) 245–6292.

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: IDEA Part B State Performance Plan (SPP) and Annual Performance Report (APR).

OMB Control Number: 1820–0624.

Type of Review: Revision of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments

Total Estimated Number of Annual Responses: 60.

Total Estimated Number of Annual Burden Hours: 107,100.

Abstract: In accordance with 20 U.S.C. 1416(b)(1), not later than one year after the date of enactment of the Individuals with Disabilities Education, as revised in 2004, each State must have in place a performance plan that evaluates the State's efforts to implement the requirements and purposes of Part B and describe how the State will improve such implementation. This plan is called the Part B State Performance Plan (Part B—SPP). In accordance with 20 U.S.C. 1416(b)(2)(C)(ii) the State shall report annually to the public on the performance of each local educational agency located in the State on the targets in the State's performance plan. The State also shall report annually to the Secretary on the performance of the State under the State's performance plan. This report is called the Part B Annual Performance Report (Part B—APR). Information Collection 1820–0624 corresponds to 34 CFR 300.600–300.602.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–05617 Filed 3–20–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice Announcing Talent Search Program

AGENCY: Department of Education (ED); Employment and Training Administration, Department of Labor (DOL).

ACTION: Notice.

SUMMARY: The Employment and Training Administration at the U.S. Department of Labor (DOL), is soliciting applications in support of the administration of the Talent Search Program on behalf of the U.S. Department of Education (ED).

DATES: Complete proposals must be submitted electronically through the *Grants.gov* ''APPLY'' function by 11:59:59 p.m. Eastern time May 1, 2026.

FOR FURTHER INFORMATION CONTACT: ReShone Moore, Telephone: (202) 453–7624. Email: *ReShone.Moore@ed.gov* or Ben Witthoefft, Telephone: (202) 453–7576. Email: *Ben.Witthoefft@ed.gov.*

SUPPLEMENTARY INFORMATION: The Talent Search program (84.044A) (TS) is designed to identify qualified individuals from disadvantaged backgrounds with potential for education at the postsecondary level and encourage them to complete secondary school and undertake postsecondary education. The FY 2026 competition includes priorities, selection criteria, and requirements. The priorities are: Expanding Education Choice, Returning Education to the States, and Expanding Access to Talent Marketplaces.

The program regulations for Talent Search require that ED publish the following elements of the grant competition in the **Federal Register**:

(1) Number of Applications

• An applicant may submit multiple applications if each separate application describes a project that will serve a different target area or different target schools.

(2) Prior Experience

• The Secretary will award prior experience points to applicants that have conducted a Talent Search project during budget periods 2022–23, 2023–24, and 2024–25, based on their documented experience.

(3) Maximum Award

• For an applicant that has not been designated by their Governor as the state-level applicant, the annual maximum award is $1,000,000.

• For one state-level applicant that has been designated by their Governor as the state-level applicant, or for any Indian tribe receiving points under the competitive priority, the maximum annual award amount is $10,000,000.

(4) Number of Participants

• All projects must serve a minimum of 500 participants annually and have a per participant cost of no more than $500.

Program Authority: 20 U.S.C. 1070a–11 and 1070a–12.

To Apply: The complete funding opportunity announcement and all information needed to apply, including all priorities and program requirements, are available on ED's website at *www.ed.gov/grants-and-programs/grants-higher-education/federal-trio-programs/talent-search-program,* on DOL's website at *www.dol.gov/agencies/eta/grants/apply/find-opportunities,* and on *Grants.gov* at *https://apply07.grants.gov/apply/opportunities/instructions/PKG00292133-instructions.pdf.* The full application package is available at *https://www.grants.gov/search-results-detail/361528.* The application notice and instructions on *grants.gov* is the official document governing the grant competition.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format.

Note: Henry Maklakiewicz signs this notice in furtherance of DOL's role in providing support to ED.

David Barker,

Assistant Secretary, Office of Postsecondary Education, Department of Education.

In concurrence.

Henry Maklakiewicz,

Assistant Secretary for Employment and Training, Department of Labor.

[FR Doc. 2026–05655 Filed 3–20–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board Chairs

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB) Chairs. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, April 29, 2026; 8:30 a.m.–4:30 p.m. PDT; Thursday, April 30, 2026; 8 a.m.–12 p.m. PDT.

ADDRESSES: Holiday Inn Express & Suites Pasco-Tri-Cities, 4525 Convention Place, Pasco, Washington 99301. This hybrid meeting will be in-person at the Holiday Inn Express & Suites Pasco-Tri-Cities and virtual observation is available. Register to attend or virtually observe at *https://www.hanford.gov/page.cfm/hab.*

FOR FURTHER INFORMATION CONTACT: Kelly Snyder, EM SSAB Designated Federal Officer, by phone: (702) 918–6715 or email: kelly.snyder@*em.doe.gov* or visit the Board's website at *www.energy.gov/emssab.*

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:

Wednesday, April 29, 2026

- Presentations to and by the Board Chairs
- Board Business/Open Discussion
- Public Comment

Thursday, April 30, 2026

- Presentations to the Board Chairs
- Board Business/Open Discussion
- Public Comment

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. To sign up, please note in your registration email that you would like to make a public comment during the meeting. 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, register to provide an oral comment, and to submit written comment, please contact the EM SSAB Designated Federal Officer at *kelly.snyder@em.doe.gov.* The EM SSAB 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 *kelly.snyder@em.doe.gov* 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 on the EM SSAB website at: *www.energy.gov/emssab.*

Signing Authority: This document of the Department of Energy was signed on March 19, 2026, 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 19, 2026.

Jennifer Hartzell,

Alternate Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–05633 Filed 3–20–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–216–F]

Application for Renewal of Authorization To Export Electric Energy; TransAlta Energy Marketing (U.S.) Inc.

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: TransAlta Energy Marketing (U.S.) Inc. (the Applicant or TEMUS) has applied for renewed authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before April 22, 2026.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Christina Gomer, (240) 474–2403, *Electricity.Exports@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On January 8, 2026, the authority to issue such orders was delegated to the DOE's Assistant Secretary for Electricity by Redelegation Order No. S3–DEL–OE1–2026.

On December 12, 2025, TEMUS filed an application with DOE (Application or App.) for renewal of their export authority for an additional five-year term. App. at 1.

According to the Application, TEMUS is a power marketer authorized by the Federal Energy Regulatory Commission (FERC) ''to market electric energy and capacity at wholesale'' pursuant to its market-based rate authority, granted by FERC in June of 1998. App. at 2. TEMUS states that it is a Delaware corporation with its principal place of business in Centralia, Washington. *Id.* at 1. TEMUS further represents that it ''is

an indirect subsidiary of TransAlta Corporation,'' which is a publicly traded Canadian corporation headquartered in Calgary, Alberta. *Id.* at 2–3.

In its Application, TEMUS states that it will purchase power to be exported to Canada from ''electric utilities, federal power marketing agencies, qualifying cogeneration and small power production facilities, independent power producers, and other sellers.'' App. at 11. TEMUS notes that it ''does not own any electric generation or transmission facilities and, as a power marketer, does not hold a franchise or service territory or native load obligation.'' *Id.* at 10. Further, ''none of TEMUS' affiliates owns any electric transmission facilities other than generator interconnection facilities and TEMUS is not affiliated with an entity that holds a franchise or service territory.'' *Id.* TEMUS asserts DOE has recognized that power purchased by a power marketer is, by definition, surplus to the needs of the selling entities, and exports of electricity under such circumstances would not impair the sufficiency of electric supply within the U.S. *Id.* at 11. TEMUS states that it will schedule its exports ''in compliance with all applicable reliability criteria, standards and guides as are set out by the North American [Electric] Reliability Corporation ('NERC') (or any successor organization), the North American Energy Standards Board (or any successor organization) and regional reliability councils and as applied by U.S. transmission providers.'' *Id* at 12.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at *Electricity.Exports@hq.doe.gov.* Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at *Electricity.Exports@hq.doe.gov* in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning TEMUS' Application should be clearly marked with OE Docket No. EA–216–F. Additional copies are to be provided directly to Daryck Riddell, TransAlta Corporation, Suite 1400, 1100 1 St SE, Calgary, Alberta T2G 1B1 Canada, *daryck_riddell@transalta.com* and Catherine McCarthy, Bracewell LLP, 2011 M Street NW, Suite 900, Washington, DC 20036, *catherine.mccarthy@bracewell.com.*

A final decision will be made on the requested authorization after DOE reviews the action pursuant to its National Environmental Policy Act Implementing Procedures (June 2025), including 10 CFR part 1021, and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at *www.energy.gov/gdo/pending-applications-0* or by emailing *Electricity.Exports@hq.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on February 19, 2026, by Catherine Jereza, Assistant Secretary, Office of Electricity, 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 19, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–05608 Filed 3–20–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–487–A]

Application for Renewal of Authorization To Export Electric Energy; Mercuria Energy America, LLC

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: Mercuria Energy America, LLC (the Applicant or MEA) has applied for renewed authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before April 22, 2026.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Christina Gomer, (240) 474–2403, *Electricity.Exports@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On January 8, 2026, the authority to issue such orders was delegated to the DOE's Assistant Secretary for Electricity by Redelegation Order No. S3–DEL–OE1–2026.

On December 23, 2025, MEA filed an application with DOE (Application or App.) for renewal of their export authority for an additional five-year term. App. at 1.

According to the Application, MEA is an ''energy marketing and trading company, authorized by the Federal Energy Regulatory Commission (FERC) to make wholesale sales of electricity at market based rates.'' App. at 1. MEA states that it is a Delaware limited liability company with its principal place of business in Houston, Texas. *Id.* MEA further represents that it ''is a direct, wholly-owned subsidiary of Mercuria Investments US, Inc.,'' whose ultimate parent company is Mercuria Energy Group Holding Ltd., a Cayman Islands holding company.'' *Id.* at 1–2.

In its Application, MEA represents that it ''does not currently own, operate or control electric transmission or distribution facilities in the United States over which the export of wholesale electricity could have a reliability, fuel use, or system stability impact, nor is it affiliated with any entity that owns, operates, or controls electric transmission or distribution facilities in the United States over which the export of wholesale electricity could have a reliability, fuel use, or system stability impact.'' App. at

3. MEA further states that it ''will buy and sell wholesale electricity in the wholesale electric markets within the United States and will export electricity transmitted across international transmission facilities to be utilized by Presidential permits issued pursuant to Executive Order 10485, as amended.'' *Id.* at 2. MEA contends that it will export using firm or interruptible transmission service which ''will be purchased from other supplies (*i.e.* generators, electric utilities and other power marketers) voluntarily and therefore will be surplus to the needs of the selling entities. Accordingly, the proposed exports will not impair or tend to impede the sufficiency of electricity supplies in the United States or the regional coordination of electric utility planning or operations.'' *Id.* at 3–4.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at *Electricity.Exports@hq.doe.gov.* Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at *Electricity.Exports@hq.doe.gov* in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning MEA's Application should be clearly marked with OE Docket No. EA–487–A. Additional copies are to be provided directly to Jay Michals, 20 E. Greenway Plaza, Suite 650, Houston, TX 2336, *ComplianceAmericas@mercuria.com* and Steven Bunkin, at the same mailing address, *sbunkin@mercuria.com.*

A final decision will be made on the requested authorization after DOE reviews the action pursuant to its National Environmental Policy Act Implementing Procedures (June 2025), including 10 CFR part 1021, and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at *www.energy.gov/gdo/pending-applications-0* or by emailing *Electricity.Exports@hq.doe.gov.*

Signing Authority: This document of the Department of Energy was signed on February 19, 2026, by Catherine Jereza, Assistant Secretary, Office of Electricity, 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 19, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–05612 Filed 3–20–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–530]

Application for Authorization To Export Electric Energy; DMG Blockchain Solutions Inc.

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: DMG Blockchain Solutions Inc. (the Applicant or DMG) has applied for authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before April 22, 2026.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Christina Gomer, (240) 474–2403, *Electricity.Exports@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On January 8, 2026, the authority to issue such orders was delegated to the DOE's Assistant Secretary for Electricity by Redelegation Order No. S3–DEL–OE1–2026.

On December 15, 2025, DMG filed an application with DOE (Application or App.) seeking to renew the export authority granted in docket EA–482 for an additional ten-year term. App. at 1. Docket EA–482, issued on August 28, 2020, authorized DMG to make exports of excess electricity to Canada for a term of five years. Given that DMG's prior authorization under EA–482 lapsed on August 28, 2025, DOE is unable to consider a renewal of such authorization and, instead, is considering DMG's Application under the new docket identification EA–530.

DMG states that it ''is a corporation organized under the laws of the Province of British Columbia, Canada,'' with its head office and principal place of business in Delta, British Columbia, Canada'' App. at 4. DMG states that neither it nor ''any of its affiliates owns, operates, or controls any electric generation or transmission facilities in the United States, other than limited interconnection facilities associated with customer or data-center interconnections. DMG does not hold a franchised service territory in the United States and has no native-load obligation.'' *Id.*

DMG represents that it ''will purchase electric energy from third-party supplies within the United States, including electric utilities, Federal power marketing agencies, qualifying facilities, exempt wholesale generators, and other power marketers, at wholesale'' and that such electric energy ''will be surplus to the needs of the selling entities and any U.S. customers served by DMG or its affiliates.'' App. at 6. DMG contends that its proposed exports ''will occur in competitive wholesale markets overseen by the Federal Energy Regulatory Commission ('FERC'), subject to market-power, open-access, and reliability safeguards. These market structures and regulatory mechanisms ensure that participants can obtain needed supply and that exports do not undermine regional resource adequacy or supply sufficiency.'' *Id.* at 7.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits

issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at *Electricity.Exports@hq.doe.gov.* Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at *Electricity.Exports@hq.doe.gov* in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning DMG's Application should be clearly marked with OE Docket No. EA–530. Additional copies are to be provided directly to Sheldon Bennett, DMG Blockchain Solutions Inc., 4193 104 St., Delta, BC, V4G 1K2, Canada, *sheldon@dmgblockchain.com* and Carey Veinotte, Bojm, Funt & Gibbons LLP, 505—1168 Hamilton St., Vancouver BC V6B 2S2, *cveinotte@bfg-law.ca.*

A final decision will be made on the requested authorization after DOE reviews the action pursuant to its National Environmental Policy Act Implementing Procedures (June 2025), including 10 CFR part 1021, and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at *www.energy.gov/gdo/pending-applications-0* or by emailing *Electricity.Exports@hq.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on February 19, 2026, by Catherine Jereza, Assistant Secretary, Office of Electricity, 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 19, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–05611 Filed 3–20–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–529]

Application for Authorization To Export Electric Energy; GB II New York LLC

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: GB II New York LLC (Applicant) has applied for authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before April 22, 2026.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Christina Gomer, (240) 474–2403, *Electricity.Exports@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On January 8, 2026, the authority to issue such orders was delegated to the DOE's Assistant Secretary for Electricity by Redelegation Order No. S3–DEL–OE1–2026.

On November 5, 2025, GB II New York LLC filed an application with DOE (Application or App.) for authorization to transmit electric energy from the United States to Canada for a term of five years. App. at 2.

According to the Application, GB II New York LLC is a ''Delaware corporation that owns and operates an 817 [megawatt] (summer rating) natural gas-fired generation facility located in Glenmont, New York'' and that the Applicant is an ''exempt wholesale generator that has been granted authorized by the Federal Energy Regulatory Commission ('FERC') to make sales at market-based rates.'' App. at 2. GB II New York LLC further represents that it is an indirect subsidiary of Alpha Generation, LLC, which ''in turn, is a majority subsidiary of ArcLight Energy Partners Fund VII, L.P.'' *Id.* at 3.

GB II New York LLC seeks authorization to transmit electric energy to Canada, as it ''has entered into a contractual arrangement to sell 'installed capacity' and associated energy into Canada.'' App. at 4. The Applicant further states that ''the energy that is associated with this commitment of installed capacity must be linked to the specific electric generating facility owned by the Applicant and . . . the output of such facility has not been committed to any system or purchaser within the United States.'' *Id.* at 5. Due to these commitments, the Applicant contends that its ''proposed electricity exports will not impair or impede the sufficiency of electric power supplies in the United States or the regional coordination of electric utility planning or operations.'' *Id.* GB II New York LLC affirms it will continue to make ''all necessary commercial arrangements and . . . regulatory approvals required in order to carry out any electricity exports,'' including scheduling with all appropriate balancing authorities and compliance with the North American Electric Reliability Corporation (NERC) reliability standards and guidelines. *Id.* at 5–6.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at *Electricity.Exports@hq.doe.gov.* Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at *Electricity.Exports@hq.doe.gov* in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning the Application should be clearly marked with OE Docket No. EA–

529. Additional copies are to be provided directly to Jason Buchman, Alpha Generation LLC, 700 Louisiana Street Suite 4400, Houston, Texas 77002, *jbuchman@alphagen.com* and Neil L. Levy, McDermott Will & Schulte LLP, 500 North Capitol Street NW, Washington, DC 20001, *nlevy@mwe.com.*

A final decision will be made on the requested authorization after DOE reviews the action pursuant to its National Environmental Policy Act Implementing Procedures (June 2025), including 10 CFR part 1021, and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at *www.energy.gov/gdo/pending-applications-0* or by emailing *Electricity.Exports@hq.doe.gov.*

Signing Authority: This document of the Department of Energy was signed on February 19, 2026, by Catherine Jereza, Assistant Secretary, Office of Electricity, 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 19, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–05610 Filed 3–20–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. 15–190–LNG]

Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, & Rio Grande LNG Train 5, LLC; Request for Extension of Non-FTA Authorization Export Commencement Deadline

AGENCY: Hydrocarbons and Geothermal Energy Office, Department of Energy.

ACTION: Notice of request.

SUMMARY: The Hydrocarbons and Geothermal Energy Office (HGEO) (formerly the Office of Fossil Energy and Carbon Management (FECM)) of the Department of Energy (DOE) gives notice (Notice) of receipt of a request (Request), filed by Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC (collectively, the ''RGLNG Entities'') on February 27, 2026. The RGLNG Entities ask DOE to amend their existing authorization to export domestically produced liquefied natural gas (LNG) from the proposed Rio Grande LNG Terminal (Terminal), currently under construction in Cameron County, Texas, to non-free trade agreement countries set forth in DOE/FE Order No. 4492 (as amended)—specifically, to extend their current export commencement deadline. The RGLNG Entities filed the Request under the Natural Gas Act (NGA).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed electronically as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, April 22, 2026.

ADDRESSES:

Electronic Filing by email (Strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (*e.g.,* FedEx, UPS, etc.), U.S. Department of Energy (EX–34), Office of Global Energy Security, Hydrocarbons and Geothermal Energy Office, Forrestal Building, Room 3E–056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (EX–34), Office of Global Energy Security, Office of Strategic Resources, Hydrocarbons and Geothermal Energy Office, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–4749 or (202) 586–7893, *jennifer.wade@hq.doe.gov* or *peri.ulrey@hq.doe.gov.*

Ajoke Agboola, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 805–2147, *Ajoke.Agboola@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On February 10, 2020, in DOE/FE Order No. 4492, as amended,[1] DOE's Office of Fossil Energy (now known as the Hydrocarbons and Geothermal Energy Office)[2] authorized the RGLNG Entities to export domestically produced LNG, in a volume equivalent to 1,318 billion cubic feet (Bcf) per year (Bcf/yr) of natural gas, by vessel from the proposed Terminal to any country with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas, which currently has or in the future develops the capacity to import LNG, and with which trade is not prohibited by U.S. law or policy (non-FTA countries), pursuant to NGA section 3(a).[3] The RLNG Entities are authorized to export this LNG for a term extending through December 31, 2050.[4]

As relevant here, Order No. 4492 requires the RGLNG Entities to ''commence export operations using the planned Rio Grande LNG Facility no later than seven years from the date of issuance of this Order''—*i.e.,* by February 10, 2027.[5] In the Request, the RGLNG Entities ask DOE to extend the export commencement deadline set forth in Order No. 4492 to September 30, 2027.[6]

In support of their Request, the RGLNG Entities state that they ''have made significant progress with regard to the development of the Rio Grande LNG Terminal, including satisfying key financial, commercial and construction milestones.''[7] The RGLNG Entities note that, ''[d]espite these substantial milestones, [they] encountered circumstances beyond their control, which may prevent [them] from commencing LNG export operations prior to the deadline set forth in [their] Non-FTA Authorization.''[8] The RGLNG

[1] *Rio Grande LNG, LLC, et al.,* DOE/FE Order No. 4492, Docket No. 15–190–LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Feb. 10, 2020), *amended by* DOE/FE Order No. 4492–A (Oct. 21, 2020) (extending export term), *further amended by* DOE/FECM Order No. 4492–B (Aug. 20, 2025) (adding authorization holders so that the RGLNG Entities collectively hold the authorization).

[2] The Office of Fossil Energy (FE) changed its name to FECM on July 4, 2021. Subsequently, on November 20, 2025, FECM changed its name to HGEO. DOE uses the acronym in effect at the time of each order or action discussed herein.

[3] 15 U.S.C. 717b(a).

[4] *See* DOE/FE Order No. 4492–A, at 9–10 (Ordering Para. B).

[5] DOE/FE Order No. 4492, at 60 (Ordering Para. D).

[6] *See* Rio Grande LNG, LLC, *et al.,* Request for Extension of Non-FTA Authorization Export Commencement Deadline, Docket No. 15–190–LNG, at 2, 6 (Feb. 27, 2026) [hereinafter Request].

[7] Request at 2.

[8] *Id.* at 3.

Entities contend that ''a minor extension of the export commencement deadline . . . is necessary to account for the delay in declaring [final investment decision], which resulted in commensurate delays to the completion timeline for Train 1 [of the Rio Grande LNG Project] pursuant to the RGLNG Entities' [engineering, procurement, and construction] contract.'' [9] The RGLNG Entities also assert that their Request ''concerns only the timing of the proposed exports, and does not modify the Rio Grande LNG Terminal.'' [10]

Additional details can be found in the Request, posted on the DOE website at *https://www.energy.gov/sites/default/files/2026-02/RGLNG%20Entities%20Request%20for%20Extension%20of%20Time.pdf.*

DOE Evaluation

In reviewing the Request, DOE will consider any issues required by law or policy under NGA section 3(a), DOE's regulations, and any other documents deemed appropriate.

Parties that may oppose the Request should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Request.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable, addressing the Request. Interested parties will be provided 30 days from the date of publication of this Notice in the **Federal Register** in which to submit comments, protests, motions to intervene, or notices of intervention. The public previously was given an opportunity to intervene in, protest, and comment on the RGLNG Entities' long-term non-FTA application in this docket. Therefore, DOE will not consider comments or protests that do not bear directly on this Request.

Any person wishing to become a party to this proceeding evaluating the RGLNG Entities' Request must file a motion to intervene or notice of intervention.[11] The filing of comments or a protest with respect to the Request will not serve to make the commenter or protestant a party to this proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Request. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at *fergas@hq.doe.gov;*

(2) Mailing the filing to the Office of Global Energy Security at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Global Energy Security at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to ''Docket No. 15–190–LNG'' or ''RGLNG Entities' Request for Extension'' in the title line. Filings must be submitted in English to be considered.[12]

For electronic submissions: Please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Request, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at *www.energy.gov/fecm/regulation.*

A decisional record on the Request will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Order may be issued based on the official record, including the Request and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

Signed in Washington, DC, on March 18, 2026.

Amy Sweeney,

Director, Office of Global Energy Security, Office of Strategic Resources.

[FR Doc. 2026–05624 Filed 3–20–26; 8:45 am]

BILLING CODE 6450–01–P

[9] *Id.*

[10] *Id.* at 5.

[11] Status as an intervenor in prior proceeding(s) in this docket does not continue to this proceeding evaluating the RGLNG Entities' Request, and therefore any person interested in intervening to address the Request must file a new motion to intervene (or notice of intervention, as applicable). 10 CFR 590.303.

[12] Executive Order 14224 of March 1, 2025, *Designating English as the Official Language of the United States,* 90 FR 11363 (Mar. 6, 2025).

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on March 25, 2026, and March 26, 2026, as a hybrid meeting via webinar and in person, in connection with a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM) which is scheduled at the same time via webinar and in person.

DATES: March 25, 2026, and March 26, 2026.

ADDRESSES: The location details of the SEQ and SOM webinar meeting are under the control of the IEA Secretariat, located at 9 rue de la Fédération, 75015 Paris, France. The in-person meeting will take place at IEA Headquarters, 9 rue de la Fédération, 75015 Paris, France.

FOR FURTHER INFORMATION CONTACT: Mr. Matthew Zogby, Attorney Advisor in the Office of the Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–5000, *matthew.zogby@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meetings is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held in person and via webinar at the IEA Headquarters, 9 rue de la Fédération, 75015 Paris, commencing at 9:30 a.m., Paris time, on March 25, 2026. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM), which is scheduled to be held at

the same location in person and via webinar at the same time.

The agenda of the meeting is under the control of the SEQ and the SOM. It is expected that the SEQ and the SOM will adopt the following agenda:

1. Adoption of the Agenda
2. Approval of Summary Record of meeting of 19 November 2025
3. Update on the Current Oil Market Situation
4. Reports on Recent Oil Market and Policy Developments in IEA and Association Member Countries
5. Key Observations from IEA's 2026 Oil Workshop
6. Gas Market Update
7. Update on the Outlook for Venezuela's Oil Sector
8. Update on the Outlook for European Refining
9. Update on the Middle East and OPEC+ Strategies
10. Update on Russian Oil Market Developments and Price Dynamics
11. Update on the Tanker Market Outlook
12. Update on the Outlook for Personal Mobility and its Impact on Oil Demand
13. Update on the Outlook for Chinese Oil Demand
14. Update on the Petrochemical Sector
15. Any other business:

Date of next SOM/SEQ meetings:

—17–18 June 2026

—18–19 November 2026 (ERE2026 17–18 November)

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held in person and via webinar at the IEA Headquarters, 9 rue de la Fédération, 75015 Paris, commencing at 9:30 a.m., Paris time, on March 26, 2026. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ), which is scheduled to be held at the same location in person and via webinar at the same time. The IAB will also hold an online preparatory meeting among company representatives at 2:00 p.m. Paris time on March 18, 2026. The agenda for this preparatory meeting is to review the agenda for the SEQ meeting.

The agenda of the SEQ meeting is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

Closed SEQ Session—IEA Member Countries Only

1. Adoption of the Agenda
2. Approval of the Summary Record of the 20 November 2025 SEQ meeting
3. Stockholding Levels of IEA Member Countries
4. SEQ and SOM—proposal of 3-year strategy paper
5. Results of survey on maximum drawdown rates of public stocks and storage capacities

Open SEQ Session—Open to Association Countries

6. Emergency and Security Review (ESR) of Luxembourg
7. Mid-Term Review update from Ireland
8. Emergency and Security Review (ESR) of Austria
9. Mid-Term Review update from Denmark
10. Update on Emergency and Security Work with Non-Member Countries
11. Mid-Term Review update from Switzerland
12. Update on Ongoing Work on Electricity Security
13. Update on Ongoing Work on Critical Mineral Reviews
14. Update on Ongoing Work on Natural Gas Security
15. Industry Advisory Board Update
16. Any Other Business

Schedule of ESRs for 2026/27

Schedule of SEQ & SOM Meetings for 2026:

— 17–18 June 2026

— 17*–19 November 2026 (* including ERE2026)

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), the meetings of the IAB are open to representatives of members of the IAB and their counsel; representatives of members of the IEA's Standing Group on Emergency Questions and the IEA's Standing Group on the Oil Markets; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission; and invitees of the IAB, the SEQ, the SOM, or the IEA.

Signing Authority: This document of the Department of Energy was signed on March 18, 2026, by William T. Joyce, Acting Assistant Secretary, Office of International Affairs, 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, March 19, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–05613 Filed 3–20–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–306–D]

Application for Renewal of Authorization To Export Electric Energy; MAG Energy Solutions, Inc.

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: MAG Energy Solutions, Inc. (the Applicant or MAG) has applied for renewed authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before April 22, 2026.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Christina Gomer, (240) 474–2403, *Electricity.Exports@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On January 8, 2026, the authority to issue such orders was delegated to the DOE's Assistant Secretary for Electricity by Redelegation Order No. S3–DEL–OE1–2026.

On June 13, 2025, MAG filed an application with DOE (Application or App.) for renewal of their export

authority for an additional five-year term. App. at 2.

According to the Application, MAG is a power marketer authorized by the Federal Energy Regulatory Commission (FERC) ''to engage in wholesale sales of electric energy, capacity and ancillary services at market-based rates.'' App. at 3. MAG states that it is an independent Canadian corporation with its principal place of business in Montreal, Quebec. *Id.* MAG further represents that it is ''a Canadian close corporation privately owned by a group of 15 shareholders'' and does not ''have any direct involvement with the energy industry other than through the ownership of MAG.'' *Id.*

The Applicant represents that it ''will purchase power to be exported from a variety of sources such as power marketers, independent power producers, or U.S. electric utilities and federal power marketing entities[.]'' App. at 4. MAG contends that its exports ''will not impair or tend to impede the sufficiency of electric supplies in the U.S. or the regional coordination of electric utility planning or operations.'' *Id.* at 5. MAG further represents that it ''will schedule its transactions with the appropriate balancing authority areas in compliance with the reliability criteria standards and guidelines established by the North American [Electric] Reliability Corporation (NERC) and its member Regional Entities in effect at the time of the export.'' *Id.*

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at *Electricity.Exports@hq.doe.gov.* Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at *Electricity.Exports@hq.doe.gov* in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning MAG's Application should be clearly marked with OE Docket No. EA–306–D. Additional copies are to be provided directly to Ruta Kalvaitis Skučas, Crowell & Moring LLP, 1001 Pennsylvania Avenue NW, Washington, DC 20004, *rskucas@crowell.com;* and Simon Pelletier, MAG Energy Solutions Inc., 999 de Maisonneuve Boulevard West, Montreal, Quebec H3A 3L4 Canada, *spelletier@magenergysolutions.com.*

A final decision will be made on the requested authorization DOE reviews the action pursuant to the National Environmental Policy Act Implementing Procedures (June 2025), including 10 CFR part 1021, and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at *www.energy.gov/gdo/pending-applications-0* or by emailing *Electricity.Exports@hq.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on February 20, 2026, by Catherine Jereza, Assistant Secretary, Office of Electricity, 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 19, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–05621 Filed 3–20–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–528]

Application for Authorization To Export Electric Energy; Oswego Harbor Power LLC

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: Oswego Harbor Power LLC (Applicant) has applied for authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before April 22, 2026.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Christina Gomer, (240) 474–2403, *Electricity.Exports@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On January 8, 2026, the authority to issue such orders was delegated to the DOE's Assistant Secretary for Electricity by Redelegation Order No. S3–DEL–OE1–2026.

On November 5, 2025, Oswego Harbor Power LLC filed an application with DOE (Application or App.) for authorization to transmit electric energy from the United States to Canada for a term of five years. App. at 2.

According to the Application, Oswego Harbor Power LLC is a ''Delaware corporation that owns and operates an approximately 1,564 [megawatt] (summer rating) oil-fired generation facility in Oswego, New York'' and that the Applicant is an ''exempt wholesale generator that has been granted authorized by the Federal Energy Regulatory Commission ('FERC') to make sales at market-based rates.'' App. at 2. Oswego Harbor Power LLC further represents that it is an indirect subsidiary of Alpha Generation, LLC, which ''in turn, is a majority subsidiary of ArcLight Energy Partners Fund VII, L.P.'' *Id.* at 3.

Oswego Harbor Power LLC seeks authorization to transmit electric energy to Canada, as it has ''entered into a contractual arrangement to sell 'installed capacity' and associated energy.'' App. at 4. The Applicant further states that ''the energy that is associated with this commitment of installed capacity must be linked to the specific electric generating facility owned by the Applicant and . . . the output of such facility has not been committed to any system or purchaser within the United States.'' *Id.* at 5. Due

to these commitments, the Applicant contends that its ''proposed electricity exports will not impair or impede the sufficiency of electric power supplies in the United States or the regional coordination of electric utility planning or operations.'' *Id.* Oswego Harbor Power LLC affirms it will continue to make ''all necessary commercial arrangements and . . . regulatory approvals required in order to carry out any electricity exports,'' including scheduling with all appropriate balancing authorities and compliance with the North American Electric Reliability Corporation (NERC) reliability standards and guidelines. *Id.* at 5–6.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at *Electricity.Exports@hq.doe.gov.* Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at *Electricity.Exports@hq.doe.gov* in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning the Application should be clearly marked with OE Docket No. EA–528. Additional copies are to be provided directly to Jason Buchman, Alpha Generation, LLC, 700 Louisiana Street, Suite 4400, Houston, Texas, 77002, *jbuchman@alphagen.com* and Neil Levy, McDermott Will & Schulte LLP, 500 North Capitol Street NW, Washington, DC 20001, *nlevy@mwe.com.*

A final decision will be made on the requested authorization after DOE reviews the action pursuant to its National Environmental Policy Act Implementing Procedures (June 2025), including 10 CFR part 1021, and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at *www.energy.gov/gdo/pending-applications-0* or by emailing *Electricity.Exports@hq.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on February 19, 2026, by Catherine Jereza, Assistant Secretary, Office of Electricity, 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 19, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–05609 Filed 3–20–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–375–C]

Application for Renewal of Authorization To Export Electric Energy; Rainbow Energy Marketing Corporation

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: Rainbow Energy Marketing Corporation (the Applicant or Rainbow) has applied for renewed authorization to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before April 22, 2026.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Christina Gomer, (240) 474–2403, *Electricity.Exports@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On January 8, 2026, the authority to issue such orders was delegated to the DOE's Assistant Secretary for Electricity by Redelegation Order No. S3–DEL–OE1–2026.

On June 3, 2025, Rainbow filed an application with DOE (Application or App.) for renewal of their export authority for an additional five-year term. App. at 1.

According to the Application, Rainbow is a power marketer authorized by the Federal Energy Regulatory Commission (FERC) ''to sell energy, capacity and specified ancillary services at market-based rates.'' App. at 3. Rainbow states that it a privately owned U.S. corporation with its principal place of business in Bismarck, North Dakota and ''is part of a corporate family of companies that comprise United Energy Corporation[.]'' *Id.* at 2. Rainbow maintains that it ''does not own or control any physical electric generation or transmission facilities in the U.S. and does not have any franchised service territory in the U.S.'' *Id.* at 3.

The Applicant represents that the proposed electricity exports are ''surplus to the needs of those entities selling electric power to Rainbow.'' App. at 5. Rainbow contends that the proposed electricity exports ''will not impair the sufficiency of electric supply within the U.S. or impede regional coordination of electric utility planning or operation.'' *Id.* Rainbow states that it will schedule ''transactions with the appropriate balancing authority areas in compliance with the reliability criteria standards and guidelines established by the North American [Electric] Reliability Corporation and its member Regional Entities in effect at the time of the export.'' *Id.*

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at *Electricity.Exports@hq.doe.gov.* Protests should be filed in accordance with Rule 211 of FERC's Rules of Practice and Procedure (18 CFR

385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at *Electricity.Exports@hq.doe.gov* in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning Rainbow's Application should be clearly marked with OE Docket No. EA–375–C. Additional copies are to be provided directly to Joseph A. Wolfe, Rainbow Energy Marketing Corporation, 918 E Divide Ave., Bismarck, ND 58504, *j.wolfe@rainbowenergy.com.*

A final decision will be made on the requested authorization after DOE reviews the action pursuant to the National Environmental Policy Act Implementing Procedures (June 2025), including 10 CFR part 1021, and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at *www.energy.gov/gdo/pending-applications-0* or by emailing *Electricity.Exports@hq.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on February 20, 2026, by Catherine Jereza, Assistant Secretary, Office of Electricity, 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 19, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–05622 Filed 3–20–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. 26–22–LNG]

Corpus Christi Liquefaction, LLC; CCL Midscale 8–9, LLC; and Cheniere Marketing, LLC; Application for Long-Term Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations

AGENCY: Hydrocarbons and Geothermal Energy Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: The Hydrocarbons and Geothermal Energy Office (HGEO) (formerly the Office of Fossil Energy and Carbon Management (FECM)) of the Department of Energy (DOE) gives notice (Notice) of receipt of an application (Application), filed by Corpus Christi Liquefaction, LLC, CCL Midscale 8–9, LLC, and Cheniere Marketing, LLC (collectively, CCL) on March 2, 2026. CCL requests long-term, multi-contract authorization to export domestically produced liquefied natural gas (LNG) in a volume equivalent to approximately 251 billion cubic feet (Bcf) of natural gas per year (Bcf/yr) from the CCL Midscale Complex located at the existing Corpus Christi LNG terminal (CCL Terminal) in San Patricio and Nueces Counties, Texas. CCL filed the Application under the Natural Gas Act (NGA).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed electronically as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, May 22, 2026.

ADDRESSES:

Electronic Filing by email (Strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (*e.g.,* FedEx, UPS, etc.) U.S. Department of Energy (EX–34), Office of Global Energy Security, Hydrocarbons and Geothermal Energy Office, Forrestal Building, Room 3E–056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (EX–34), Office of Global Energy Security, Office of Strategic Resources, Hydrocarbons and Geothermal Energy Office, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–4749 or (202) 586–7893, *jennifer.wade@hq.doe.gov* or *peri.ulrey@hq.doe.gov.*

Ajoke Agboola, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 805–2147, *ajoke.agboola@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: CCL requests authorization to export additional domestically produced LNG in a volume equivalent to 251 Bcf/yr of natural gas, by ocean-going vessel from the CCL Midscale Complex [1] at the CCL Terminal (Midscale Uprate Project). CCL states that the requested increase is based upon more precise knowledge and insight concerning the potential production capacity of the Midscale Trains gained during the final design and construction of the Stage 3 Project, as well as detailed production data gathered through commissioning.[2] CCL seeks to export this LNG on a non-additive basis to: (i) any country with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries), and (ii) any other country with which trade is not prohibited by U.S. law or policy (non-FTA countries). This Notice applies only to the portion of the Application requesting authority to export LNG to non-FTA countries pursuant to section 3(a) of the NGA.[3] DOE will review CCL's request for authorization to export LNG to FTA countries separately pursuant to NGA section 3(c).[4]

CCL seeks this authorization on its own behalf and as agent for other entities that will hold title to the LNG at the time of export. CCL requests the authorization for a term commencing on the date of first commercial export, and to extend through December 31, 2050, plus a three-year Make-Up Period extending through December 31, 2053, consistent with recent DOE practice. CCL states that these refinements and optimizations will not require ''significant or major modifications of existing facilities, additional

[1] The CCL Midscale Complex includes the ''Stage 3 Project,'' consisting of midscale natural gas liquefaction trains (Midscale Trains) 1–7, the ''Trains 8 & 9 Project,'' consisting of Midscale Trains 8 and 9, and supporting infrastructure for each project, as approved by the Federal Energy Regulatory Commission. *See* Corpus Christi Liquefaction, LLC *et.al.,* Application for Long-Term Authorization to Export Liquefied Natural Gas to Free Trade Agreement Nations and Non-Free Trade Agreement Nations, Docket No. 26–22–LNG, at 1 n.4 (Mar. 2, 2026) [hereinafter App.].

[2] App. at 3.

[3] 15 U.S.C. 717b(a).

[4] 15 U.S.C. 717b(c).

construction of new facilities or additional environmental impacts.'' [5]

Additional details can be found in CCL's Application, posted on the DOE website at *https://www.energy.gov/sites/default/files/2026-03/CCL%20Midscale%20Uprate%20DOE%20Application.pdf.*

DOE Evaluation

In reviewing the Application, DOE will consider any issues required by law or policy under NGA section 3(a), DOE's regulations, and any other documents deemed appropriate.

Parties that may oppose the Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable, addressing the Application. Interested parties will be provided 60 days from the date of publication of this Notice in the **Federal Register** in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to this proceeding evaluating the Application must file a motion to intervene or notice of intervention.[6] The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to this proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at *fergas@hq.doe.gov;*

(2) Mailing the filing to the Office of Global Energy Security at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Global Energy Security at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to ''Docket No. 26–22–LNG'' or ''Corpus Christi Liquefaction, LLC *et al.* Application'' in the title line. Filings must be submitted in English to be considered.[7]

For electronic submissions: Please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Application, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at *www.energy.gov/hgeo/regulation.*

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

Signed in Washington, DC, on March 18, 2026.

Amy Sweeney,

Director, Office of Global Energy Security, Office of Strategic Resources.

[FR Doc. 2026–05625 Filed 3–20–26; 8:45 am]

BILLING CODE 6450–01–P

[5] App. at 4.

[6] 10 CFR 590.303.

[7] Executive Order 14224 of March 1, 2025, *Designating English as the Official Language of the United States,* 90 FR 11363 (Mar. 6, 2025).

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Notice.

SUMMARY: EIA submitted an information collection request for extension as required by the Paperwork Reduction Act of 1995. The information collection requests a three-year extension with changes to the Electric Power Surveys (EPS), OMB Control Number; 1905–0129. EPS consists of ten surveys, including annual, monthly and one daily survey. These surveys collect data from entities involved in the production, transmission, delivery, and sale of electricity, and in maintaining the reliable operation of the power system. The data collected are the primary source of information on the nation's electric power system.

DATES: Comments on this information collection must be received no later than April 22, 2026. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Debra Coaxum, EIA Clearance Officer, at (202) 586–7876 or by email at *EIA-FRNcomments@eia.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1905–0129;

(2) *Information Collection Request Title:* Electric Power Surveys;

(3) *Type of Request:* Three-year extension with changes;

(4) *Purpose:* EIA's EPS consists of the following ten surveys:

Form EIA–860 *Annual Electric Generator Report* collects data on existing and planned electric generation plants, and associated equipment including generators, boilers, cooling systems, and environmental control systems. Data are collected from all existing units and from planned units scheduled for initial commercial operation within ten years of the specified reporting period (depending on the type of power plant).

Form EIA–860M *Monthly Update to the Annual Electric Generator Report* collects data on the status of proposed new generators scheduled to begin commercial operation within the future 12-month period; and existing generators that have proposed modifications that are scheduled for completion within one month. The information is needed to ensure a complete and accurate inventory of the nation's generating fleet, for such purposes as reliability and environmental analysis.

Form EIA–861 *Annual Electric Power Industry Report* collects annual information on the retail sale, distribution, transmission, and generation of electric energy in the United States and its territories. The data includes related activities such as energy efficiency and demand response programs. In combination with Form EIA–861S short form and the monthly Form EIA–861M, this annual survey provides coverage of sales to ultimate customers of electric power and related activities.

Form EIA–861S *Annual Electric Power Industry Report (Short Form)* collects a limited set of information annually from small companies involved in the retail sale of electricity. A complete set of annual data are collected from large companies on Form EIA–861. The small utilities that currently report on Form EIA–861S are required to complete Form EIA–861 once every eight years to provide updated information for the statistical estimation of uncollected data.

Form EIA–861M *Monthly Electric Power Industry Report* collects monthly information from a sample of electric utilities, energy service providers, and distribution companies that sell or deliver electric power to end users. Data included on this form includes sales and revenue for end-use sectors—residential, commercial, industrial, and transportation. This survey is the monthly complement to the annual data collection from the universe of respondents that report on Form EIA–861 and Form EIA–861S.

Form EIA–923A *Annual Power Plant Operations Report* collects annual information from electric power plants in the United States but not reporting on the EIA–923M. This data includes electric power generation, energy source consumption, end of reporting period fossil fuel stocks, as well as the quality and cost of fossil fuel receipts.

Form EIA–923M *Monthly Power Plant Operations Report* collects monthly information from electric power plants in the United States on electric power generation, energy source consumption, end of reporting period fossil fuel stocks, as well as the quality and cost of fossil fuel receipts.

Form EIA–923S Supplemental *Power Plant Operations Report* collects information from a subset of EIA–923M electric power plants in the United States on non-utility source and disposition of electricity and environmental data.

Form EIA–930 *Balancing Authority Operations Report* collects hourly electric power operating data from the 63 Balancing Authorities (BAs) in the contiguous United States, including demand, forecast demand, net generation, and interchange data.

Form EIA–930A *Balancing Authority Generator Inventory Report* collects an inventory of electric generating units from the 63 Balancing Authorities (BAs) in the contiguous United States on an annual basis.

Pretesting Interviews: EIA can conduct 100 pretesting interviews each year for testing purposes. These methodologies test or evaluate new terminology, unclear questions in surveys, unclear instructions, or questions that may be added to the Electric Power Surveys. This will help improve ongoing surveys and reduce errors due to respondent confusion.

(4a) *Proposed Changes to the Information Collection:*

EIA will discontinue Form EIA–63B, Photovoltaic Module Shipments Report. EIA has determined that the value of the data collected by the survey no longer exceeds the burden of collecting and publishing it.

EIA is adding five additional questions on spinning reserves at a time of unprecedented increases in electricity demand. In January 2026, EIA forecasted that electricity demand would increase in both 2026 and 2027. The basis for adding these questions is a heightened interest in making an important reliability metric more accessible to the industry, providing stakeholders with clearer insights into grid stability and operational readiness during these periods of increased demand. The following questions have been added to EIA–930A, Schedule 5. Target Spinning Reserve:

1. Does your Balancing Authority (BA) or your Reserve Sharing Group (RSG) have a target spinning reserve?

2. What is the spinning reserve target?

3. Over the past calendar year, how many hours did your system operate with spinning reserves below your target level?

4. What was the minimum spinning reserve actually held during the past calendar year?

5. How many times were spinning reserves deployed during the past calendar year?

The instructions for Schedule 5, Target Spinning Reserve, of Form EIA–930A have been updated to reflect the addition of these questions, and now include the following:

For Question 1, ''Does your Balancing Authority (BA) or your Reserve Sharing Group (RSG) have a target spinning reserve?'', respond ''Yes'' or ''No''.

If you answered ''Yes'' to Schedule 5, Question 1, then answer questions 2 through 5. If you answered ''No'' to Schedule 5, Question 1, you may skip questions 2 through 5.

For Question 2. ''What is the spinning reserve target?'', provide your answer in megawatts (MW). If your BA is part of a reserve sharing group (RSG), then provide your BA's portion of your RSG's Spinning Reserve Target?

For Question 3. ''Over the past calendar year, how many hours did your system operate with spinning reserves below your target level?'', specify the number of hours (HH:00–HH:59) that experienced a moment when your system operated with spinning below your target level. If your BA is part of a Reserve Sharing Group (RSG), this question only applies to the portion of the spinning reserve target allocated to your BA and the portion of spinning reserves managed by your BA.

For Question 4. ''What was the minimum spinning reserve actually held during the past calendar year?'', provide your answer in megawatts (MW). If your BA is part of a reserve sharing group (RSG), this question only applies to the portion of the spinning reserves managed by your BA.

For Question 5. ''How many times were spinning reserves deployed during the past calendar year?'', if your BA is part of a reserve sharing group (RSG), this question only applies to the portion of the spinning reserves managed by your BA.

EIA is making changes to the frame size for EIA–860A, EIA–860M, EIA–923A, and EIA–923M to ensure that all new generating units are accounted for. These frame size changes and resulting increases in the estimates for the number of respondents, number of total responses, and number of burden hours are reflected in the below annual estimates values.

In response to feedback received during the 60-day **Federal Register** Notice comment period, EIA made specific revisions to the instructions for Form EIA–861, under Schedule 3, Part B. These changes aim to enhance clarity for respondents calculating System Average Interruption Duration Index (SAIDI) and System Average Interruption Frequency Index (SAIFI). The original third bullet point stated ''Report both the Annual Distribution SAIDI Including Major Event Days excluding events where the reliability event was initiated from loss of supply (*e.g.* resulted from an event on the distribution system, not from the high-voltage system) the Annual Distribution SAIDI Excluding Major Event Days excluding events where the reliability event was initiated from loss of supply on line 4''. The language was updated to ''Report both the Annual Distribution

SAIDI including Major Event Days but excluding events that were initiated by a loss of supply from the high-voltage system on line 4.'' The original sixth bullet point stated ''Report both the Annual Distribution SAIFI Including and Excluding Major Event Days excluding events where the reliability event was initiated from loss of supply on line 6.'' The updated sixth bullet point was changed to, ''Report both the Annual Distribution SAIFI including Major Event Days but excluding events that were initiated by a loss of supply from the high-voltage system on line 6.'' These modifications streamline the language to more precisely define the reporting requirements for reliability events not originating from the high-voltage system.

(5) *Annual Estimated Number of Respondents:* 29,989.

Form EIA–860A (without schedule 6) is estimated to have 6,700 respondents;

Form EIA–860A (with schedule 6) is estimated to have 811 respondents;

Form EIA–860M is estimated to have 508 respondents;

Form EIA–861A is estimated to have 1,735 respondents;

Form EIA–861S is estimated to have 1,692 respondents;

Form EIA–861M is estimated to have 650 respondents;

Form EIA–923A is estimated to have 11,142 respondents;

Form EIA–923S is estimated to have 2,946 respondents;

Form EIA–923M is estimated to have 3,579 respondents;

Form EIA–930 is estimated to have 63 respondents;

Form EIA–930A is estimated to have 63 respondents;

Pretesting has 100 respondents;

(6) *Annual Estimated Number of Total Responses:* 101,177;

(7) *Annual Estimated Number of Burden Hours:* 251,176;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* EIA estimates that there are no capital and start-up costs associated with this data collection. The information is maintained during the normal course of business. The cost of the burden hours is estimated to be $23,846,649.44 (251,176 burden hours times $94.94 per hour). Other than the cost of burden hours, EIA estimates that there are no additional costs for generating, maintaining, and providing this information.

Statutory Authority: 15 U.S.C. 772(b) and 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on 03/19/2026.

Debra Coaxum,

Assistant Administrator for Energy Statistics, U.S. Energy Information Administration.

[FR Doc. 2026–05643 Filed 3–20–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–561–000.
Applicants: High Island Offshore System, L.L.C.
Description: Supplement to 02/27/2026 Waiver Request of Annual Fuel Tracker filing of High Island Offshore System, L.L.C.
Filed Date: 3/16/26.
Accession Number: 20260316–5295.
Comment Date: 5 p.m. ET 3/30/26.

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: RP26–612–001.
Applicants: B–R Pipeline, LLC.
Description: Tariff Amendment: B–R Pipeline Request to Extend Effective Date to be effective 12/31/9998.
Filed Date: 3/16/26.
Accession Number: 20260316–5229.
Comment Date: 5 p.m. ET 3/23/26.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: March 17, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–05588 Filed 3–20–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2848–037]

Idaho Power Company; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.
b. *Project No.:* 2848–037.
c. *Date Filed:* January 30, 2026.
d. *Submitted By:* Idaho Power Company.
e. *Name of Project:* Cascade Hydroelectric Project.
f. *Location:* The Project is located on the North Fork of the Payette River, near the city of Cascade, Idaho, just downstream of Cascade Dam.
g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.
h. *Potential Applicant Contact:* Andrea L. Courtney, Hydro Licensing Lead, Idaho Power Company, P.O. Box 70 (83707), 1221 W. Idaho St., Boise, ID 83702; email *acourtney@idahopower.com;* phone (208)388–2655.
i. *FERC Contact:* Golbahar Mirhosseini at *golbahar.mirhosseini@ferc.gov.*
j. Idaho Power Company filed a request to use the Traditional Licensing Process on January 30, 2026. Idaho Power Company provided public notice of its request on January 15, 2026. In a letter dated March 18, 2026, the Director of the Division of Hydropower Licensing approved Idaho Power Company's request to use the Traditional Licensing Process.
k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (NMFS) under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR., Part 402; and NMFS under section 305(b) of the Magnuson-Stevens Fishery

Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Idaho State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Idaho Power Company as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Idaho Power Company filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed and/or printed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

You may register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2848–037. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by January 31, 2029.

p. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

(*Authority:* 18 CFR 2.1.)

Dated: March 18, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–05650 Filed 3–20–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–645–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—Expand 911801 & 911802 to be effective 4/1/2026.
Filed Date: 3/17/26.
Accession Number: 20260317–5216.
Comment Date: 5 p.m. ET 3/30/26.

Docket Numbers: RP26–646–000.
Applicants: Enable Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Update Tariff Map Link to be effective 4/18/2026.
Filed Date: 3/18/26.
Accession Number: 20260318–5062.
Comment Date: 5 p.m. ET 3/30/26.

Docket Numbers: RP26–647–000.
Applicants: Enable Mississippi River Transmission, LLC.
Description: § 4(d) Rate Filing: Update Tariff Map Links to be effective 4/18/2026.
Filed Date: 3/18/26.
Accession Number: 20260318–5070.
Comment Date: 5 p.m. ET 3/30/26.

Docket Numbers: RP26–648–000.
Applicants: Gulf Run Transmission, LLC.
Description: § 4(d) Rate Filing: Update Tariff Map Links to be effective 4/18/2026.
Filed Date: 3/18/26.
Accession Number: 20260318–5071.
Comment Date: 5 p.m. ET 3/30/26.

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.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: March 18, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–05589 Filed 3–20–26; 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 Complaints and Compliance filings in EL Dockets:
Docket Numbers: EL26–52–000.
Applicants: Brookfield Corporation.
Description: Petition for Declaratory Order of Brookfield Corporation.
Filed Date: 3/12/26.
Accession Number: 20260312–5160.
Comment Date: 5 p.m. ET 4/13/26.

Docket Numbers: EL26–53–000.
Applicants: ALLETE, Inc.
Description: Petition for Declaratory Order of ALLETE, Inc.
Filed Date: 3/13/26.
Accession Number: 20260313–5280.
Comment Date: 5 p.m. ET 4/13/26.

Docket Numbers: EL26–54–000.
Applicants: Independent Market Monitor for PJM.
Description: Petition of Independent Market Monitor for PJM for Order Directing Production of Information.
Filed Date: 2/20/26.
Accession Number: 20260220–5324.
Comment Date: 5 p.m. ET 4/7/26.

Take notice that the Commission received the following electric rate filings:
Docket Numbers: ER17–405–000; ER17–406–000; EL26–56–000.
Applicants: American Electric Power Service Corporation, et al. v. AEP Appalachian Transmission Company Inc., et al., AEP Appalachian Transmission Company, Inc., Appalachian Power Company.
Description: Joint Formal Challenge and Complaint of American Electric Power Service Corporation, et al. v. AEP Appalachian Transmission Company Inc., et al.
Filed Date: 3/17/26.
Accession Number: 20260317–5245.
Comment Date: 5 p.m. ET 4/7/26.

Docket Numbers: ER26–1096–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Amendment to GIA, SA No. 7805; Project Identifier AG1–135 to be effective 12/23/2025.
Filed Date: 3/18/26.
Accession Number: 20260318–5141.
Comment Date: 5 p.m. ET 4/8/26.
Docket Numbers: ER26–1849–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1636R34 Kansas Electric Power Cooperative, Inc. NITSA and NOA to be effective 12/1/2025.
Filed Date: 3/18/26.
Accession Number: 20260318–5023.
Comment Date: 5 p.m. ET 4/8/26.
Docket Numbers: ER26–1850–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Tariff Clean-Up Filing Effective 20260401 to be effective 4/1/2026.
Filed Date: 3/18/26.
Accession Number: 20260318–5034.
Comment Date: 5 p.m. ET 4/8/26.
Docket Numbers: ER26–1851–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Certificate of Concurrence for CRFA among MISO, DEO, and PJM to be effective 6/1/2026.
Filed Date: 3/18/26.
Accession Number: 20260318–5053.
Comment Date: 5 p.m. ET 4/8/26.
Docket Numbers: ER26–1852–000.
Applicants: American Transmission Systems, Incorporated.
Description: § 205(d) Rate Filing: ATSI submits a new Construction Agmt—SA No. 7362 to be effective 5/18/2026.
Filed Date: 3/18/26.
Accession Number: 20260318–5055.
Comment Date: 5 p.m. ET 4/8/26.
Docket Numbers: ER26–1853–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–03–18_SA 4703 NIPSCO-Mammoth South FCA (AF2–133) to be effective 3/12/2026.
Filed Date: 3/18/26.
Accession Number: 20260318–5065.
Comment Date: 5 p.m. ET 4/8/26.
Docket Numbers: ER26–1855–000.
Applicants: Exsocert LLC.
Description: § 205(d) Rate Filing: Initial Market-Based Rate Tariff Filing to be effective 5/10/2026.
Filed Date: 3/18/26.
Accession Number: 20260318–5069.
Comment Date: 5 p.m. ET 4/8/26.
Docket Numbers: ER26–1857–000.
Applicants: St. James Solar II, LLC, St. James Solar III, LLC.
Description: Request for Limited and Prospective Waivers, et al. of St. James Solar II, LLC, et al.
Filed Date: 3/18/26.
Accession Number: 20260318–5089.
Comment Date: 5 p.m. ET 4/8/26.
Docket Numbers: ER26–1858–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–03–18_SA 4704 NIPSCO-Mammoth Cen.-Mammoth Cen. II MPFCA (AF2–132 AG1–302) to be effective 3/12/2026.
Filed Date: 3/18/26.
Accession Number: 20260318–5098.
Comment Date: 5 p.m. ET 4/8/26.
Docket Numbers: ER26–1859–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Att V GIP for Integration of Phase II IBR Performance Requirements to be effective 5/20/2026.
Filed Date: 3/18/26.
Accession Number: 20260318–5105.
Comment Date: 5 p.m. ET 4/8/26.
Docket Numbers: ER26–1860–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2026–03–18 Certificate of Concurrence—UFA between CAISO, SCE & Olympus to be effective 1/14/2026.
Filed Date: 3/18/26.
Accession Number: 20260318–5143.
Comment Date: 5 p.m. ET 4/8/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding. eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: March 18, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–05587 Filed 3–20–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7477–016]

Ampersand Olcott Harbor Hydro, LLC; Notice of Effectiveness of Withdrawal of Application for Amendment of Exemption

On April 1, 2024, Ampersand Olcott Harbor Hydro, LLC (exemptee) filed an application for an amendment of exemption for the 600-kilowatt Burt Dam Hydroelectric Project No. 7477. On February 27, 2026, the exemptee filed a request to withdraw its application.

No motion in opposition to the request for withdrawal has been filed, and the Commission has taken no action to disallow the withdrawal. Pursuant to Rules 216(b) and 2007(a)(2) of the Commission's Rules of Practice and Procedure,[1] the withdrawal of the amendment application became effective on March 16, 2026, and this proceeding is hereby terminated. (Authority: 18 CFR 2.1.)

Dated: March 18, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–05649 Filed 3–20–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 620–025]

City of Chignik; Notice of Application for Surrender of License Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of License.
b. *Project No:* 620–025.
c. *Date Filed:* March 2, 2026.
d. *Applicant:* City of Chignik, Alaska.
e. *Name of Project:* Chignik Hydroelectric Project.

[1] 18 CFR 385.216(b) and 385.2007(a)(2) (2025).

f. *Location:* The Chignik Hydroelectric Project is located on Indian Creek in the City of Chignik in the Lake and Peninsula Borough, Alaska. The project does not occupy federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a—825r.

h. *Applicant Contact:* Julianne Rosset, *rosset@mcmillen.com.*

i. *FERC Contact:* Rebecca Martin, (202) 502–6012, *Rebecca.martin@ferc.gov.*

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. Deadline for filing comments, motions to intervene, and protests: April 17, 2026 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–620–025. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The licensee is proposing to surrender the project license and will later redevelop the project as a replacement water supply line and hydroelectric facility under the jurisdiction of the State of Alaska. On January 22, 2026, Commission staff issued an order determining that a license would not be required for the redeveloped project (194 FERC ¶ 62,031).

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. Filing and Service of Documents: Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202)502–6595 or *OPP@ferc.gov.*

(*Authority:* 18 CFR 2.1)

Dated: March 18, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–05651 Filed 3–20–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14552–004]

St. Anthony Hydro, LLC; Notice of Meeting

a. *Project Name and Number:* St. Anthony Hydroelectric Project No. 14552–004.

b. *Applicant:* St. Anthony Hydro, LLC.

c. *Date and Time of Meeting:* Thursday, April 9, 2026 from 1:00 p.m. to 2:00 p.m. Eastern Time (11:00 a.m. to 12:00 p.m. Mountain Time).

d. *FERC Contact:* Chris Brosman at (202) 502–8573 or *christopher.brosman@ferc.gov.*

e. *Purpose of Meeting:* Commission Staff Will Hold A Meeting With Staff From The Idaho State Historic Preservation Office And St. Anthony Hydro, LLC To Discuss The Area Of Potential Effects And Other Cultural Resource Related Concerns For The St. Anthony Hydroelectric Project Relicensing Pursuant To Section 106 Of The National Historic Preservation Act. The meeting will be held virtually via Microsoft Teams.

f. A summary of the meeting will be placed in the public record of this proceeding.

As appropriate, the meeting summary will include both a public, redacted version that excludes any information about the specific location of an archeological site or Native American cultural resource and an unredacted privileged version, if necessary.

(Authority: 18 CFR 2.1)

Dated: March 18, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–05590 Filed 3–20–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R08–SFUND–2025–0072; FRL–12638–01–R8]

Settlement Agreement for Response Action by Bona Fide Prospective Purchaser: Richardson Flat Tailings Superfund Site Operable Unit 1

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed agreement; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), notice of a proposed settlement agreement between the United States Environmental Protection Agency (''EPA''), the Utah Department of Environmental Quality (''DEQ''), and LHM DEV RIH LLC (''Purchaser'') is hereby given. The proposed settlement agreement provides for the performance of a response action by Purchaser and the payment for certain response costs incurred by the United States at or in connection with the Richardson Flat Tailings Site, specifically, portions of certain real property generally known as parcels SS–87 and SS–88, in Summit County, Utah. EPA, DEQ, and the Purchaser recognize that this settlement has been negotiated in good faith and that the actions undertaken by the Purchaser in accordance with this settlement do not constitute an admission of any liability.

DATES: Comments must be submitted on or before April 22, 2026.

ADDRESSES: The proposed agreement and additional background information relating to the agreement will be available upon request. Comments and requests for a copy of the proposed agreement should be addressed to Sarah Ferguson, Enforcement Specialist, Superfund and Emergency Management Division, Environmental Protection Agency-Region 8, Mail Code 8SEM–PAC, 1595 Wynkoop Street, Denver, Colorado 80202, telephone number: (303) 312–6029, email address: *ferguson.sarah@epa.gov* and should reference the Richardson Flat Tailings Superfund Site Operable Unit 1. You may also send comments, identified by Docket ID No. EPA–R8–SFUND–2025–0072 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Amelia Piggott, Assistant Regional Counsel, Office of Regional Counsel, Environmental Protection Agency, Region 8, Mail Code 8 ORC–LEC, 1595 Wynkoop, Denver, Colorado 80202, telephone number: (303) 312–6410, email address: *piggott.amelia@epa.gov.*

SUPPLEMENTARY INFORMATION: For thirty (30) days following the date of publication of this document, the United States will receive written comments relating to the agreement. The United States will consider all comments received and may modify or withdraw its consent to the agreement if comments received disclose facts or considerations that indicate that the agreement is inappropriate, improper, or inadequate.

Aaron Urdiales,

Division Director, Superfund and Emergency Management Division, Region 8.

[FR Doc. 2026–05602 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OFA–2026–1321; FRL–13270–01–OMS]

Privacy Act of 1974; System of Records

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rescindment of a system of records notice.

SUMMARY: The U.S. Environmental Protection Agency's (EPA), Office of Finance and Administration is giving notice that it proposes to rescind a system of records pursuant to the provisions of the Privacy Act of 1974. The Integrated Grants Management System (IGMS)/Next Generation Grants System (NGGS) system of record (EPA–53) is being rescinded because the Office of Finance and Administration is no longer using the IGMS/NGGS as a system of records as it is defined in the Privacy Act of 1974. IGMS/NGGS records are not retrieved by personal identifiers.

DATES: EPA stopped maintaining this system of records in July 2024. Persons wishing to comment on this system or records notice must do so by April 22, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OFA–2026–1321, by one of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the online instructions for submitting comments.

Email: docket_OMS@epa.gov. Include the Docket ID number in the subject line of the message.

Fax: (202) 566–1752.

Mail: OFA Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Hand Delivery: OFA Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OFA–2026–1321. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Controlled Unclassified Information (CUI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CUI or otherwise protected through *https://www.regulations.gov.* The *https://www.regulations.gov* website is an ''anonymous access'' system for the EPA, which means the EPA will not know your identity or contact information. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Docket: All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CUI or other information for which disclosure is restricted by statute. Certain other

material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *https://www.regulations.gov* or in hard copy at the OFA Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. The Public Reading Room is normally open from 8:30 a.m. to 4:30 p.m. (EST), Monday through Friday excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OFA Docket is (202) 566–1752. Further information about EPA Docket Center services and current operating status is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Eileen Arnold, System Owner, Office of Finance and Administration, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: 202–564–1313; email address: *arnold.eileen@epa.gov.*

SUPPLEMENTARY INFORMATION: System records relating to grants are maintained in IGMS/NGGS according to records schedules and are not retrievable by personal identifier. IGMS/NGGS is managed by the Office of Finance and Administration. All records are subject to the Agency's Privacy Policy.

SYSTEM NAME AND NUMBER:

Integrated Grants Management System (IGMS)/Next Generation Grants System (NGGS), EPA–53.

HISTORY:

86 FR 30045 (June 4, 2021).

Carter Farmer,

Senior Agency Official for Privacy, Office of the Chief Information Officer.

[FR Doc. 2026–05640 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2026–1849; FRL–13203–01–OCSPP]

Certain New Chemicals or Significant New Uses; Statements of Findings—January 2026

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA submissions when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from January 1, 2026, to January 31, 2026.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2026–1849, is available online at *https://www.regulations.gov.* Additional information about dockets generally, along with instructions for visiting the docket in person, is available at *https://www.epa.gov/*dockets.

FOR FURTHER INFORMATION CONTACT:

For technical information: Rebecca Edelstein, New Chemical Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1667 email address: *edelstein.rebecca@epa.gov.*

For general information: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of submissions under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the applicable period.

C. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a submission under TSCA section 5(a) and make specific findings pertaining to whether the substance may present unreasonable risk of injury to health or the environment. Among those potential findings is that the chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment per TSCA Section 5(a)(3)(C).

TSCA section 5(g) requires EPA to publish in the **Federal Register** a statement of its findings after its review of a submission under TSCA section 5(a) when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

II. Statements of Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA identifies the PMNs, MCANs and SNUNs for which EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. For the findings made during this period, the following list provides the EPA case number assigned to the TSCA section 5(a) submission and the chemical identity (generic name if the specific name is claimed as confidential).

- P–21–0195, Corn, germ, meal; CASRN: 2764725–16–6.
- P–25–0101, Alkanedioic acid, polymer with polyhydroxyalkane, branched alkanoate (Generic Name).

To access EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C), lookup the specific case number at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/determined-not-likely.*

(Authority: 15 U.S.C. 2601 *et seq.*)

Dated: March 17, 2026.

Shari Z. Barash,

Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2026–05584 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R9–2025–09; FRL–13245–01–R9]

Notice of Proposed Administrative Settlement Agreement for Recovery of Past Response Costs at Refrigerant Exchange Corporation Site, Irwindale, CA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (''CERCLA''), notice is hereby given that the Environmental Protection Agency (''EPA''), has entered into a proposed settlement, embodied in an Administrative Settlement Agreement for Recovery of Past Response Costs for Response Action (''Settlement Agreement'') with Refrigerant Exchange Corporation (WY) and Refrigerant Exchange Corporation (NV), collectively referred to as REFEX. Under the Settlement Agreement, REFEX agrees to reimburse EPA's response costs with the net proceeds from the sale of the Refrigerant Exchange Site in Irwindale, California.

DATES: Comments must be received on or before April 22, 2026.

ADDRESSES: Please contact Marley Kimelman at *kimelman.marley@epa.gov* or (202) 564–1524 to request a copy of the Settlement Agreement or visit *https://semspub.epa.gov/work/09/100046448.pdf.* Comments on the Settlement Agreement should be submitted in writing and addressed to Marley Kimelman at *kimelman.marley@epa.gov.* Comments should reference the Refrigerant Exchange Corporation Site, Irwindale, California and the EPA Docket Number for the Settlement Agreement, EPA–R9–2025–09. If for any reason you are not able to submit a comment by email, please contact Marley Kimelman at (202) 564–1524 to make alternative arrangements for submitting your comment. EPA will post its response to comments at *https://cumulis.epa.gov/supercpad/CurSites/csitinfo.cfm?id=0920137,* EPA's web page for the Refrigerant Exchange Corporation Site.

FOR FURTHER INFORMATION CONTACT: Marley Kimelman, Assistant Regional Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (202) 564–1524; email: *kimelman.marley@epa.gov.*

SUPPLEMENTARY INFORMATION: Notice of this Settlement Agreement is made in accordance with the Attorney General's authority to compromise and settle claims of the United States, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 United States Code (U.S.C.) 9601 through 9675. Under the terms of the Settlement Agreement, REFEX agrees to reimburse EPA's $2.56 million in past response costs through the sale of the Refrigerant Exchange Site within five years. In exchange, the United States will provide REFEX with a covenant not to sue or to take administrative action against REFEX pursuant to Section 107(a) of CERCLA, 42 U.S.C 9607(a). EPA will consider all comments received on the Settlement Agreement in accordance with the **DATES** and **ADDRESSES** sections of this Notice and may modify or withdraw its consent to the Settlement Agreement if comments received disclose facts or considerations that indicate that the settlement is inappropriate, improper, or inadequate.

Michael Montgomery,

Director, Superfund Division, U.S. EPA, Region IX.

[FR Doc. 2026–05642 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R05–SFUND–2025–2037; FRL 13005–01–R5]

Request for Public Comment on Settlement Agreement for Battery and Electronics Recycling Inc. Site, Dane County, Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), the U.S. Environmental Protection Agency (''EPA''), Region 5, hereby gives notice of a proposed *De Minimis* administrative settlement for recovery of past response costs concerning the Battery and Electronics Recycling Site (Site) in Dane County, Wisconsin with the following Settling Parties and Respondents: Logistics Recycling, Inc.; Interstate All-Battery, Center of the Tri-States; Columbus Ohio Battery, LLC d/b/a IBS of Columbus, Inc.; Carl H. Reinhold, Inc. d/b/a Interstate All Battery Center of Harrisburg; Voltman Batteries; Laptop Battery Express; and J.T. All-Battery Center LLC/Interstate All-Battery Center.

DATES: Comments must be received on or before April 22, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R05–SFUND–2025–2037, by the following method:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Don Schwer, Enforcement Investigator, Superfund & Emergency Management Division, Region 5, EPA, 77 West Jackson Blvd. (SE–5J); telephone number: 312–353–8752; email address: *schwer.don@epa.gov.*

SUPPLEMENTARY INFORMATION: The settlement requires the Respondents to pay $528,658.88 in past response costs pursuant to section 122(g) of CERCLA, 42 U.S.C. 9622(g). The settlement includes a covenant not to sue pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, relating to the Site, subject to limited reservations, and protection from contribution actions or claims as provided by Section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2). For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to this settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at *https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0511845* .

A. Written Comments

Submit your comments, identified by Docket ID No. EPA–R05–SFUND–2025–2037, at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). Please visit *https://www.epa.gov/dockets/commenting-epa-dockets* for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

Michael D. Harris,

Director, Superfund & Emergency Management Division, Region 5.

[FR Doc. 2026–05639 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13237–01–R8]

Clean Air Act Operating Permit Program; Order on Petition for Objection to State Operating Permit for Holly Energy Partners, L.P.—Denver Products Terminal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an order dated January 6, 2026, denying a petition dated September 2, 2025, from the Center for Biological Diversity (CBD). The petition requested that the EPA object to a Clean Air Act (CAA) operating permit issued by the Colorado Department of Public Health and Environment (CDPHE) to Holly Energy Partners, L.P. for its Denver Products Terminal located in Adams County, Colorado.

FOR FURTHER INFORMATION CONTACT: Zachary Stewart, EPA Region 8 Air and Radiation Division, 10 W. 15th Street, Suite 3200, Mail code: 8ARD–MO, Helena, MT 59626, telephone number: (406) 457–5034, email address: *stewart.zachary@epa.gov.* The final order and petition are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

SUPPLEMENTARY INFORMATION: The EPA received a petition from CBD dated September 2, 2025, requesting the EPA object to the issuance of title V operating permit no. 96OPAD172 issued by CDPHE to Holly Energy Partners, L.P for its Denver Products Terminal located in Adams County, Colorado. On January 6, 2026, the EPA Administrator issued an order denying the petition. The order itself explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than May 22, 2026.

Cyrus M. Western,

Regional Administrator, Region 8.

[FR Doc. 2026–05641 Filed 3–20–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings

TIME AND DATE: 10:15 a.m. on Thursday, March 19, 2026.

PLACE: The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Board of Directors of the Federal Deposit Insurance Corporation met to consider matters related to the Corporation's resolution, supervision, and corporate activities. In calling the meeting, the Board determined, on motion of Director Jonathan V. Gould (Comptroller of the Currency), seconded by Director Russell Vought (Acting Director, Consumer Financial Protection Bureau), by the unanimous vote of Chairman Travis Hill, Director Jonathan V. Gould (Comptroller of the Currency), and Director Russell Vought (Acting Director, Consumer Financial Protection Bureau), that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), (c)(9)(B), and (c)(10)).

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Debra A. Decker, Executive Secretary, FDIC, at *FDICBoardMatters@fdic.gov.*

Dated at Washington, DC, on March 19, 2026.

Federal Deposit Insurance Corporation.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2026–05644 Filed 3–19–26; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings; Notice of Meeting Held With Less Than Seven Days' Advance Notice

TIME AND DATE: 10:00 a.m. on March 19, 2026. PLACE: The meeting was held in the FDIC Board Room, 550 17th Street NW, Washington, DC, with less than seven days' advance notice and was webcast to the public.

STATUS: Open to public observation via webcast.

MATTERS TO BE CONSIDERED: Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is given that the Federal Deposit Insurance Corporation's Board of Directors met in open session to consider the following matters:

Discussion Agenda

Notice of Proposed Rulemaking: Regulatory Capital Rule: Category I and II Banking Organizations, Banking Organizations with Significant Trading Activity, and Optional Adoption for Other Banking Organizations.

Notice of Proposed Rulemaking: Regulatory Capital Rules: Regulatory Capital and Standardized Approach for Risk-weighted Assets.

Summary Agenda

Final Rule: Clarification of Deposit Insurance Coverage for Branches of U.S. Banks in the Federated States of Micronesia, the Marshall Islands, and Palau.

Rescission of Statement of Policy on Qualifications for Failed Bank Acquisitions.

Minutes of Board of Directors' Meeting Previously Distributed.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Debra A. Decker, Executive Secretary, FDIC, at *FDICBoardMatters@fdic.gov.*

(*Authority:* 5 U.S.C. 552b.)

Dated at Washington, DC, on March 19, 2026.

FEDERAL DEPOSIT INSURANCE CORPORATION

Debra A. Decker,

Executive Secretary.

[FR Doc. 2026–05645 Filed 3–19–26; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

RIN 3064–ZA54

Recission of the Statement of Policy on Qualifications for Failed Bank Acquisitions

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Rescission of the Statement of Policy on Qualifications for Failed Bank Acquisitions.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is taking final action to rescind the Statement of Policy on Qualifications for Failed Bank Acquisitions issued in 2009 and related questions and answers posted on its website in 2010.

DATES: The rescission is effective March 23, 2026.

FOR FURTHER INFORMATION CONTACT: Division of Risk Management Supervision: Sandra Macias, Chief, Risk Management Applications Section, (202) 898–3642, *smacias@fdic.gov;* Legal Division: Annmarie Boyd, Assistant General Counsel, (202) 898–3714, *aboyd@fdic.gov;* Merritt Pardini, Counsel, (202) 898–6680, *mpardini@fdic.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 2, 2009, the FDIC published a Statement of Policy on Qualifications for Failed Bank Acquisitions (Statement of Policy) following a 30-day comment period, with certain changes based on comments received.[1] In January 2010 and April 2010, the FDIC posted online questions and answers on aspects of the Statement of Policy.[2]

The Statement of Policy was issued to provide guidance to private capital investors interested in acquiring the deposit liabilities, or both the liabilities and assets, of failed insured depository institutions, regarding the terms and conditions for such investments or acquisitions. In so doing, it established extensive terms and conditions that private capital investors were expected to satisfy before they could become eligible to bid on a failing institution. Since its publication, these standards have been applied to (1) private investors in certain companies that sought to assume deposit liabilities or both such deposit liabilities and assets from the resolution of a failed insured depository institution; and (2) private capital investors involved in applications for deposit insurance in conjunction with *de novo* charters issued in connection with the resolution of failed insured depository institutions.

The Statement of Policy included onerous and highly prescriptive measures, including capital standards that would not be applicable in any other failed bank acquisitions; imposition of an agreement to a cross guarantee with respect to substantially commonly-owned depository institutions; limits on transactions with affiliates that are more restrictive than Sections 23A and 23B of the Federal Reserve Act; and lengthy continuity of ownership requirements. The FDIC is concerned that these and other aspects of the Statement of Policy may discourage and potentially limit investments by nonbanks in connection with the resolution of failed depository institutions. Accordingly, the FDIC is rescinding the Statement of Policy.

II. Rationale for Rescission of the Statement of Policy

The rapid speed of the failures of Silicon Valley Bank, Signature Bank, and First Republic in 2023 demonstrated the need for a practical shift toward advance preparation by financial regulators and proactive communication with potential acquirers. Although nonbanks participated in FDIC auctions for these failed banks in 2023, their options for bidding and the participation of additional nonbanks may have been limited by the restrictions imposed by the Statement of Policy. The FDIC recognizes that nonbank entities such as private equity firms can play a significant role in the resolution process, given their ability to access and deploy significant pools of capital. Because the Statement of Policy is more restrictive than certain statutory requirements, and also introduces another point of approval and uncertainty for nonbanks in the failed bank acquisition process, the FDIC believes that continuing to apply the Statement of Policy may have a deterrent effect on private capital investment and inhibit the infusion of a potentially significant flow of capital into failed institutions. Given the increased speed with which a bank failure may occur, in part driven by the advancement of technology and ongoing evolution of the financial system, these impacts could, in turn, result in considerably increased costs of resolution and risk to the Deposit Insurance Fund. Potential investors will continue to be required to comply with existing laws and regulations—including those governing capital, control, affiliate transactions, and anti-money laundering/countering the financing of terrorism requirements—and will be expected to operate in a safe and sound manner following an acquisition. Rescinding the Statement of Policy will improve the ability of nonbanks to participate in the resolution process.

III. Administrative Law Matters

A. Administrative Procedure Act

Under 5 U.S.C. 553(b)(A), federal agencies are exempt from the informal rulemaking provisions of the Administrative Procedure Act for ''general statements of policy.'' The Statement of Policy rescinded in this notice provided guidance to private capital investors interested in acquiring the deposit liabilities, or both the liabilities and assets, of failed insured depository institutions regarding the way the FDIC would exercise its discretionary authorities. As such, it is a general statement of policy and exempt from the notice and comment requirements of the Administrative Procedure Act.

B. Executive Order 12866

Executive Order 12866 as amended by Executive Order 14219 directs certain agencies to assess costs and benefits of significant regulatory actions and to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Pursuant to section 3(f) of Executive Order 12866, the Office of Information

[1] 74 FR 45440 (Sept. 2, 2009).

[2] *See* Federal Deposit Insurance Corporation, Statement of Policy on Qualifications for Failed Bank Acquisitions (last updated Mar. 15, 2024).

and Regulatory Affairs within the Office of Management and Budget has determined that the Rescission of the Statement of Policy on Qualifications for Failed Bank Acquisitions is not a ''significant regulatory action.''

C. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA),[3] the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

Rescission of the Statement of Policy does not create any new or revise any existing collections of information under the PRA. Therefore, no information collection request will be submitted to the OMB for review.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC on March 19, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–05646 Filed 3–20–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 26–04]

Orleans International, Inc., Complainant v. Hapag Lloyd AG, Respondent; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (the ''Commission'') by Orleans International, Inc. (the ''Complainant'') against Hapag Lloyd AG (the ''Respondent''). Complainant states that the Commission has subject-matter jurisdiction over the complaint pursuant to the Shipping Act of 1984, as amended, 46 U.S.C. 41301 *et seq.,* and personal jurisdiction over Respondent as a vessel-operating ocean common carrier, as defined in 46 U.S.C. 40102(18).

Complainant is a corporation existing under the laws of the state of Michigan with its principal place of business located in Farmington Hills, Michigan.

Complainant identifies Respondent Hapag Lloyd AG as a company existing under the laws of the Federal Republic of Germany with its principal place of business located in Hamburg, Germany, whose agent in the United States is Hapag-Lloyd (America) LLC, a limited liability company existing under the laws of the state of Delaware with its principal place of business located in Atlanta, Georgia.

Complainant alleges that Respondents violated 46 U.S.C. 41102(c) and 41104(a)(10), and 46 CFR 545.5. Complainant alleges these violations arose from the assessment of demurrage and detention charges during periods of time in which Complainant's ability to pick up or return containers was constrained due to circumstances beyond its control, and other acts or omissions of Respondent.

An answer to the complaint must be filed with the Commission within 25 days after the date of service.

The full text of the complaint can be found in the Commission's electronic Reading Room at *https://www2.fmc.gov/readingroom/proceeding/26-04/.* This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by March 19, 2027, and the final decision of the Commission shall be issued by October 4, 2027.

(Authority: 46 U.S.C. 41301; 46 CFR 502.61(c))

Served: March 19, 2026.

David Eng,

Secretary.

[FR Doc. 2026–05647 Filed 3–20–26; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 22, 2026.

A. Federal Reserve Bank of New York (Keith Goodwin, Head of Bank Applications) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org:*

1. *Rhinebeck Bancorp MHC, Poughkeepsie, New York;* to convert from mutual to stock form. As part of the conversion, Rhinebeck Bancorp, MHC, would merge with its subsidiary, Rhinebeck Bancorp, Inc., which controls Rhinebeck Bank, both of Poughkeepsie, New York.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–05630 Filed 3–20–26; 8:45 am]

BILLING CODE 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

[3] 44 U.S.C. 3501 *et seq.*

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, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than April 7, 2026.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org:*

1. *R.K. Buerge Family, L.P., Robin K. Buerge Revocable Trust, Robin Buerge, as trustee, Robin K. Buerge Spouse's Trust, Austin Buerge, as trustee, and both trusts as general partners of R.K. Buerge Family, L.P, all of Tulsa, Oklahoma;* to join the Buerge Family Control Group, a group acting in concert, to acquire voting shares of Grand Capital Corporation, and thereby indirectly acquire voting shares of Grand Bank, both of Tulsa, Oklahoma. Robin Buerge and Austin Buerge are members of the Buerge Family Control Group and were each previously permitted by the Federal Reserve System to acquire control of voting shares of Grand Capital Corporation.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–05629 Filed 3–20–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Committee on Vital Health and Statistics (NCVHS); Notice of Charter Renewal

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of charter renewal.

SUMMARY: The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), announces the renewal of the charter of the National Committee on Vital Health and Statistics (NCVHS).

FOR FURTHER INFORMATION CONTACT: Naomi Michaelis, MPA, Acting Designated Federal Officer, National Committee on Vital Health and Statistics (NCVHS), Centers for Disease Control and Prevention, Department of Health and Human Services, 3311 Toledo Road, Hyattsville, Maryland 20782. Telephone: (301) 458–4202; Email: *nmichaelis@cdc.gov.*

SUPPLEMENTARY INFORMATION: CDC is providing notice under 5 U.S.C. 1001–1014 of the renewal of the charter of the National Committee on Vital Health and Statistics (NCVHS), Centers for Disease Control and Prevention, Department of Health and Human Services. This charter has been renewed for a two-year period through January 22, 2028.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–05570 Filed 3–20–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–2366]

Commissioner's National Priority Voucher (CNPV) Pilot Program; Public Hearing; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Public hearing; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing a public hearing related to the Commissioner's National Priority Voucher (CNPV) Pilot Program, which is designed to significantly reduce review times for qualifying new drug applications (NDAs), biologics license applications (BLAs), and manufacturing or efficacy supplements through enhanced regulatory engagement and streamlined review procedures. The CNPV Pilot Program is intended to expedite approvals for products that align with critical U.S. national health priorities while maintaining FDA's rigorous scientific and regulatory standards. We are holding this public hearing to obtain feedback and perspectives regarding the CNPV Pilot Program, including feedback on the eligibility criteria, voucher selection processes, sponsor responsibilities, FDA review procedures, and program implementation.

DATES: The public hearing will be held with an in-person and virtual option (*i.e.,* hybrid) on June 12, 2026, from 1:00 p.m. to 4:00 p.m. Eastern Time. Meeting registration, including requests for participation in the public hearing, can be found at the following website: *https://www/fda.gov/news-events/commissioners-national-priority-voucher-cnpv-pilot-program-public-hearing-06122026.* All requests for participation, including for those who wish to present during the public hearing, must be received by 11:59 p.m., May 1, 2026, through the meeting registration page. Questions about meeting registration and participation should be sent to *CommissionerVoucher@fda.hhs.gov,* and include the title of this notice: ''Commissioner's National Priority Voucher (CNPV) Pilot Program; Public Hearing; Request for Comments''). See the **SUPPLEMENTARY INFORMATION** section for attendance and registration information.

Either electronic or written comments on this public hearing will be accepted

after the public hearing until June 29, 2026. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: *Location:* The public hearing will be held at the White Oak Great Room, 10903 New Hampshire Ave., Silver Spring, MD 20993. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For security and parking information, please refer to *https://www.fda.gov/about-fda/visitor-information/public-meeting-information* and *https://www.fda.gov/about-fda/visitor-information/visitor-parking-and-campus-map.*

Additional details, such as any changes to the time of the public hearing and registration information, will be posted at *https://www.fda.gov/industry/commissioners-national-priority-voucher-cnpv-pilot-program.* The online web conference meeting link can be accessed at *https://www.fda.gov/industry/commissioners-national-priority-voucher-cnpv-pilot-program* on the day of the meeting.

All written requests for participation in the pilot program must be received by May 1, 2026 (email to: *CommissionerVoucher@fda.hhs.gov*).

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 29, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2026–N–2366 for ''Commissioner's National Priority Voucher (CNPV) Pilot Program; Public Hearing; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' 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.

FOR FURTHER INFORMATION CONTACT: Mallika Mundkur, Deputy Chief Medical Officer, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–8800, *CommissionerVoucher@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 17, 2025, FDA Commissioner Makary announced the launch of the Commissioner's National Priority Voucher (CNPV) Pilot Program, which is designed to significantly reduce review times for qualifying new drug applications (NDAs), biologics license applications (BLAs), and manufacturing or efficacy supplements from the standard 10–12 months to a target of 1–2 months through enhanced regulatory engagement and streamlined review procedures to address critical public health needs by providing an ultra-fast review pathway for drug and biological products of strategic national importance. The program is intended to expedite approvals for products that align with critical U.S. national health priorities—including public health crisis response, innovative breakthrough therapies, large unmet medical needs, onshoring and supply chain resilience initiatives, and affordability improvements—while maintaining FDA's rigorous scientific and regulatory standards.

FDA's authority for the CNPV Pilot Program stems from its general authority to implement the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 301 *et seq.*) and the Public Health Service Act (PHS Act) (42 U.S.C. 201 *et seq.*). This program is consistent with FDA's mission to promote and protect the public health, including with respect to the review of applications submitted for approval of drugs under section 505 of the FD&C Act (21 U.S.C. 355) or biological products under section 351 of the PHS Act (42 U.S.C. 262).

The CNPV Pilot Program provides a nontransferable ''voucher'' to recipients that grants expedited FDA review of a single application with enhanced regulatory engagement for a product aligned with the FDA Commissioner's national public health priorities. Key features of the program include:

- Expedited pre-filing period and target of 1–2 months from filing to action (versus 4–10 months filing-to-action for many other expedited programs).
- *Nontransferable vouchers:* Cannot be sold or used for a different application, unlike traditional priority review vouchers.
- *Enhanced presubmission engagement:* Facilitates earlier correction of issues (*e.g.,* chemistry, manufacturing, and controls (CMC) and inspection) that can lead to review cycle extensions.
- *Multidisciplinary review approach:* ''Tumor board style'' discussion with senior leadership through the CNPV Review Council meeting.

The CNPV Pilot Program complements existing expedited programs (*e.g.,* Fast Track, Breakthrough Therapy, Accelerated Approval, Priority Review) by addressing products of strategic national importance with enhanced review speed and regulatory engagement.

At the time of this notice, the CNPV Pilot Program involves FDA's Center for Drug Evaluation and Research (CDER), the Center for Biologics Evaluation and Research (CBER), and the Oncology Center of Excellence (OCE). The program is coordinated by the Deputy Chief Medical Officer within the Office of the Commissioner.

As a pilot program, processes and procedures may be revised based on the circumstances of specific applications and will be improved and refined iteratively as the CNPV Pilot Program progresses.

II. Notice of Hearing Under Part 15

FDA will hold a public hearing consistent with part 15 (21 CFR part 15) to provide the opportunity for the public to present information and views on the CNPV Pilot Program. The hearing will be conducted by a presiding officer, who will be accompanied by FDA panelists, including subject matter experts from the Office of the Commissioner, CDER, CBER, and OCE. As provided in § 15.30(f) (21 CFR 15.30(f)), the hearing is informal, and the rules of evidence do not apply. No participant may interrupt the presentation of another participant. Only the presiding officer and panel members can pose questions; they can question any person during or at the conclusion of each presentation. Public hearings under part 15 are subject to FDA's policy and procedures for electronic media coverage of FDA's public administrative proceedings (21 CFR part 10, subpart C). Under 21 CFR 10.205, representatives of the media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants. The hearing will be transcribed as provided in § 15.30(b) (see also Transcripts). To the extent that the conditions for the hearing, as described in this notice, conflict with any provisions set out in part 15, this notice acts as a waiver of those provisions as specified in § 15.30(h).

III. Topics for Discussion at the Public Hearing

FDA is interested in the public's views, information, and any supporting data on the CNPV Pilot Program, including the following topics:

- Eligible Applications/Scope, including any comments on:
  - The five identified national priority areas (public health crisis response, innovative breakthrough therapies, large unmet medical needs, onshoring and supply chain resilience initiatives, and affordability improvements).
  - The types of applications eligible (NDAs, BLAs, manufacturing or efficacy supplements) and the exclusion of medical device applications (although combination products that include a device component but have a drug or biological product primary mode of action are eligible for inclusion).
  - Potential changes to the scope of the program, such as modifying priorities, expanding or limiting eligibility to certain applications, product types or development stages.
- The Voucher Selection Process, as outlined in the FDA *Staff Manual Guide on Commissioner's National Priority Voucher Review Council,*[1] including any comments on:
  - FDA's practice of accepting internal nominations by FDA review divisions and external statements of interest submitted by sponsors and applicants.
  - FDA's requested format for brief statements of interest submitted by sponsors and applicants.
  - Factors considered in voucher selection, including alignment with national priorities, anticipated public health impact, readiness indicators, resource and timing considerations, and known risks or uncertainties.
  - Other aspects of selection.
- The Enhanced Regulatory Engagement Requirements for sponsors and applicants accepting CNPV vouchers, including any comments on:
  - The expectation for rapid response to FDA information requests (typically within 24–48 hours).
  - Availability for ad hoc meetings with FDA staff during business hours.
  - Facilitation of FDA inspections to verify regulatory compliance.
  - Submission of complete application packages within mutually agreed timeframes.
  - Labeling negotiations ideally limited to maximum two rounds.
  - FDA is interested in the feasibility of these requirements for sponsors, particularly smaller companies.
- The Presubmission and Rolling Submissions Requirements, including any comments on:
  - Presubmission informational meetings with review divisions to review the expectations and coordinate submissions timeline.
  - Rolling submission of CMC information and of proposed labeling at least 60 days before final module submission.
  - The recommended presubmission process including:
    - Limiting the number of manufacturing facilities to no more than 2–3 per submission with justification for any additional sites.
    - Submission of all available data related to the application (*e.g.,* raw data, toxicology data, nonclinical data, clinical and safety data, and any completed application components) and submission of the information described in Standardized Format for Electronic Submission of NDA and BLA Content for the Planning of Bioresearch Monitoring (BIMO) Inspections for CDER Submissions to facilitate inspection planning for clinical investigators, sponsors, and contract research organizations.
- The CNPV Review Timeline and Process,[2] including any comments on:
  - The target review timeline of 1–2 months after the complete application submission filing action.
  - The proposed filing review timeline of 14–21 days after receipt of the final application component submission.

[1] FDA [Internet]. SMG 2010.23. FDA Staff Manual Guides (SMG), Volume III—General Administration FDA Councils and Committees. Commissioner's National Priority Voucher Review Council. Available from: *https://www.fda.gov/media/190099/download?attachment* (Accessed March 6, 2026).

[2] FDA [Internet]. The Commissioner's National Priority Voucher (CNPV) Pilot Program. CDER, CBER, OCE Town Hall. February 3, 2026. Office of the Chief Medical Officer, Office of the Commissioner. Available from *https://www.fda.gov/media/190927/download?attachment* (Accessed March 6, 2026).

○ The flexibility built into the review timeline, including the ability for review divisions to request review clock extensions to ensure reviews of the highest scientific quality.

○ The relationship between CNPV Pilot Program target timelines and PDUFA goal dates.

○ The use of optional tools (*e.g.,* review templates, AI tools) to facilitate review or tracking of applications.

• The CNPV Review Council, as outlined in the FDA *Staff Manual Guide on Commissioner's National Priority Voucher Review Council,*[1] including any comments on:

○ The role of the CNPV Review Council in providing recommendations to the relevant Center Director regarding application approvability with respect to the part(s) of the application presented to the Council for consideration.

○ The ''tumor board style'' meeting format, including application presentation, discussion, primary review team recommendation, Council vote, and Center Director recommendation.

• The Sponsor Responsibilities and Expectations, including any comments on the following processes/procedures:

○ FDA's request for written acknowledgment and confirmation of sponsor or applicant's agreement to participate within two weeks of voucher issuance.

○ FDA's clarity of communication regarding the fact that a voucher does not guarantee approval or a 1–2 month timeframe.

○ FDA's expectation that the intent to redeem voucher should ideally be acknowledged within 2 weeks of official issuance date.

○ FDA's expectation that sponsors submit complete application within 2 years of official voucher issuance date.

○ FDA's request for sponsors to share public announcements related to the CNPV Pilot Program with FDA prior to release.

• The Program Evaluation and Future Directions, including any comments on

○ Metrics or outcomes FDA should consider in evaluating the program's success.

○ What the Agency should consider for continuing, modifying, or expanding the program based on pilot results.

• Other topics, issues, or concerns related to the CNPV Pilot Program that stakeholders wish to address, such as suggestions for improving the program design, implementation, or communication, and potential unintended consequences of the program and how they might be mitigated.

IV. Participating in Public Hearing

Registration: To register to attend or participate in the free public hearing, please visit the following website: *https://www/fda.gov/news-events/commissioners-national-priority-voucher-cnpv-pilot-program-public-hearing-06122026.*

Registration will open on April 1, 2026. Live closed captioning will be provided during the public hearing. Additional information on requests for special accommodations due to a disability will be provided during registration.

Written Notice of Participation: During online registration you may indicate if you wish to present information and views at the hearing (oral statements without slides). FDA will do its best to accommodate requests to make public presentations. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations and request time for a joint presentation. Following the close of registration, we will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin and will notify participants ahead of the hearing. All written requests for participation must be received by May 1, 2026, 11:59 p.m. Eastern Time (email to: *CommissionerVoucher@fda.hhs.gov*). No commercial or promotional material will be permitted to be presented or distributed at the public hearing.

Transcripts: Please be advised that as soon as a transcript of the public hearing is available, it will be accessible at *https://www.regulations.gov.* Once available, the transcript may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at *https://www.fda.gov/industry/commissioners-national-priority-voucher-cnpv-pilot-program.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–05573 Filed 3–20–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–2364]

Agency Information Collection Activities; Proposed Collection; Comment Request; Food and Drug Administration Advisory Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. 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 of an existing collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection associated with certain FDA advisory committee activities.

DATES: Either electronic or written comments on the collection of information must be submitted by May 22, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 22, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact

information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2026–N–2364 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Food and Drug Administration Advisory Committees.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' 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.

FOR FURTHER INFORMATION CONTACT: Kelly Covington, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–402–5661, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

FDA Advisory Committees—21 CFR Part 14

OMB Control Number 0910–0833—Extension

This information collection supports certain Food and Drug Administration (FDA, the Agency, us or we) Advisory Committee administrative activities. FDA Advisory Committees are established to advise or make recommendations on matters of public health that come before the Agency. The Federal Advisory Committee Act (5 U.S.C. App. 2 § 3, Pub. L. 92–463) (''FACA'') defines what constitutes an ''advisory committee'' under the Act and provides general procedures to follow for the operation of advisory committees. In addition, FACA is designed to assure that the Congress and the public are kept informed with respect to the purpose, membership, and activities of advisory committees. Public advisory committee regulations in part 14 set forth requirements governing the administrative procedures to follow for the operation of advisory committees. Agency regulations in part 14, subpart A (§§ 14.1 through 14.15) identify scope of coverage, applicable definitions, and establish general provisions. The regulations in part 14, subpart B (§§ 14.20 through 14.39) set forth content and format requirements along with required schedules for submission of information. The regulations in part 14 subparts C, D, and E (§§ 14.40 through 14.95) set forth requirements governing advisory committee establishment, recordkeeping, and maintenance, respectively.

FACA does not specify the manner in which advisory committee members and staff must be appointed. (*See generally* 5 U.S.C. App. 2. *See also,* 41 CFR 102–3.105, 102–3.130(a)). FDA's regulations, however, specify that the Commissioner ''will publish one or more notices in the **Federal Register** each year requesting nominations for voting members of all existing standing advisory committees.'' (21 CFR 14.82(a)). Nominations must specify the committee for which the nominee is recommended, include a complete curriculum vitae (CV), state that the nominee is aware of the nomination and willing to serve, and state that the nominee appears to have no conflict of interest that would preclude membership. (21 CFR 14.82(c)). In an effort to promote transparency, consistent with FDA and General Services Administration

(''GSA'') policy (*See,* GSA regulations encouraging agencies to ''practice openness'' and suggesting that ''agencies may wish to explore the use of the internet to post advisory committee information . . .'' 41 CFR 102–3.95(b)), and pursuant to a settlement agreement in the case *Public Citizen Foundation, Inc.* v. *Food & Drug Administration, et al.,* No. 16-cv-781 (D.D.C.), FDA is also seeking consent from nominees for FDA to publicly post their CVs in the event they are selected to serve on an FDA advisory committee.

We therefore estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1] [2]

21 CFR part 14; subpart E—members of advisory committees	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Advisory Committee Membership Nominations	407	1	407	0.25 (15 mins.)	102
Member Submission of Updated Information	359	1	359	0.25 (15 mins.)	90
Total					192

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Sums may not total due to rounding.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–05623 Filed 3–20–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–2365]

Agency Information Collection Activities; Proposed Collection; Comment Request; Reporting Associated With Animal Drug and Animal Generic Drug User Fees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. 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 of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of FDA's animal drug and animal generic drug user fee programs.

DATES: Either electronic or written comments on the collection of information must be submitted by May 22, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 22, 2026. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2026–N–2365 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Reporting Associated With Animal Drug and Animal Generic Drug User Fees.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' 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.

FOR FURTHER INFORMATION CONTACT: Kelly Covington, Office of Operations, Food and Drug Administration, 5001 Campus Drive, College Park, MD 20740, 240–402–5661, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Animal Drug and Animal Generic Drug User Fee Programs

OMB Control Number 0910–0540—Extension

This information collection helps support implementation of the Animal Drug User Fee Act of 2003 (ADUFA) (Pub. L. 108–130) and Animal Generic Drug User Fee Act of 2008 (AGDUFA) (Pub. L. 110–316), established in sections 740 and 741 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C 379j-12 and 21 U.S.C. 379j-21), respectively. Under ADUFA, FDA assesses and collects user fees for certain new animal drug applications and supplements, products, establishments, and sponsors of new animal drug applications and/or investigational new animal drug files. The ADUFA program is currently reauthorized through September 30, 2028, and FDA efforts to engage interested stakeholders in the 2028 reauthorization is ongoing. More information regarding the ADUFA program can be found at *https://www.fda.gov/industry/fda-user-fee-programs/animal-drug-user-fee-act-adufa,* including current user fee rates applicable to animal drug submissions. Under AGDUFA, FDA assesses and collects user fees for certain abbreviated (generic) new animal drug applications, supplements, and generic investigational new animal drug file submissions, products, and sponsors of generic new animal drug applications and/or generic investigational new animal drug files. The AGDUFA program is currently reauthorized through September 30, 2028, and FDA efforts to engage interested stakeholders in the 2028 reauthorization is ongoing. More information regarding the AGDUFA program can be found at *https://www.fda.gov/industry/fda-user-fee-programs/animal-generic-drug-user-fee-act-agdufa,* including current user fee rates applicable to generic animal drug submissions.

These user fee program resources support FDA's responsibilities to ensure that new animal drugs are safe and effective for the animals, as well as ensuring the safety of food from treated animals.

Sponsors of new animal drug applications complete a user fee cover sheet and submit it through FDA's Center for Veterinary Medicine's (CVM, the Center) eSubmitter. The Animal Drug User Fee cover sheet (Form FDA 3546) is designed to collect the minimum necessary information to determine whether a fee is required for the review of an application or supplement or whether an application fee waiver was granted, to determine the amount of the fee required, and to ensure that each animal drug user fee payment is appropriately linked to the animal drug application for which payment is made. The form, when completed electronically, results in the generation of a unique payment identification number used by FDA to track the payment. The information collected is used by CVM to initiate the administrative screening of new animal drug applications and supplements.

Similarly, sponsors of abbreviated new animal drug applications and certain generic investigational new animal drug file submissions also complete a user fee cover sheet and submit it through CVM's eSubmitter. The AGDUFA cover sheet (Form FDA 3728) is also designed to collect the minimum necessary information to determine whether a fee is required for review of an application or submission to an investigational file, to determine the amount of the fee required, and to ensure that each animal generic drug user fee payment is appropriately linked to the abbreviated new animal drug application or generic investigational new animal drug file submission for which payment is made. The form, when completed electronically, results in the generation of a unique payment identification number used by FDA to track the payment. The information collected is used by CVM to initiate the administrative screening of abbreviated new animal drug applications and certain generic investigational new animal drug file submissions.

Both sections 740 and 741 of the FD&C Act provide for waivers, reductions, and exemptions of fees. To assist respondents with submitting requests for waivers or reductions of ADUFA user fees, we developed guidance for industry (GFI) #170 entitled ''Animal Drug User Fees and Fee Waivers and Reductions'' (April 2023), available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cvm-gfi-170-animal-drug-user-fees-and-fee-waivers-and-reductions.* This document discusses the types of fees FDA is

authorized to collect under section 740 of the FD&C Act, and how to request waivers or reductions from these fees. Further, this guidance also describes what information FDA recommends be submitted in support of a request for a fee waiver or reduction, a request for reconsideration of denial of a fee waiver or reduction request, or an appeal of the denial decision in accordance with 21 CFR 10.75; how to submit such a request or appeal; and FDA's process for reviewing such requests or appeals.

Similarly, we developed guidance for industry (GFI) #199 entitled ''Animal Generic Drug User Fees and Fee Waivers and Reductions'' (May 2009), available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cvm-gfi-199-animal-generic-drug-user-fees-and-fee-waivers-and-reductions.* This document discusses the types of fees FDA is authorized to collect under section 741(a)(1) of the FD&C Act, and how to request waivers or reductions from these fees. Further, this guidance also describes what information FDA recommends be submitted in support of a request for a fee waiver or reduction, a request for reconsideration of denial of a fee waiver or reduction request, or an appeal of the denial decision in accordance with 21 CFR 10.75; how to submit such a request or appeal; and FDA's process for reviewing such requests or appeals.

We use the information submitted by respondents to determine whether requests for waiver or reduction of user fees, reconsideration requests, or appeals may be granted.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN[1]

FD&C act section; activity	FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
User fee cover sheets, by type						
740(a)(1); Animal Drug User Fee cover sheet.	FDA 3546	7	2	14	0.5 (30 minutes)	7
741(a)(1); Animal Generic Drug User Fee cover sheet.	FDA 3728	22	2.4	53	0.5 (30 minutes)	26.5
Waiver and other requests, by type						
740(d)(1)(A); significant barrier to innovation.	N/A	65	1	65	2	130
740(d)(1)(B); fees exceed cost	N/A	4	2	8	0.5 (30 minutes)	4
740(d)(1)(C); free choice feeds	N/A	4	1	4	2	8
740(d)(1)(D); minor use or minor species.	N/A	78	1	78	2	156
740(d)(1)(E); small business	N/A	4	1	4	2	8
741(d)(1); minor use or minor species	N/A	3	1	3	2	6
Request for reconsideration of a decision.	N/A	1	1	1	2	2
21 CFR 10.75; Appeal of a decision ...	N/A	1	1	1	2	2
Total	.....	.....	.....	.....	.....	349.5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimated burden for the information collection reflects an overall increase. We attribute this adjustment to an increase in the number of submissions we have received since our last evaluation. The total number of annual responses is based on the average number of submissions received by FDA in fiscal years 2022 to 2024. The estimated time we attribute to the hours per response is based on our experience with the various submissions and reflects the average burden we attribute to all respondents.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–05620 Filed 3–20–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[267A2100DD/AAKC001030/A0A501010.000000]

Rate Adjustments for Indian Irrigation Projects

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) owns or has an interest in irrigation projects located on or associated with various Indian reservations throughout the United States. We are required to establish irrigation assessment rates to recover the costs to administer, operate, maintain, and rehabilitate these projects. We request your comments on the proposed rate adjustments.

DATES: Interested parties may submit comments on the proposed rate adjustments on or before May 22, 2026.

ADDRESSES: All comments on the proposed rate adjustments must be in writing. You may send comments via email to: *comments@bia.gov.* Please reference ''Rate Adjustments for Indian Irrigation Projects'' in the subject line. Or you may submit comments to the Program Specialist, Division of Water and Power, Office of Trust Services, 2021 4th Avenue North, Billings, Montana 59101.

FOR FURTHER INFORMATION CONTACT: Leslie Underwood, Program Specialist, Division of Water and Power, Office of Trust Services, (406) 226–2775. For details about a particular irrigation project, please use the table in the **SUPPLEMENTARY INFORMATION** section to contact the BIA regional or local office where the project is located.

SUPPLEMENTARY INFORMATION: The first table in this notice provides contact information for individuals who can give further information about the irrigation projects covered by this notice. The second table provides the proposed rates for calendar year (CY) 2027 for all irrigation projects.

What is the meaning of the key terms used in this notice?

In this notice:

Administrative costs mean all costs we incur to administer our irrigation projects at the local project level and are a cost factor included in calculating your operation and maintenance assessment. Costs incurred at the local project level do not normally include agency, region, or central office costs unless we state otherwise in writing.

Assessable acre means lands designated by us to be served by one of our irrigation projects, for which we collect assessments in order to recover costs for the provision of irrigation service. (*See also* ''total assessable acres.'')

BIA means the Bureau of Indian Affairs.

Bill means our statement to you of the assessment charges and/or fees you owe the United States for administration, operation, maintenance, and/or rehabilitation. The date we mail or hand-deliver your bill will be stated on it.

Costs means the costs we incur for administration, operation, maintenance, and rehabilitation to provide direct support or benefit to an irrigation facility. (*See* administrative costs, operation costs, maintenance costs, and rehabilitation costs).

Customer means any person or entity to whom or to which we provide irrigation service.

Due date is the date on which your bill is due and payable. This date will be stated on your bill.

I, me, my, you and *your* mean all persons or entities that are affected by this notice.

Irrigation project means a facility or portion thereof for the delivery, diversion, and storage of irrigation water that we own or have an interest in, including all appurtenant works. The term ''irrigation project'' is used interchangeably with irrigation facility, irrigation system, and irrigation area.

Irrigation service means the full range of services we provide customers of our irrigation projects. This includes our activities to administer, operate, maintain, and rehabilitate our projects in order to deliver water.

Maintenance costs means costs we incur to maintain and repair our irrigation projects and associated equipment and is a cost factor included in calculating your operation and maintenance assessment.

Operation and maintenance (O&M) assessment means the periodic charge you must pay us to reimburse costs of administering, operating, maintaining, and rehabilitating irrigation projects consistent with this notice and our supporting policies, manuals, and handbooks.

Operation or operating costs means costs we incur to operate our irrigation projects and equipment and is a cost factor included in calculating your O&M assessment.

Past due bill means a bill that has not been paid by the close of business on the 30th day after the due date as stated on the bill. Beginning on the 31st day after the due date, we begin assessing additional charges accruing from the due date.

Rehabilitation costs means costs we incur to restore our irrigation projects or features to original operating condition or to the nearest state which can be achieved using current technology and is a cost factor included in calculating your O&M assessment.

Responsible party means an individual or entity that owns or leases land within the assessable acreage of one of our irrigation projects and is responsible for providing accurate information to our billing office and paying a bill for an annual irrigation rate assessment.

Total assessable acres mean the total acres served by one of our irrigation projects.

Water delivery is an activity that is part of the irrigation service we provide our customers when water is available.

We, us, and *our* mean the United States Government, the Secretary of the Interior, the BIA, and all who are authorized to represent us in matters covered under this notice.

Does this notice affect me?

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects or if you have a carriage agreement with one of our irrigation projects.

Where can I get information on the regulatory and legal citations in this notice?

You can contact the appropriate office(s) for the irrigation project that serves you. Please use the table in the **SUPPLEMENTARY INFORMATION** section to contact the regional or local office where the project is located.

Why are you publishing this notice?

We are publishing this notice to inform you that we propose to adjust our irrigation assessment rates. This notice is published in accordance with the BIA's regulations governing its operation and maintenance of irrigation projects, found at 25 CFR part 171. This regulation provides for the establishment and publication of the proposed rates for annual irrigation assessments as well as related information about our irrigation projects.

What authorizes you to issue this notice?

Our authority to issue this notice is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583; 25 U.S.C. 385). The Secretary has in turn delegated this authority to the Assistant Secretary—Indian Affairs under part 209, chapter 8.1A, of the Department of the Interior's Departmental Manual.

When will you put the rate adjustments into effect?

We will put the rate adjustments into effect for CY 2027.

How do you calculate irrigation rates?

We calculate annual irrigation assessment rates in accordance with 25 CFR 171.500 by estimating the annual costs of operation and maintenance at each of our irrigation projects and then dividing by the total assessable acres for that particular irrigation project. The result of this calculation for each project is stated in the rate table in this notice.

What kinds of expenses do you consider in determining the estimated annual costs of operation and maintenance?

Consistent with 25 CFR 171.500, these expenses include the following:

(a) Personnel salary and benefits for the project engineer/manager and project employees under the project engineer/manager's management or control;

(b) Materials and supplies;

(c) Vehicle and equipment repairs;

(d) Equipment costs, including lease fees;

(e) Depreciation;

(f) Acquisition costs;

(g) Maintenance of a reserve fund available for contingencies or emergency costs needed for the reliable operation of the irrigation facility infrastructure;

(h) Maintenance of a vehicle and heavy equipment replacement fund;

(i) Systematic rehabilitation and replacement of project facilities;

(j) Contingencies for unknown costs and omitted budget items; and

(k) Other expenses we determine necessary to properly perform the activities and functions characteristic of an irrigation project.

When should I pay my irrigation assessment?

We will mail or hand deliver your bill notifying you (a) the amount you owe to the United States; and (b) when such amount is due. If we mail your bill, we will consider it as being delivered no later than five (5) business days after the day we mail it. You should pay your bill by the due date stated on the bill.

What information must I provide for billing purposes?

All responsible parties are required to provide the following information to the billing office associated with the irrigation project where you own or lease land within the project's assessable acreage or to the billing office associated with the irrigation project with which you have a carriage agreement:

(1) The full legal name of the person or entity responsible for paying the bill;

(2) An adequate and correct address for mailing or hand delivering our bill; and

(3) The taxpayer identification number or social security number of the person or entity responsible for paying the bill.

Why are you collecting my taxpayer identification number or social security number?

Public Law 104–134, the Debt Collection Improvement Act of 1996, requires that we collect the taxpayer identification number or social security number before billing a responsible party and as a condition to servicing the account.

What happens if I am a responsible party, but I fail to furnish the information required to the billing office responsible for the irrigation project within which I own or lease assessable land or for which I have a carriage agreement?

If you are late paying your bill because of your failure to furnish the required information listed above, you will be assessed interest and penalties as provided below, and your failure to provide the required information will not provide grounds for you to appeal your bill or any penalties assessed.

What can happen if I do not provide the information required for billing purposes?

We can refuse to provide you irrigation service.

If I allow my bill to become past due, could this affect my water delivery?

Yes. 25 CFR 171.545(a) states: ''We will not provide you irrigation service until: (1) Your bill is paid; or (2) You make arrangement for payment pursuant to § 171.550 of this part.'' If we do not receive your payment before the close of business on the 30th day after the due date stated on your bill, we will send you a past due notice. This past due notice will have additional information concerning your rights. We will consider your past due notice as delivered no later than five (5) business days after the day we mail it. We follow the procedures provided in 31 CFR 901.2, ''Demand for Payment,'' when demanding payment of your past due bill.

Are there any additional charges if I am late paying my bill?

Yes. We are required to assess interest, penalties, and administrative costs on past due bills in accordance with 31 U.S.C. 3717 and 31 CFR 901.9. The rate of interest is established annually by the Secretary of the United States Treasury (Treasury) and accrues from the date your bill is past due. If your bill becomes more than 90 days past due, you will be assessed a penalty charge of no more than six percent per year, which accrues from the date your bill became past due. Each time we try to collect your past due bill, you will be charged an administrative fee of $12.50 for processing and handling.

What else will happen to my past due bill?

If you do not pay your bill or make payment arrangements to which we agree, we are required to transfer your past due bill to Treasury for further action. Pursuant to 31 CFR 285.12, bills that are 120 days past due will be transferred to Treasury.

Who can I contact for further information?

The contact table below contains the regional and project/agency contacts for our irrigation facilities. 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.

Northwest Region Contacts

Kurt Fredenburg, Acting Regional Director, Bureau of Indian Affairs, Northwest Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4169. Telephone: (505) 220–9252.

Flathead Indian Irrigation Project	Dawn Davis, Acting Superintendent, Dominick Belcourt, Acting Irrigation Project Manager, 220 Project Drive, St. Ignatius, MT 59865. Telephone: (406) 745–2661.
Fort Hall Irrigation Project	David Bollinger, Irrigation Project Manager, 36 Bannock Avenue, Fort Hall, ID 83203–0220. Telephone:(208) 238–1992.
Wapato Irrigation Project	Pete Plant, Project Administrator, 413 South Camas Avenue, Wapato, WA 98951–0220. Telephone: (509) 877–3155.

Rocky Mountain Region Contacts

Christian Bends, Acting Regional Director, Bureau of Indian Affairs, Rocky Mountain Regional Office, 2021 4th Avenue North, Billings, MT 59101. Telephone: (406) 247–7943.

Blackfeet Irrigation Project	Kenneth Bird, Superintendent, Edward Chief All Over, Administrative Officer, P.O. Box 880, Browning, MT 59417. Telephones: Superintendent (406) 338–7544; Administrative Officer (406) 338–7544.
Crow Irrigation Project	Harold ''Jess'' Brien, Superintendent, Richard Taptto, Acting Irrigation Project Manager (BIA), (Project O&M performed by Water Users Association), P.O. Box 69, Crow Agency, MT 59022. Telephones: Superintendent (406) 638–2672; Acting Irrigation Project Manager (406) 698–5631.
Fort Belknap Irrigation Project	Mark Azure, Superintendent, Richard Taptto, Acting Irrigation Project Manager (BIA), (Project O&M contracted to Tribes under PL 93–638),158 Tribal Way, Suite B, Harlem, MT 59526. Telephones: Superintendent (406) 353–2901; Irrigation Project Manager, Tribal Office (406) 353–8454.

Fort Peck Irrigation Project	Jamie McKee, Acting Superintendent, Richard Taptto, Acting Irrigation Project Manager (BIA), (Project O&M performed by Fort Peck Water Users Association), P.O. Box 637, Poplar, MT 59255. Telephones: Superintendent (406) 768–5312; Acting Irrigation Project Manager (406) 698–5631.
Wind River Irrigation Project	Antonio Pingree, Superintendent, Richard Taptto, Acting Irrigation Project Manager (BIA), (Project O&M for Little Wind, Johnstown, and Lefthand Units contracted to Tribes under PL 93–638; Little Wind-Ray and Upper Wind Units O&M performed by Ray Canal, A Canal, and Crowheart Water Users Associations), P.O. Box 158, Fort Washakie, WY 82514. Telephones: Superintendent (307) 332–7810; Acting Irrigation Project Manager (406) 698–5631.

Southwest Region Contacts

Doug Hickman, Acting Regional Director, Bureau of Indian Affairs, Southwest Regional Office, 1001 Indian School Road NW, Albuquerque, NM 87104. Telephone: (505) 563–3103.

Pine River Irrigation Project	Priscilla Bancroft, Superintendent, Vickie Begay, Irrigation Project Manager, P.O. Box 315, Ignacio, CO 81137–0315. Telephones: Superintendent (970) 236–4654; Irrigation Project Manager (970) 236–4161.

Western Region Contacts

Jessie Durham, Regional Director, Bureau of Indian Affairs, Western Regional Office, 2600 North Central Avenue, 4th Floor Mailroom, Phoenix, AZ 85004. Telephone: (480) 535–1552.

Colorado River Irrigation Project	Davetta Ameelyenah, Superintendent, Irrigation Project Manager (Vacant), (Portions of Project O&M contracted to Colorado River Indian Tribes under PL 93–638), 12124 1st Avenue, Parker, AZ 85344. Telephones: Superintendent (928) 669–7111; Poston Irrigation Office (928) 662–4392; Water Resources/Irrigation Department of Colorado River Indian Tribes (928) 669–1312.
Duck Valley Irrigation Project	Jane Jackson-Bear, Superintendent, (Project O&M compacted to Shoshone-Paiute Tribes under PL 93–638), 2719 Argent Avenue, Suite 4, Gateway Plaza, Elko, NV 89801. Telephones: Superintendent (775) 738–0569; Tribal Office (208) 759–3100.
Yuma Project, Indian Unit	Davetta Ameelyenah, Acting Superintendent, (Bureau of Reclamation (BOR) owns the Project and is responsible for O&M), 256 South Second Avenue, Suite D, Yuma, AZ 85364. Telephones: Superintendent (928) 782–1202; BOR Area Office Manager (928) 343–8100.
San Carlos Irrigation Project (Indian Works and Joint Works).	Ferris Begay, Project Manager (BIA), Clarence Begay, Supervisory Civil Engineer (BIA), (Portions of Indian Works O&M compacted to Gila River Indian Community under PL 93–638; Joint Control Board is responsible for portions of Joint Works maintenance pursuant to Gila River Indian Community Water Rights Settlement Act of 2004, 118 Stat. 3499), 13805 North Arizona Boulevard, Coolidge, AZ 85128. Telephones: Project Manager (520) 723–6225; Supervisory Civil Engineer (520) 723–6203; Gila River Indian Irrigation & Drainage District (520) 562–6720; Joint Control Board (520) 562–9760, (520) 723–5408.
Uintah Irrigation Project	Seann Woster, Acting Superintendent, Irrigation System Manager (vacant, BIA), (Project O&M performed by Uintah Indian Irrigation Project Operation and Maintenance Company), P.O. Box 130, Fort Duchesne, UT 84026. Telephones: Superintendent (435) 722–4300; Uintah Indian Irrigation Operation and Maintenance Company (435) 724–5200.
Walker River Irrigation Project	Cheryl Sam, Acting Superintendent, 311 East Washington Street, Carson City, NV 89701. Telephone: (775) 887–3500.

What irrigation assessments or charges are proposed for adjustment by this notice?

The rate table below contains final CY 2026 rates for irrigation projects where we recover costs of administering, operating, maintaining, and rehabilitating them. The table also contains proposed CY 2027 rates for all irrigation projects. An asterisk immediately following the rate category notes irrigation projects where rates are proposed for adjustment.

Project name	Rate category	Final 2026 rate	Proposed 2027 rate
Northwest Region Rate Table			
Flathead Irrigation Project (See Note #1)	Basic per acre—A *	$39.00	$46.00
	Basic per acre—B *	19.50	23.00
	Minimum Charge per tract *	200.00	220.00
Fort Hall Irrigation Project	Basic per acre *	68.00	68.50
	Minimum Charge per tract *	44.50	45.00
Fort Hall Irrigation Project—Minor Units	Basic per acre *	46.50	47.50
	Minimum Charge per tract *	44.50	45.00
Fort Hall Irrigation Project—Michaud Unit	Basic per acre *	77.50	78.50
	Pressure per acre *	120.00	122.00
	Minimum Charge per tract *	44.50	45.00
Wapato Irrigation Project—Toppenish/Simcoe Units	Minimum Charge per bill *	28.00	28.50
	Basic per acre *	28.00	28.50
Wapato Irrigation Project—Ahtanum Units	Minimum Charge per bill *	35.00	36.50
	Basic per acre *	35.00	36.50
Wapato Irrigation Project—Satus Unit	Minimum Charge per bill *	100.00	120.00
	"A" Basic per acre *	86.00	89.00
	"B" Basic per acre *	92.00	95.00

Project name	Rate category	Final 2026 rate	Proposed 2027 rate
Wapato Irrigation Project—Additional Works	Minimum Charge per bill *	100.00	120.00
	Basic per acre *	87.00	90.00
Wapato Irrigation Project—Water Rental	Minimum Charge per bill *	100.00	120.00
	Basic per acre *	100.00	125.00
Rocky Mountain Region Rate Table			
Blackfeet Irrigation Project	Basic-per acre	22.00	22.00
Crow Irrigation Project—Willow Creek O&M (includes Agency, Lodge Grass #1, Lodge Grass #2, Reno, Upper Little Horn, and Forty Mile Units).	Basic-per acre	34.00	34.00
Crow Irrigation Project—All Others (includes Bighorn, Soap Creek, and Pryor Units).	Basic-per acre	34.00	34.00
Crow Irrigation Project—Two Leggins Unit	Basic-per acre	17.00	17.00
Crow Irrigation Two Leggins Drainage District	Basic-per acre	5.00	5.00
Fort Belknap Irrigation Project	Basic-per acre	25.00	25.00
Fort Peck Irrigation Project	Basic-per acre	35.00	35.00
Wind River Irrigation Project—Units 2, 3 and 4	Basic-per acre	28.00	28.00
Wind River Irrigation Project—Unit 6	Basic-per acre	28.00	28.00
Wind River Irrigation Project—LeClair District (See Note #2)	Basic-per acre	47.00	47.00
Wind River Irrigation Project—Crow Heart Unit	Basic-per acre	17.50	17.50
Wind River Irrigation Project—A Canal Unit	Basic-per acre	17.50	17.50
Wind River Irrigation Project—Riverton Valley Irrigation District (See Note #2).	Basic-per acre	30.65	30.65
Southwest Region Rate Table			
Pine River Irrigation Project (see Note #3)	Minimum Charge per tract *	75.00	75.00
	Basic-per acre *	24.50	25.00
Western Region Rate Table			
Colorado River Irrigation Project	Basic per acre up to 5.75 acre-feet *.	85.00	93.00
	Excess Water per acre-foot over 5.75 acre-feet.	18.00	18.00
Duck Valley Irrigation Project	Basic per acre *	12.00	13.00
Yuma Project, Indian Unit (See Note #4)	Basic per acre up to 5.0 acre-feet	222.50	(+)
	Excess Water per acre-foot over 5.0 acre-feet.	35.00	(+)
	Basic per acre up to 5.0 acre-feet (Ranch 5).	222.50	(+)
San Carlos Irrigation Project (Joint Works) (See Note #5)	Basic per acre *	28.00	24.00

Proposed 2027 Construction Water Rate Schedule:			
	Off project construction	On project construction—gravity water	On project construction—pump water
Administrative Fee.	$300.00	$300.00	$300.00.
Usage Fee	$250.00 per month.	No Fee	$100.00 per acre foot.
Excess Water Rate †.	$5.00 per 1,000 gal..	No Charge	No Charge.

Project name	Rate category	Final 2026 rate	Proposed 2027 rate
San Carlos Irrigation Project (Indian Works) (See Note #6)	Basic per acre *	$98.85	$94.85
Uintah Irrigation Project	Basic per acre	25.00	25.00
	Minimum Bill	25.00	25.00
Walker River Irrigation Project	Basic per acre *	32.00	34.00

* Notes irrigation projects where rates are adjusted.
+ These rates have not yet been determined.
† The excess water rate applies to all water used in excess of 50,000 gallons in any one month.

Note #1 The Minimum Charge per tract for Flathead Irrigation Project for 2026 will apply to parcels sized 4.54 acres or smaller. Starting in 2027, the Minimum Charge is proposed to apply to parcels sized 4.78 acres or smaller.

Note #2 O&M rates for LeClair and Riverton Valley Irrigation Districts apply to Trust lands that are serviced by each irrigation district. The annual O&M rates are based on budgets submitted by LeClair and Riverton Valley Irrigation Districts, respectively.

Note #3 The Minimum Charge per tract for Pine River Irrigation Project currently applies to parcels sized 3.33 acres or smaller but does not apply to parcels billed to the Southern Ute Indian Tribe (SUIT). Starting in 2027, the Minimum Charge is proposed to apply to any parcel—including parcels billed to SUIT—with an assessment totaling less than $75.00 (whereby the Minimum Charge of $75.00 will instead be charged as a flat fee).

Note #4 The O&M rate for the Yuma Project, Indian Unit has two components. The first component of the O&M rate is established by the Bureau of Reclamation (BOR), the owner and operator of the Project; the BOR rate is $222.50 for 2026 but has not been established for 2027. The second component of the O&M rate is established by BIA to cover administrative costs, which includes billing and collections for the Project. The final 2026 BIA rate component is $4.50 per acre. The proposed 2027 BIA rate component is $4.50 per acre.

Note #5 The Construction Water Rate Schedule identifies fees assessed for use of irrigation water for non-irrigation purposes.

Note #6 The O&M rate for the San Carlos Irrigation Project—Indian Works has three components. The first component is established by BIA San Carlos Irrigation Project—Indian Works; the final 2026 rate is $55.85 per acre and the proposed 2027 rate is $55.85. The second component is established by BIA San Carlos Irrigation Project—Joint Works; the final 2026 rate is $28.00 per acre and the 2027 proposed rate is $24.00. The third component is established by the San Carlos Irrigation Project Joint Control Board (comprised of representatives from the Gila River Indian Community and the San Carlos Irrigation and Drainage District); the 2026 and 2027 rate is $15.00 per acre.

Consultation and Coordination With Tribal Governments (Executive Order 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this notice under the Department's consultation policy and under the criteria of Executive Order 13175 and have determined there to be substantial direct effects on federally recognized Tribes because the irrigation projects are located on or associated with Indian reservations. To fulfill its consultation responsibility to Tribes and Tribal organizations, BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, and costs of administration, operation, maintenance, and rehabilitation of projects that concern them. This is accomplished at the individual irrigation project by project, agency, and regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of our overall coordination and consultation process to provide notice to, and request comments from, these entities when we adjust irrigation assessment rates.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)

The proposed rate adjustments are not a significant energy action under the definition in Executive Order 13211. A statement of energy effects is not required.

Regulatory Planning and Review (Executive Order 12866), as Amended by Executive Order 14094)

These proposed rate adjustments are not a significant regulatory action and do not need to be reviewed by the Office of Management and Budget under Executive Order 12866, as amended by Executive Order 14094.

Regulatory Flexibility Act

These proposed rate adjustments are not a rule for the purposes of the Regulatory Flexibility Act because they establish ''a rule of particular applicability relating to rates.'' 5 U.S.C. 601(2).

Unfunded Mandates Reform Act of 1995

These proposed rate adjustments do not impose an unfunded mandate on State, local, or Tribal governments in the aggregate, or on the private sector, of more than $130 million per year. They do not have a significant or unique effect on State, local, or Tribal governments or the private sector. Therefore, the Department is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Takings (Executive Order 12630)

These proposed rate adjustments do not effect a taking of private property or otherwise have ''takings'' implications under Executive Order 12630. The proposed rate adjustments do not deprive the public, State, or local governments of rights or property.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, these proposed rate adjustments do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement because they will not affect the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. A federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This notice complies with the requirements of Executive Order 12988. Specifically, in issuing this notice, the Department has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct as required by section 3 of Executive Order 12988.

Paperwork Reduction Act of 1995

These proposed rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076–0141 and expires March 31, 2026.

National Environmental Policy Act

The Department has determined that these proposed rate adjustments do not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the proposed rate adjustments are of an administrative, financial, legal, technical, or procedural nature. (For further information *see* 43 CFR 46.210(i)). We have also determined that the proposed rate adjustments would not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

William Henry Kirkland III,

Assistant Secretary—Indian Affairs.

[FR Doc. 2026–05577 Filed 3–20–26; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NMNM106725808]

Correction of Public Land Order No. 7963; National Defense Operating Area Withdrawal, Doña Ana, Luna, and Hidalgo Counties, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of correction.

SUMMARY: The Bureau of Land Management (BLM) published Public Land Order (PLO) No. 7963 in the **Federal Register** on April 21, 2025, for the emergency withdrawal and transfer of the administrative jurisdiction of 109,651 acres of Federal land to the Department of the Army (Army) for border security purposes. This Notice corrects the legal descriptions and the acreage identified in PLO No. 7963 and provides a more complete description of the land included in the withdrawn area.

FOR FURTHER INFORMATION CONTACT: Jillian Aragon, Project Manager, BLM New Mexico State Office, telephone: 505–564–7722, email: *BLM_NM_Border@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 Tele Braille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The emergency withdrawal, PLO No. 7963, issued under the authority of Section 204(e) of the Federal Land Policy and Management Act of 1976, was signed by the Secretary of the Interior on April 15, 2025, and published in the **Federal Register** on April 21, 2025 (90 FR 16698). PLO No. 7963 took effect on April 15, 2025, and withdrew and transferred administrative jurisdiction of land to the Department of the Army.

This correction is being issued to ensure that the legal land description more closely aligns with the *Specifications for Descriptions of Land* (2017) and to correct minor typographical errors. The corrected description also incorporates one Federal parcel that was included in the official maps prepared with PLO No. 7963 but was inadvertently omitted from the published legal description. Additionally, the corrected description provides an updated calculation of the withdrawn area based on current geospatial data.

The correction does not alter the lands withdrawn as depicted on the map prepared with PLO No. 7963. Both the original and corrected descriptions include approximate acreage values derived from Geographic Information System (GIS) analysis; the original PLO listed an area of 109,651 acres, which excluded the acreage encompassed by a 60-foot-wide area adjacent to the international border between the United States and Mexico, reserved by President Theodore Roosevelt on May 27, 1907, and referred to as the ''Roosevelt Reservation,'' and also transferred to the Department of the Army by PLO No. 7963. The corrected acreage for PLO No. 7963 is 110,967 acres and accounts for the inclusion of the Roosevelt Reservation.

The following corrections are being made to the legal land description:

T. 29 S., R. 1 E.

The PLO description described all Federal lands south of NM Highway 9. The corrected description describes each withdrawn parcel as completely as possible without a survey.

T. 29 S., R. 2 E.

The PLO description included the Roosevelt Reservation. The corrected description lists the affected sections.

T. 29 S., R. 3 E.

Section 16 was removed because there is no Roosevelt Reservation in this section because this section was conveyed to the state prior to the Roosevelt Proclamation.

T. 29 S., R. 4 E.

Section 16 was removed because there is no Roosevelt Reservation in this section because this section was conveyed to the state prior to the Roosevelt Proclamation. More specificity was included in the location of the Roosevelt Reservation.

T. 29 S., R. 1 W.

The PLO description described all Federal lands south of NM Highway 9. The corrected description describes each withdrawn parcel as completely as possible without a survey.

T. 29 S., Rs. 2–12 W.

The PLO description described all Federal lands south of NM Highway 9. The corrected description describes each withdrawn parcel as completely as possible without a survey.

T. 28 S., Rs 4 & 5 W.

The PLO description described all Federal lands south of NM Highway 9. The corrected description describes each withdrawn parcel as completely as possible without a survey.

T. 28 S., Rs. 7 & 8 W.

These townships and ranges were removed because no lands within them are affected by the PLO.

T. 28 S., Rs. 9–11 W.

The PLO description described all Federal lands south of NM Highway 9. The corrected description describes each withdrawn parcel as completely as possible without a survey.

T. 29 S., R. 13 W.

The PLO description included the Roosevelt Reservation. The corrected description lists the affected sections.

T. 29 S., R. 14 W.

The corrected description removes the sections that do not contain Federal land and describes the portions of sections that are Federal land.

T. 30 S., R. 14 W.

The corrected description removes the section that does not contain Federal land and describes the portions of sections that are Federal land.

T. 31 S., R. 14 W.

The corrected description removes the section that does not contain Federal land, describes the portions of sections that are Federal land, and corrects two typographical errors. Section 15 was incorrectly referred to as Section 1, and Section 2 was listed twice (both removed).

T. 32 S., R. 14 W.

The PLO description described all Federal lands west of Commodore Road. The corrected description describes each withdrawn parcel as completely as possible without a survey. The corrected description also explicitly includes the lands reserved by the Roosevelt Reservation to eliminate any ambiguity caused by the fact that the official plat does not include that area in its area reported for the affected sections.

T. 33 S., R. 14 W.

The PLO description included all Federal lands in the affected area. The corrected description describes only the Roosevelt Reservation, which is the only Federal land in the affected area.

T. 34 S., R. 14 W.

The PLO description included all Federal lands within the township. The corrected description describes each Federal parcel in the township.

T. 34 S., R. 15 W.

The PLO description included all Federal lands in the affected area. The corrected description describes only the Federal parcels in the township.

T. 34 S., R. 16 W.

The PLO description included all Federal lands within the township. The corrected description describes only the Federal parcels in the township.

T. 34 S., Rs. 17 & 18 W.

The PLO description included all Federal lands within the townships. The corrected description describes only the Roosevelt Reservation, which is the only Federal land within these townships.

T. 34 S., R. 19 W.

The PLO description included all Federal lands within the township. The corrected description describes only the Federal parcels in the township.

T. 34 S., R. 20 W.

The PLO description included all Federal lands within the townships. The corrected description describes only the Roosevelt Reservation, which is the only Federal land within these townships.

The portion of section 24 conveyed out of Federal ownership prior to the Roosevelt Proclamation is excluded.

T. 34 S., R. 21 W.

Section 2 was inadvertently left out of the PLO description. This section was included in the map produced with the PLO, and the area was included in the PLO reported area.

The PLO description included the Roosvelt Reservation across the township. The corrected description describes the affected sections.

T. 34 S., R. 22 W.

The PLO description called for the Roosvelt Reservation across the township. The corrected description describes the affected sections.

Correction

The complete legal descriptions for lands subject to PLO No. 7963, published in the **Federal Register** *on* April 21, 2025 (90 FR 16698) is corrected to read as follows:

New Mexico Principal Meridian, New Mexico

T. 29 S., R. 1 E.,
- Sec. 1, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 3, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 4, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 7, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 8, S½
- Sec. 9, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Secs. 10, 11, and 12;
- Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 2 E.,
- Sec. 13, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 14, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 15, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 17, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 18, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 3 E.,
- Sec. 13, lots 9 thru 12;
- Sec. 14, lots 9 thru 12;
- Sec. 15, lots 9 thru 12;
- Sec. 17, lots 9 thru 12;
- Sec. 18, lots 9 thru 12.

T. 29 S., R. 4 E.,
- Sec. 17, those portions of lots 3 and 4 within the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907, and lots 10, 11, and 12;
- Sec. 18, those portions of lots 1 thru 4 within the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 1 W.,
- Sec. 7, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 8, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 9, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 10, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 11, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 12, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 16, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 2 W.,
- Sec. 3, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 4, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 5, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 6, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Secs. 7, 8, and 9;
- Sec. 10, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 11, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 12, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 16, N1/2NE1/4, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 3 W.,
- Sec. 1, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 9, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 10, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 11, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 12, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
- Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
- Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;

Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 28 S., R. 4 W.,
Sec. 31, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9.

T. 29 S., R. 4 W.,
Sec. 5, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 6, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 7;
Sec. 8, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 9, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 10, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 13, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 28 S., R. 5 W.,
Sec. 33, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 34, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 35, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9.

T. 29 S., R. 5 W.,
Secs. 1, 3, 4, and 5;
Sec. 6, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 7, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Secs. 8 thru 12;
Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 6 W.,
Sec. 4, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 5, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 6, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Secs. 7 and 8;
Sec. 9, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 10, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 11, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 12, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 7 W.,
Sec. 1, those portions of the N½ and SE¼ lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 5, N½;
Sec. 9, NE¼;
Sec. 10, NW¼ and S½;
Sec. 13, lots 1 thru 4, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, lots 1 thru 4, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, lots 1 thru 4, NW¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, lots 1 thru 4, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, lots 3 thru 6, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 8 W.,
Sec. 15, lots 7 and 8, and that portion of the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907 lying westerly of the north-south centerline of the section;
Sec. 17, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 9 W.,
Sec. 6, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 9, that portion of the N½ lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 10, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 11, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 12, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 2 W.,
Sec. 3, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 4, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 5, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 6, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Secs. 7, 8, and 9;
Sec. 10, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 11, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;

Sec. 12, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, N½NE¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 3 W.,
Sec. 1, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 9, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 10, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 11, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 12, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 28 S., R. 4 W.,
Sec. 31, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9.

T. 29 S., R. 4 W.,
Sec. 5, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 6, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 7;
Sec. 8, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 9, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 10, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 13, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 28 S., R. 5 W.,
Sec. 33, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 34, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 35, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9.

T. 29 S., R. 5 W.,
Secs. 1, 3, 4, and 5;
Sec. 6, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 7, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Secs. 8 thru 12;
Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 6 W.,
Sec. 4, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 5, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 6, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Secs. 7 and 8;
Sec. 9, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 10, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 11, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 12, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 7 W.,
Sec. 1, those portions of the N½ and SE¼ lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 5, N½;
Sec. 9, NE¼;
Sec. 10, NW¼ and S½;
Sec. 13, lots 1 thru 4, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, lots 1 thru 4, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, lots 1 thru 4, NW¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, lots 1 thru 4, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, lots 3 thru 6, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 8 W.,
Sec. 15, lots 7 and 8, and that portion of the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907 lying westerly of the north-south centerline of the section;
Sec. 17, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 9 W.,
Sec. 6, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 9, that portion of the N½ lying southerly of the southerly right-of-way boundary of NM State Highway 9;

Sec. 10, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 11, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 12, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 28 S., R. 10 W.,
Sec. 30, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 31, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 33, those portions of the N½SW¼ and the SE¼ lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 34, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9.

T. 29 S., R. 10 W.,
Sec. 1, that potion of the SE¼SE¼ lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 3, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 4, NW¼NE¼, S½NE¼, S1/2SW¼, and SE¼;
Sec. 5, W½NW¼, SW¼, and S1/2SE¼;
Sec. 6;
Sec. 7, lots 1, 2, and 3, NE¼, and E½NW¼;
Sec. 8, N½
Sec. 9, E½
Sec. 13, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 28 S., R. 11 W.,
Sec. 25, that portion of the N½SW¼ lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 26, those portions of the NE¼ and N½NW¼, lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 27, S½
Sec. 28, those portions of the N½NE¼ and N½NW¼ lying southerly of the southerly right-of-way boundary of NM State Highway 9, E½SW¼, SW¼SW1/4, and SE¼;
Sec. 31, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 32, that portion of the SW¼NE¼ lying easterly of the easterly right-of-way boundary of NM State Highway 9;
Sec. 33, N½, N½SW¼, and N½SE¼;
Sec. 34, N½, N½SW¼, and N½SE¼;
Sec. 35, N½, N1/2SW¼, and N½SE¼.

T. 29 S., R. 11 W.,
Sec. 1, W½
Secs. 3, 4, and 5;
Sec. 6, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Secs. 7 thru 11;
Sec. 12, W½;
Sec. 13, lots 1 and 2, NW¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 12 W.,
Sec. 1, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Sec. 3, that portion lying southerly of the southerly right-of-way boundary of NM State Highway 9;
Secs. 4 thru 7;
Sec. 8, N½, S½SW¼, and SE¼;
Secs. 9 thru 12;
Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 13 W.,
Sec. 1;
Secs. 3 thru 12;
Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 15, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 16, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 17, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 18, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 19, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 30, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 31, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 29 S., R. 14 W.,
Sec. 1;
Sec. 3, lots 3 and 4, and S½;
Secs. 10 and 11;
Sec. 12, N½;
Sec. 14, N½;
Sec. 15, N½;
Sec. 22;
Sec. 25, S½NE¼, S½NW¼, and S½;
Sec. 26, S½NW¼, and SW¼;
Secs. 27, 34, and 35.

T. 30 S., R. 14 W.,
Sec. 1, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 3;
Sec. 10, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 11;
Sec. 12, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14;
Sec. 15, NE¼, E½NW¼, SW¼NW¼, and S½;
Secs. 22 and 23;
Sec. 24, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 25, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Secs. 26 and 27;
Sec. 34, N½ and N½SE¼;
Sec. 35;
Sec. 36, lots 1 thru 4, lots 6, 7, and 12, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 31 S., R. 14 W.,
Sec. 1, lots 1 thru 11, lot 13, SW¼SW¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;

Sec. 3, lots 1 thru 6, lots 9 thru 12, and S½;
Secs. 10 and 11;
Sec. 12, lots 3 and 4, W½NE¼, E½, W½SE¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 13, W½, W½SE¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14;
Sec. 15, that portion lying easterly of the easterly edge of Commodore Road;
Sec. 22, that portion lying easterly of the easterly edge of Commodore Road;
Sec. 23, that portion lying easterly of the easterly edge of Commodore Road;
Sec. 24, W½NE¼, W½, W½SE¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 25, W½NE¼, W½, W½SE¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 26, that portion lying easterly of the easterly edge of Commodore Road;
Sec. 35, that portion lying easterly of the easterly edge of Commodore Road;
Sec. 36, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 32 S., R. 14 W.,
Sec. 1, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 11, that portion lying easterly of the easterly edge of Commodore Road;
Sec. 12, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 13, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 14, that portion lying easterly of the easterly edge of Commodore Road;
Sec. 23, E½, those portions of the NW¼ and N½SW¼ lying easterly of the easterly edge of Commodore Road, and SE¼SW¼;
Sec. 24, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 25, lots 2, 3, and 4, SW¼NE¼, S½NW¼, N½SW¼, SE¼SW¼, E½SE¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 26, N½SE¼;
Sec. 27, E½SW¼ and NW¼SE¼;
Sec. 34, NE¼, W½NW¼, and SE¼NW¼;
Sec. 35, W½NE¼, SE¼NE¼, E½NW¼, and SE¼;
Sec. 36, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 33 S., R. 14 W.,
Sec. 1, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 12, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 13, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 24, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 25, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 36, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 34 S., R. 14 W.,
Sec. 1, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 5, N½NW¼ and SW¼NW¼;
Sec. 6, N½;
Sec. 12, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 13, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 19, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 20, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 21, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 22, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 23, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 24, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 34 S., R. 15 W.,
Sec. 3, W½NW¼, W½SW¼, and SE¼SW¼;
Sec. 5, W½NW¼, SE¼NW¼, and NW¼SW¼;
Sec. 6, NE¼NE¼;
Sec. 7, NW¼NE¼;
Sec. 8, N½, NW¼SW¼, and SE¼SE¼;
Sec. 9, N½NE¼, SE¼NE¼, N½NW¼, SW¼NW¼, E½SW¼, SW¼SW/14, and N½SE¼;
Sec. 10, N½, N½SW¼, and SE¼;
Sec. 11, N½, SW¼, N½SE¼, and SE¼SE¼;
Sec. 12, N½, N½SW¼, SW¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 14, SW¼NE¼, W½NW¼, SE¼NW¼, SW¼, and W½SE¼;
Sec. 15, NE¼, S½SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 17, NE¼NE¼;
Sec. 18, SW¼NE¼ and SE¼;
Sec. 19, lot 1, N½NE¼, SE¼NE¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 20, lots 1 thru 4, S½NE¼, NW¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 21, lots 1 thru 4, NE¼, E½NW¼, SW¼NW¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 22, including the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 23, lots 2, 3, and 4, SW¼NE¼, NW¼, and the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 24, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 34 S., R. 16 W.,
Sec. 1;
Sec. 12, N½NE¼, SE¼NE¼, and N½NW¼;
Sec. 19, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 20, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 21, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 22, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 23, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 24, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 34 S., R. 17 W.,
Sec. 19, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 20, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 21, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 22, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 23, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 24, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 34 S., R. 18 W.,
Sec. 19, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 20, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 21, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 22, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 23, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 24, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

T. 34 S., R. 19 W.,
Sec. 19, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 20, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 21, lots 6, 8, 10, and 12;
Sec. 22, lots 6, 8, 10, and 12;

Sec. 23, lots 6, 8, 10, and 12;
Sec. 24, lots 6, 8, 10, and 12.
T. 34 S., R. 20 W.,
Sec. 19, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 20, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 21, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 22, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 23, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 24, only that portion of the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907 lying South of lots 5,7, and 8.
T. 34 S., R. 21 W.,
Secs. 2 and 16;
Sec. 19, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 20, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 21, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 22, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 23, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 24, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.
T. 34 S., R. 22 W.,
Sec. 23, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907;
Sec. 24, only the 60-foot-wide strip reserved by the Presidential Proclamation of May 27, 1907.

The area described aggregates approximately 110,967 acres of Federal land in Doña Ana, Luna, and Hidalgo counties.

Doug Burgum,

Secretary of the Interior.

[FR Doc. 2026–05648 Filed 3–20–26; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Modification to Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On March 13, 2026, the Department of Justice lodged with the United States District Court for the Southern District of Alabama a proposed modification to the Consent Decree entered in a lawsuit entitled: *United States* v. *BASF Corporation (f/k/a Ciba-Geigy Corporation),* Civil Action No. 96–cv–0571–CB–M.

The proposed modification requires the defendant in the lawsuit to perform additional remedial actions at the Ciba-Geigy Superfund Site located about two miles north of McIntosh, Alabama. The U.S. Environmental Protection Agency (EPA) issued a Record of Decision in July 1995, selecting a remedy for Operable Unit 3 at the Site, and the Consent Decree previously entered by the court requires the defendant to implement the remedy. Based on soil, sediment, and water samples taken between 2019 and 2022, EPA issued an Amended Record of Decision in August 2024 selecting additional remedial measures for Operable Unit 3. The proposed modification to the Consent Decree will require the defendant to implement these measures.

The publication of this notice opens a period for public comment on the proposed modification. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *BASF Corporation (f/k/a Ciba-Geigy Corporation)* D.J. Ref. No. 90–11–2–781B. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed modification may be examined and downloaded at this website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the proposed modification you may request assistance by email or by mail to the addresses provided above for submitting comments.

Scott Bauer,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2026–05593 Filed 3–20–26; 8:45 am]

BILLING CODE 4410–15–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

1. Title and purpose of information collection: Application to Act as Representative Payee; OMB 3220–0052.

Under Section 12 of the Railroad Retirement Act (45 U.S.C. 231k), the Railroad Retirement Board (RRB) may pay benefits to a representative payee when an employee, spouse or survivor annuitant is incompetent or is a minor. A representative payee may be a court-appointed guardian, a statutory conservator or an individual selected by the RRB. The procedures pertaining to the appointment and responsibilities of a representative payee are prescribed in 20 CFR 266.

The forms furnished by the RRB to apply for representative payee status, and for securing the information needed to support the application follow. RRB Form AA–5, *Application for Substitution of Payee,* obtains information needed to determine the selection of a representative payee who will serve in the best interest of the beneficiary. RRB Form G–478, *Statement Regarding Patient's Capability to Manage Benefits,* obtains information about an annuitant's capability to manage their own benefits. The form is completed by the annuitant's personal physician or by a medical officer, if the annuitant is in an institution. It is not required when a court has appointed an individual or institution to manage the annuitant's funds or, in the absence of such appointment, when the annuitant is a minor. The RRB also provides representative payees with a booklet at the time of their appointment. The

booklet, RRB Form RB–5, *Your Duties as Representative Payee-Representative Payee's Record,* advises representative payees of their responsibilities under 20 CFR 266.9 and provides a means for the representative payee to maintain records pertaining to the receipt and use of RRB benefits. The booklet is provided for the representative payee's convenience. The RRB also accepts records that are kept by representative payee's as part of a common business practice. Completion is voluntary. One response is requested of each respondent. The RRB proposes the following changes to Forms AA–5, G–478 and RB–5:

Form AA–5:

- *Question 4:* Changed ''No—Explain in Item 17'' to ''No—Explain in Item 18''.
- *Question 10:* Added checkbox for ''Care Facility''.
- *Question 12:* Added checkbox for ''Wages from employment''.
- *Question 19:* Removed bullet ''If the beneficiary begins to receive a public service pension, or there is a change in the amount of the pension'' to comply with the Social Security Fairness Act of 2023 and added bullet ''If there is any change to the beneficiary's banking information;''
- *Page 7:* Changed office hours.
- *Page 8:* Changed last sentence of the Paperwork Reduction Act Notice to ''Railroad Retirement Board, ATTN: Bureau of Information Services/Policy & Compliance, 844 N Rush St., Chicago, IL 60611–1275.''

Form G–478:

- Changed last sentence of the Paperwork Reduction Act Notice to ''Railroad Retirement Board, ATTN: Bureau of Information Services/Policy & Compliance, 844 N Rush St., Chicago, IL 60611–1275.''
- *Question 9:* Added ''Doctor/Clinic Tax ID'' data entry line.

Form RB–5:

- *Pages 1 and 8:* Changed the office hours, added secure email and Website information.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA–5	3,000		900
Individuals	2,250	18	675
Institutions	750		225
G–478	2,000	6	200
RB–5	15,300		15,300
Individuals	11,475	60	11,475
Institutions	3,825		3,825
Total	38,600		30,600

2. Title and purpose of information collection: Supplement to Claim of Person Outside the United States; OMB 3220–0155.

Under the Social Security Amendments of 1983 (Public Law 98–21), which amends Section 202(t) of the Social Security Act, effective January 1, 1985, the Tier I or the overall minimum (O/M) portion of an annuity, and Medicare benefits payable under the Railroad Retirement Act to certain beneficiaries living outside the U.S., may be withheld. The benefit withholding provision of Public Law 98–21 applies to divorced spouses, spouses, minor or disabled children, students, and survivors of railroad employees who (1) initially became eligible for Tier I amounts, O/M shares, and Medicare benefits after December 31, 1984; (2) are not U.S. citizens or U.S. nationals; and (3) have resided outside the U.S. for more than six consecutive months starting with the annuity beginning date. The benefit withholding provision does not apply, however to a beneficiary who is exempt under either a treaty obligation of the U.S., in effect on August 1, 1956, or a totalization agreement between the U.S. and the country in which the beneficiary resides, or to an individual who is exempt under other criteria specified in Public Law 98–21.

RRB Form G–45, *Supplement to Claim of Person Outside the United States,* is currently used by the RRB to determine applicability of the withholding provision of Public Law 98–21. Completion of the form is required to obtain or retain a benefit. One response is requested of each respondent. The RRB proposes the following changes to Form G–45:

- Changed last sentence of the Paperwork Reduction Act Notice to ''Railroad Retirement Board, ATTN: Bureau of Information Services/Policy & Compliance, 844 N Rush St., Chicago, IL 60611–1275.''
- *Question 9 (d) and (e):* Replaced ''checks'' with ''correspondence'' and other minor editorial changes to comply with Executive Order 14247, *Modernizing Payments To and From America's Bank Account.*

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–45	24	10	4

3. Title and purpose of information collection: Repayment of Debt; OMB 3220–0169.

Section 2 of the Railroad Retirement Act (RRA) (45 U.S.C. 231a) provides for payment of annuities to railroad employees who are retired due to age or disability and annuities or benefits to their eligible spouses, divorced spouses, and survivors. Section 2 of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 352) provides for the payment of benefits to qualified railroad employees who are unemployed, but willing and able to work, and railroad employees who are unable to work due to sickness or injury. When an overpayment of RRA or RUIA benefits has occurred, prompt action is initiated to notify the annuitant or beneficiary of the overpayment and the method by

which the debt may be liquidated. The overpayment recovery methods available are cash refund by check, money order, debit card and withholding of annuities or benefits due.

Railroad Retirement Board (RRB) procedures pertaining to RRA annuity and benefit overpayment determinations and recovery are prescribed in 20 CFR part 255. RUIA procedures pertaining to benefit overpayment determinations are prescribed in 20 CFR part 340.

When a debt is owed on an RRA or RUIA-related debt, the RRB mails Form DRL–145, *Debt Notice, to the debtor;* a Form G–421, *Repayment Method Form,* for the debtor to indicate how they will repay the debt; a Form G–66 or G–66B, *Your Rights to Review and/or Waiver,* which explains what they can do if they disagree with the amount of the debt; and a Form G–66A or G–66BA, *Rights Request Form,* to request their right to have us review and/or waiver the debt. Completion of Form G–421F is voluntary. The RRB proposes no changes to Form G–421F.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
Form G–421F (RRA) activity	360	5	30
Form G–421F (RUIA) activity	175	5	15
Total	535		45

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material or comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Brian.Foster@rrb.gov.* Written comments should be received within 60 days of this notice.

Brian Foster,

Clearance Officer.

[FR Doc. 2026–05548 Filed 3–20–26; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105037; File No. SR–NYSEAMER–2026–18]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend Exchange Rules 904, 903G, and 906G Regarding Options on Certain Crypto Assets

March 18, 2026.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 10, 2026, NYSE American LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 904 (Position Limits), Rule 903G (Terms of FLEX Options), and Rule 906G (Position Limits) in connection with the following options overlying Exchange-Traded Fund Shares, as applicable: Grayscale Bitcoin Trust, Grayscale Bitcoin Mini Trust, Bitwise Bitcoin ETF, iShares Bitcoin Trust, Fidelity Wise Origin Bitcoin Fund, ARK21Shares Bitcoin ETF, Grayscale Ethereum Trust ETF, Grayscale Ethereum Mini Trust ETF, Bitwise Ethereum ETF, iShares Ethereum Trust ETF, and Fidelity Ethereum Fund. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Commentary .07(f) to Rule 904 (Position Limits), Rule 903G(a) (Terms of FLEX Options), and Rule 906G(b) (Position Limits) in connection with the following options overlying Exchange-Traded Fund Shares, as applicable: Grayscale Bitcoin Trust, Grayscale Bitcoin Mini Trust, Bitwise Bitcoin ETF, iShares Bitcoin Trust, Fidelity Wise Origin Bitcoin Fund, ARK21Shares Bitcoin ETF, Grayscale Ethereum Trust ETF, Grayscale Ethereum Mini Trust ETF, Bitwise Ethereum ETF, iShares Ethereum Trust ETF, and Fidelity Ethereum Fund (collectively ''the Crypto Assets''). This filing is based on similar proposals submitted by Nasdaq ISE, LLC (''ISE''),[4] Miami International Securities Exchange, LLC (''MIAX''),[5] and Nasdaq PHLX LLC (''Phlx'').[6]

Background

On October 19, 2024, the Exchange received approval to list and trade options on the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust, and

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 34–104648 (Jan. 21, 2026), 91 FR 3282 (Jan. 26, 2026) (SR–ISE–2026–01) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Restrictions on Certain Crypto Assets).

[5] *See* Securities Exchange Act Release No. 34–104738 (Jan. 29, 2026), 91 FR 5000 (Feb. 03, 2026) (SR–MIAX–2026–04) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 307, Position Limits, and Rule 309, Exercise Limits, Regarding Position and Exercise Limits on Options Overlying Certain Crypto Assets).

[6] *See* Securities Exchange Act Release No. 34–104650 (Jan. 21, 2026), 91 FR 3265 (Jan. 26, 2026) (SR–Phlx–2026–02) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Restrictions on Certain Crypto Assets).

the Bitwise Bitcoin ETF.[7] On November 20, 2024, the Exchange filed to list and trade option contracts on the iShares Bitcoin Trust, the Fidelity Wise Origin Bitcoin Fund, and the ARK21Shares Bitcoin ETF.[8] On April 9, 2025, the Exchange received approval to list and trade options on the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, the Grayscale Ethereum Mini Trust.[9] Finally, also on April 9, 2025, the Exchange filed to list and trade options on the iShares Ethereum Trust ETF and the Fidelity Ethereum Fund.[10] These approvals and immediately effective filings permitted the Exchange to list and trade options on the Crypto Assets subject to a 25,000 contract position and exercise limit and a restriction on the trading of FLEX options.

On December 13, 2024, the Exchange filed to amend Rule 903G(a)(1) to permit FLEX options on shares of the Grayscale Bitcoin Trust.[11] On April 25, 2025, the Exchange filed Amendment No. 1 to this proposal which replaced and superseded the original filing in its entirety and, among other things, expanded the scope of the proposal to permit FLEX options on the Grayscale Bitcoin Mini Trust ETF and the Bitwise Bitcoin ETF as well as on the Grayscale Bitcoin Trust.[12] The Exchange also proposed to amend Rule 906G(b)(iv) to aggregate position and exercise limits for all Grayscale Bitcoin Trust, Grayscale Bitcoin Mini Trust ETF, and Bitwise Bitcoin ETF FLEX and non-FLEX options in the same underlying fund, thus limiting positions for Grayscale Bitcoin Trust, Grayscale Bitcoin Mini Trust ETF, and Bitwise Bitcoin ETF options—FLEX and non-FLEX—to 25,000 contracts for each fund.[13] On July 29, 2025, the Commission approved the filing as modified by Amendment No. 1 to permit the trading of FLEX Options on shares of the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust ETF, and the Bitwise Bitcoin ETF.[14]

On August 15, 2025, the Exchange filed to eliminate the 25,000-contract position for options on the Grayscale Bitcoin Trust ETF, the Grayscale Bitcoin Mini Trust ETF, and the Bitwise Bitcoin ETF and to apply the position limits in Exchange Rule 904, Commentary .07(a)–(e) to options on these products.[15] Also on August 15, 2025, the Exchange filed to eliminate the 25,000-contract position for options on the iShares Bitcoin Trust ETF and to apply the position limits in Exchange Rule 904, Commentary .07(a)–(e) to options on the iShares Bitcoin Trust ETF.[16]

On November 9, 2025, the Exchange's proposal to amend its listing rules at Rule 915, Commentary .06 to list and trade options on Exchange-Traded Fund Shares that meet certain generic requirements to be listed as a Commodity-Based Trust was deemed approved pursuant to Section 19(b)(2)(D) of the Act.[17] On November 4, 2025, during the shutdown resulting from a lapse of appropriations, the Exchange submitted an amendment that would have superseded the original filing that was deemed approved. The amendment could not be processed or published due to the pendency of the shutdown, which ended on November 12, 2025. On November 21, 2025, the Exchange filed to adopt the rule text included in the amendment to the original filing that could not be processed during the government shutdown, reinstate text that was previously deleted, and remove text that was added when the original filing was deemed approved.[18]

Specifically, as amended, Rule 915, Commentary .06(v) provides that the Exchange may list and trade options on shares of a Commodity-Based Trust that meets the generic criteria of NYSE Arca Rule 8.201 (Generic),[19]

except that the Commodity-Based Trust holds a single crypto asset.[20] Further, a Commodity-Based Trust that meets the requirements of Rule 915, Commentary .06(v) must also satisfy the following requirements: (A) the total global supply of the underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least $700 million over the last 12 months; and (B) the crypto asset held by the Commodity-Based Trust underlies a

[7] *See* Securities Exchange Act Release No. 101386 (Oct. 18, 2024), 89 FR 84960 (Oct. 24, 2024) (SR–NYSEAMER–2024–49) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 3, to Permit the Listing and Trading of Options on Bitcoin Exchange-Traded Funds).

[8] *See* Securities Exchange Act Release No. 101737 (Nov. 25, 2024), 89 FR 95257 (Dec. 02, 2024) (SR–NYSEAMER–2024–73) (Notice of Filing and Immediate Effectiveness of Proposed Change To List and Trade Option Contracts on the iShares Bitcoin Trust, the Fidelity Wise Origin Bitcoin Fund, and the ARK21Shares Bitcoin ETF).

[9] *See* Securities Exchange Act Release No. 102799 (Apr. 9, 2025), 90 FR 15764 (Apr. 15, 2025) (SR–NYSEAMER–2024–45) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Amend Exchange Rule 915 To Permit the Listing and Trading of Options on the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust).

[10] *See* Securities Exchange Act Release No. 102816 (Apr. 11, 2025), 90 FR 16247 (Apr. 17, 2025) (SR–NYSEAMER–2025–23) (Notice of Notice of Filing and Immediate Effectiveness of Proposed Change To Amend Rules 904, Rule 915, and 916).

[11] *See* Securities Exchange Act Release No. 102014 (Dec. 20, 2024), 89 FR 105669 (Dec. 27, 2024) (SR–NYSEAMER–2024–78) (Notice of Filing of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Certain Rules Related to Flexible Exchange Options).

[12] *See* Securities Exchange Act Release No. 102996 (May 5, 2025), 90 FR 19756 (May 9, 2025) (SR–NYSEAMER–2024–78) (Notice of Filing of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Certain Rules Related to Flexible Exchange Options).

[13] *See id.* at 19757.

[14] *See* Securities Exchange Act Release No. 103566 (July 29, 2025), 90 FR 36250 (SR–NYSEAMER–2024–78) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Permit the Trading of FLEX Options on Shares of the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust ETF, and the Bitwise Bitcoin ETF).

[15] *See* Securities Exchange Act Release No. 103744 (Aug. 19, 2025), 90 FR 41145 (Aug. 22, 2025) (SR–NYSEAMER–2025–51) (Notice of Filing and Immediate Effectiveness of Proposed Change to Amend Rule 904). Exercise limits for options on an underlying security are the same as the position limits for options on that underlying security. *See* Rule 905(a)(1).

[16] *See* Securities Exchange Act Release No. 103746 (Aug. 20, 2025), 90 FR 41131 (Aug. 25, 2025) (SR–NYSEAMER–2025–50) (Notice of Filing and Immediate Effectiveness of Proposed Change to Amend Rule 904).

[17] *See* 15 U.S.C. 78s(b)(2)(D); Securities Exchange Act Release No. 104210 (November 18, 2025), 90 FR 52727 (November 21, 2025) (SR–NYSEAMER–2025–07).

[18] *See* Securities Exchange Act Release No. 104319 (Dec. 5, 2025), 90 FR 57237 (Dec. 10, 2025) (SR–NYSEAMER–2025–64) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change of Amendments to Rules 915 and 916).

[19] NYSE Arca Rule 8.201–E (generic) permits the listing and trading of certain qualifying exchange-traded products that physically hold commodities like precious metals and digital asset commodities on the Exchange. Pursuant to NYSE Arca Rule 8.201–E (Generic), the term ''Commodity-Based Trust Shares'' means a security that: (i) is issued by a trust, limited liability company, partnership, or other similar entity (''Trust'') that, if applicable, is operated by a registered commodity pool operator pursuant to the Commodity Exchange Act, and is not registered as an investment company pursuant to the Investment Company Act of 1940, or series or class thereof; (ii) is designed to reflect the performance of one or more reference assets or an index of reference assets; (iii) in order to reflect the performance as provided in (c)(1)(ii) above, is issued by a Trust that holds (A) one or more commodities or commodity-based assets as defined in (c)(3) below, and (B) in addition to such commodities or commodity-based assets, may hold securities, cash, and cash equivalents; (iv) is issued by such Trust in a specified aggregate minimum number in return for a deposit of (A) a specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents, or (B) a cash amount with a value based on the next determined net asset value per Trust share; and (v) when aggregated in the same specified minimum number, may be redeemed at a holder's request by such Trust which will deliver to the redeeming holder (A) the specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents, or (B) a cash amount with a value based on the next determined net asset value per Trust share.

[20] For purposes of this rule the term ''crypto asset'' means an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network, including but not limited to, assets known as ''tokens,'' ''digital assets,'' ''virtual currencies,'' and ''coins'' and that relies on cryptographic protocols. *See* Rule 915, Commentary .06(c).

derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group (''ISG''). Any option approved pursuant to Rule 915, Commentary .06(v) is subject to the position limits set forth in Rule 904, Commentary .07, and subject to the corresponding exercise limits set forth in Rule 905. Further, any option approved pursuant to Rule 915, Commentary .06(v) is not restricted from trading as a FLEX Option.

Proposed Rule Change

The Crypto Assets all qualify for listing pursuant to Rule 915, Commentary .06(v). As such, similar to other options listed pursuant to Rule 915, the Crypto Assets should all be subject to the position limits set forth in Commentary .07 to Rule 904 and the corresponding exercise limits set forth in Rule 905. Also, the Crypto Assets should not be restricted from trading as FLEX Options. To effectuate these changes, the Exchange proposes the following changes.

Position Limits

The Exchange proposes to remove the 25,000 position and exercise limit restrictions for Fidelity Wise Origin Bitcoin Fund, ARK21Shares Bitcoin ETF, Grayscale Ethereum Trust ETF, Grayscale Ethereum Mini Trust ETF, Bitwise Ethereum ETF, iShares Ethereum Trust ETF, and Fidelity Ethereum Fund from Rule 904, Commentary .07(f). Position limits for these products will be determined in accordance with Rule 904, Commentary .07. Additionally, the Exchange proposes to remove the following rule text Rule 906G(b)(iv):

> Position limits for FLEX Equity Options on GBTC, BTC, BITB, and IBIT will be aggregated with non-FLEX positions on the same underlying ETF for the purpose of calculating position and exercise limits as set forth in Rules 904 and 905.

A conforming change will be made to the first sentence of Rule 906G(b), which currently references ''paragraphs (i)–(iv) below.''

Similar to all other options, FLEX Equity Options on the iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF would no longer be aggregated with positions on the same non-FLEX underlying ETF for the purpose of calculating the position limits set forth in Commentary .07 to Rule 904, and the exercise limits set forth in Rule 905. The Exchange notes that similar to all other options, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF would not be subject to positions limits for FLEX Equity Options that are physically settled.[21]

FLEX Options

Currently, pursuant to Rule 903G(a)(1), the Exchange may approve and open for trading any FLEX Index Options series or FLEX Equity Options series on any index or equity security that is eligible for Non-FLEX Options trading under Rule 901C, with respect to indexes, or Rule 915 (except those set forth in Commentary .10(a) to Rule 915 other than the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust, the Bitwise Bitcoin ETF, and the iShares Bitcoin Trust),[22] with respect to equities, and that has Non-FLEX Options on such index or equity security listed and traded on at least one national securities exchange, even if the Exchange does not list and trade Non-FLEX Options on such index or equity security.

For the avoidance of doubt, to permit all the Crypto Assets to trade as FLEX options, the Exchange proposes to remove the following text from Rule 903G(a)(1): ''(except those set forth in Commentary .10(a) to Rule 915 other than GBTC, BTC, BITB, and IBIT)''. With this proposal, the Crypto Assets that qualify to be listed pursuant to Rule 915, Commentary .06(v) would be treated similar to all other options for purposes of position and exercise limits and FLEX Option trading.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[23] in general, and Section 6(b)(5) of the Act,[24] 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, 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)[25] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that proposal to permit the Crypto Assets, which qualify for listing pursuant to Rule 915, Commentary .06(v) to be subject to the position limits set forth in Rule 904, Commentary .07, and subject to the corresponding exercise limits set forth in Rule 905 similar to all other options is consistent with the Act as this treatment promotes just and equitable principles of trade. Further, the Exchange's proposal to permit the Crypto Assets, which qualify for listing pursuant to Rule 915, Commentary .06(v) to trade as FLEX Options similar to all other options is consistent with the Act insofar as this treatment promotes just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because the Crypto Assets that qualify to be listed on the Exchange would be treated similar to all other options for purposes of position and exercise limits and FLEX Option trading. The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition as the proposal is not competitive in nature. The Exchange expects that all option exchanges will adopt substantively similar proposals, such that the Exchange's proposal would benefit competition. For the foregoing reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[21] As of February 1, 2026, the iShares Bitcoin Trust ETF is eligible to have cash as a settlement term. *See https://www.nyse.com/publicdocs/nyse/products/options/NYSE_Cash_Settled_FLEX_ETF_Options.pdf.*

[22] Commentary .10(a) to Rule 915 provides that the ''Exchange may list and trade options on shares of the Grayscale Bitcoin Trust (BTC) (symbol: GBTC), the Grayscale Bitcoin Mini Trust (BTC) (symbol: BTC), the Bitwise Bitcoin ETF (symbol: BITB), the iShares Bitcoin Trust (symbol: IBIT), the Fidelity Wise Origin Bitcoin Fund (symbol: FBTC), the ARK21Shares Bitcoin ETF (symbol: ARKB), the Grayscale Ethereum Trust ETF (symbol: ETHE), the Grayscale Ethereum Mini Trust ETF (symbol: ETH), the Bitwise Ethereum ETF (symbol: ETHW), the iShares Ethereum Trust ETF (symbol: ETHA), and the Fidelity Ethereum Fund (symbol: FETH), pursuant to Rules 915 and 916.''

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] *Id.*

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and public interest, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [26] and subparagraph (f)(6) of Rule 19b–4 thereunder.[27]

A proposed rule change filed under Rule 19b–4(f)(6) [28] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[29] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving 30-day operative delay is consistent with the protection of investors and the public interest because the proposal aligns the rule text relating to options on the Crypto Assets with the rule text of other exchanges and does not introduce any novel regulatory issues.[30] Accordingly, the Commission designates the proposed rule change to be operative upon filing.[31]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEAMER–2026–18 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2026–18. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEAMER–2026–18 and should be submitted on or before April 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Vanessa A. Countryman,

Secretary.

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[26] 15 U.S.C. 78s(b)(3)(A)(iii).

[27] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[28] 17 CFR 240.19b–4(f)(6).

[29] 17 CFR 240.19b–4(f)(6)(iii).

[30] *See supra* notes 4–6.

[31] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[32] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105038; File No. SR–CboeBZX–2026–017]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Rules 11.29 and 11.30 Relating the Regulatory and Operations Trading Halts, Integrate Several Definitions and Concepts From the Amended CTA/CQ Plan, Reorganize Existing Rule 11.18, and To Make Conforming Changes to Related Rules

March 18, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 6, 2026, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') 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 Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] 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 BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') is filing with the Securities and Exchange Commission (''Commission'') a proposal to adopt Rules 11.29 and 11.30 to integrate several definitions and concepts from the Amended CTA/CQ Plan and to reorganize existing Rule 11.18 in light of the Exchange's experience with applying the rule during its time as a national securities exchange and to make conforming changes to related rules. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

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

In conjunction with adoption of amended CTA/CQ Plans proposed by its participants (''Amended CTA/CQ Plan''),[5] the Exchange proposes to adopt Rules 11.29 and 11.30 to integrate several definitions and concepts from the Amended CTA/CQ Plan and to reorganize existing Rule 11.18 in light of the Exchange's experience with applying the rule during its time as a national securities exchange.[6] Current Rule 11.18 would be reorganized to include only the Limit Up-Limit Down Mechanism.[7] Proposed Rule 11.29 would be entitled ''Trading Halts'' and would set forth the Exchange's authority to halt trading under various circumstances. Proposed Rule 11.30 would be entitled ''Trading Halts Due to Extraordinary Market Volatility'' and would contain the rule text related to Market-Wide Circuit Breakers currently codified in Rule 11.18(a)—(d), (g)—(j). In addition, the Exchange is updating cross references in other rules that are affected by the proposed changes and making non-substantive formatting changes in related rules.[8]

Background

The Exchange has been working with other SROs to establish common criteria and procedures for halting and resuming trading in equity securities in the event of regulatory or operational issues. These common standards are designed to ensure that events which might impact multiple exchanges are handled in a consistent manner that is transparent. The Exchange believes that implementation of these common standards will assist the SROs in maintaining fair and orderly markets. Notwithstanding the development of these common standards, the Exchange will retain discretion in certain instances as to whether and how to handle halts, as is described below.

Every U.S.-listed equity security has its primary listing on a specific stock exchange that is responsible for a number of regulatory functions (''Primary Listing Market'').[9] These include confirming that the security continues to meet the exchange's listing standards, monitoring trading in that security and taking action to halt trading in the security when necessary to protect investors and to ensure a fair and orderly market. While these core responsibilities remain with the primary listing venue, trading in the security can occur on multiple exchanges that have unlisted trading privileges for the security[10] or in the over-the-counter market, regulated by the Financial Industry Regulatory Authority, Inc. (''FINRA''). The exchanges and FINRA are responsible for monitoring activity on the markets over which they have oversight, but also must abide by the regulatory decisions made by the Primary Listing Market. For example, a venue trading a security pursuant to unlisted trading privileges must halt trading in that security during a Regulatory Halt, which is a defined term under the proposed rules,[11] and may only trade the security once the Primary Listing Market has cleared the security to resume trading.

All SROs have rules that require them to honor a Regulatory Halt. The Exchange, as a Primary Listing Market, also has rules outlining the circumstances in which it will halt trading in its listed securities, including situations in which such halts are for regulatory purposes—and therefore are applicable to all markets trading the security—or for operational purposes, which would not halt trading on other markets.[12] However, the trading halt rules are not consistent across SROs. Consequently, events that might constitute a Regulatory Halt for securities listed on one Primary Listing Market theoretically might not be grounds for a Regulatory Halt in securities listed on another Primary Listing Market. Such inconsistency among exchange rules could lead to confusion in circumstances such as a cross-market event, including, for example ''Extraordinary Market Activity.'' [13]

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[5] On February 23, 2021, the participants of the CTA/CQ Plans filed Amendment 36 to the CTA Plan and Amendment 27 to the CQ Plan, to revise provisions governing regulatory and operational halts. *See* Letter from Robert Books, Chairman, Operating Committee, CTA/CQ Plans, to Vanessa Countryman, Secretary, Securities and Exchange Commission, dated February 3, 2021. The SEC approved the amendments on May 28, 2021. *See* Securities Exchange Act Release No. 34–92070 (May 28, 2021), 86 FR 29849 (June 3, 2021) (SR–CTA/CQ–2021–01). The Amended CTA/CQ Plans includes provisions requiring participant self-regulatory organizations (''SROs'') to honor a Regulatory Halt declared by the Primary Listing Market. The provisions in the CTA/CQ Plans, and the plan for consolidation of data for NASDAQ-listed securities, The Joint Self-Regulatory Organization Plan Governing The Collection, Consolidation and Dissemination of Quotation and Transaction Information For NASDAQ-Listed Securities Traded on Exchanges on an Unlisted Trading Privilege Basis (''UTP Plan''), include provisions similar to the changes proposed by the Exchange in this filing.

[6] The Exchange notes that it is a participant of the transaction reporting plan governing Tape B securities. Each transaction reporting plan has a securities information processor (''SIP'') responsible for consolidation of information for the plan's securities, pursuant to Rule 603 of Regulation NMS. The transaction reporting plans for BZX-listed securities are known as the ''Consolidated Tape System and Consolidated Quotations System Plan (collectively, the ''CTA/CQ Plans''). Pursuant to the CTA/CQ Plans, the Securities Industry Automation Corporation (''SIAC'') consolidates order and trade data from all markets trading BZX-listed securities. The Exchange uses the term ''CTA/CQ SIP'' herein when referring specifically to the SIP responsible for consolidation of information in BZX-listed securities.

[7] *See* Securities Exchange Act Release No. 88704 (April 21, 2020), 85 FR 23383 (April 27, 2020) (File No. 4–631) (approving the Twentieth Amendment to the National Market System Plan to Address Extraordinary Market Volatility).

[8] The Exchange notes that this proposed rule change is based on a similar rule change filed by the NYSE Arca, Inc. (''Arca'') that was approved by the SEC in 2025. *See* Securities Exchange Act Release No. 103476 (July 16, 2025), 90 FR 34314 (July 21, 2025), SR–NYSEARCA–2025–50. In addition, the Exchange's affiliate exchanges, Cboe BYX Exchange, Inc. (''BYX''), Cboe EDGA Exchange, Inc. (''EDGA''), and Cboe EDGX Exchange, Inc. (''EDGX''), which do not operate Primary Listing Markets will file similar rule changes. Several exchanges that do not operate Primary Listing Markets have also filed similar rule changes. *See* Securities Exchange Act Release No. 96574 (December 22, 2022), 87 FR 80213 (December 29, 2022), SR–PHLX–2022–49; Securities Exchange Act Release No. 97093 (March 9, 2023), 88 FR 16045 (March 15, 2023), SR–PEARL–2023–11; and Securities Exchange Act Release No. 97824 (June 29, 2023), 88 FR 43159 (July 6, 2023), SR–MEMX–2023–11.

[9] The Exchange is proposing to adopt Primary Listing Market as a new term, defined in the CTA/CQ Plan, Section XI(a)(i)(H), as follows: ''[T]he national securities exchange on which an Eligible Security is listed. If an Eligible Security is listed on more than one national securities exchange, Primary Listing Market means the exchange on which the security has been listed the longest.''

[10] In addition, securities may also be listed on the New York Stock Exchange or the Nasdaq Stock Market (''dually listed''). *See* Rules 14.1(a)(7), 14.3(d) and Interpretation and Policy .01 thereunder.

[11] *See* proposed Rule 11.29(a)(12).

[12] *See e.g.,* Rules 11.1(c), 11.18, and 14.6.

[13] The proposed definition of Extraordinary Market Activity encompasses a market event that affects multiple markets. *See* proposed Rule 11.29(a)(2) (incorporating by reference Amended CTA/CQ Plan, Section XI(a)(i)). Thus, such cross-market events could be considered Extraordinary Market Activity.

While the existing rule generally has worked as intended to afford the Exchange authority to initiate a Regulatory Halt in appropriate cases, the Exchange proposes to amend its rules to conform to the Amended CTA/CQ Plan.

The complex and interconnected market structure in the United States also relies on consolidated market data processed and disseminated by the SIPs. In certain circumstances, the loss of this information or issues with the accuracy or timeliness of the information might cause a Primary Listing Market to determine that a trading halt is appropriate. The Exchange believes that providing further guidance in its rules will assist market participants in better understanding how various scenarios could be handled.

As noted above, the proposed changes that would be uniformly applied across SROs are those that relate to cross-market events as set forth in the Amended CTA/CQ Plan. However, there will still be situations where personnel at the Primary Listing Market will need to determine the impact of the cross-market event on the securities listed on its market and use discretion in deciding whether to halt trading in some or all securities during a cross-market event that affects securities listed on different markets. In making a determination as to whether to declare a Regulatory Halt, the Primary Listing Market will consider the totality of information available concerning the severity of the issue, its likely duration, and potential impact on Members [14] and other market participants, and it will make a good-faith determination that the criteria for declaring a Regulatory Halt have been satisfied and that a Regulatory Halt is appropriate. Moreover, the Primary Listing Market will consult, if feasible, with the affected Trading Center(s), other Plan Participants, or the Processor, as applicable, regarding the scope of the issue and what steps are being taken to address the issue. Once a Regulatory Halt has been declared, the Primary Listing Market would continue to evaluate the circumstances to determine when trading may resume in accordance with its rules.

While the Exchange and the other SROs intend to harmonize certain aspects of their trading halt rules, other elements of the rules will continue to be unique to each market. The Exchange believes that this is appropriate to reflect different products listed or traded on each market and the unique relationship of the Primary Listing Market to its listed companies. It is anticipated that these unique rules would most likely be invoked in cases where the Primary Listing Market's decision on whether to institute a Regulatory Halt turns on specific information related to an individual security or issuer, such as the dissemination of material news and the issuer's ability to meet listing standards, rather than broader market issues stemming from Extraordinary Market Activity or loss of consolidated market data from a SIP.

In addition to the changes noted above, the Exchange proposes non-substantive changes to modify certain rules that cross reference existing Rule 11.18 in order to reflect proposed Rules 11.29 and 11.30. The Exchange will implement all of the changes proposed herein in conjunction with other SROs implementing the necessary rule changes. The Exchange will publish a Trade Desk Notice at least 30 business days prior to implementing the proposed changes.

Proposed Exchange Rule Changes

The Exchange proposes to introduce Rule 11.29 and Rule 11.30 to integrate several definitions and concepts from the Amended CTA/CQ Plan and to reorganize existing Rule 11.18 in light of the Exchange's experience with applying the rule during its time as a national securities exchange. Proposed Rule 11.29 would be entitled ''Trading Halts'' and would set forth the Exchange's authority to halt trading under various circumstances. Proposed Rule 11.30 would be entitled ''Trading Halts Due to Extraordinary Market Volatility'' and would contain the rule text related to Market-Wide Circuit Breakers currently codified in Rule 11.18(a)–(d), (g)–(j). The Exchange proposes to re-name current Rule 11.18 as ''Limit Up-Limit Down Mechanism'' and renumber the existing rule text related to the Limit Up-Limit Down Mechanism following the removal of the rule text related to Market-Wide Circuit Breakers. In addition, the Exchange is updating cross references in other rules that are affected by the proposed changes and making non-substantive formatting changes in related rules.

Definitions

The Exchange proposes adding a definitions section as Rule 11.29(a) to consolidate the various definitions that will be used in the Rule, some of which are taken from the Amended CTA/CQ Plan. The Exchange is adopting the following terms from the Amended CTA/CQ Plan: ''Extraordinary Market Activity,'' ''Material SIP Latency,'' ''Operating Committee,'' ''Operational Halt,'' ''Primary Listing Market,'' ''Processor,'' [15] ''Regulatory Halt,'' ''Trading Center,'' ''SIP Halt,'' ''SIP Halt Resume Time,'' ''SIP Outage,'' ''Limit Up Limit Down'' and ''Market-Wide Circuit Breaker.'' The definitions of ''After Hours Trading Session,'' ''Pre-Opening Session,'' ''Regular Trading Hours,'' ''UTP Security,'' and ''UTP Derivative Security'' are currently defined in Rules 1.5(c), (r), (w), and (ee), respectively, and have been cross-referenced in the definitions section.[16] The Exchange also proposes to adopt a definition for ''Derivative Securities Products'' that is unique to proposed Rule 11.29.

First, the Exchange proposes to add the definition of ''Primary Listing Market'' [17] to Rule 11.29(a), which will have the same meaning as in the Amended CTA/CQ Plan, Section XI(a)(i)(H). As is currently the case under Rule 14.3, Interpretation and Policy .01 and under the Amended CTA/CQ Plan, all Regulatory Halt decisions are made by the market on which the security has its primary listing. This reflects the regulatory responsibility that the Primary Listing Market has for fair and orderly trading in the securities that list on its market and its direct access to its listed companies, which are required to advise it of certain events and maintain lines of communication with the Primary Listing Market. The proposed definition makes clear that if a security is listed on more than one market (a dually-listed security), the Primary Listing Market means the exchange on which the security has been listed the longest. This provision matches the language used in the definition of ''Primary Listing Exchange'' in the Limit Up-Limit Down Plan and will avoid conflict in the event of dually-listed securities.

Second, the Exchange proposes to add a definition for the term ''Extraordinary Market Activity'' as found in Section

[14] *See* Rule 1.5(n). The term ''Member'' shall mean any registered broker or dealer that has been admitted to membership in the Exchange.

[15] The Exchange proposes to also define the term ''SIP'' to have the same meaning as the term ''Processor'' as set forth in the Amended CTA/CQ Plan. Because the terms ''Processor'' and ''SIP'' are also used throughout the Rules, at time, to apply to processors of information furnished pursuant to the Nasdaq UTP Plan (''UTP Plan''), the term ''Processor'' may, in those applicable circumstances, refer to the processor of transactions in Tape C securities, as set forth in the UTP Plan.

[16] As noted above, the Exchange is adopting several new terms that have the same meaning as those terms are defined in the Amended CTA/CQ Plans. Each of the national market system plans governing the single plan processors have identical definitions of these terms, thus there will be uniformity in the meaning of the terms among such plans as well as among the rules of the SROs.

[17] *See* proposed Rule 11.29(a)(10).

XI(a)(i)(A) of the Amended CTA/CQ Plan.[18] The Exchange notes that the three scenarios included in the proposed new definition would not be exhaustive. This enables the Primary Listing Market to act in the best interests of the market when confronted with unexpected events. However, the Exchange believes that the three scenarios included in the rule cover many of the events that are most likely to occur.

The third set of new proposed definitions would be specific to events involving the SIP. While the Exchange recognizes that many events involving the SIP would also meet the definition of ''Extraordinary Market Activity'' as defined in the Amended CTA/CQ Plan, the Exchange believes that the critical role of the SIPs in market infrastructure factors in favor having the Exchange's rules specify how such events would be handled. The definitions of ''SIP Outage,'' [19] ''Material SIP Latency,'' [20] ''SIP Halt Resume Time,'' [21] and ''SIP Halt'' [22] are intended to provide specificity to address this subset of potential market issues. In addition, the Exchange is proposing to define terms related to SIP governance needed in order to understand these definitions:

- ''Processor'' or ''SIP'' [23] have the same meaning as the term ''Processor'' set forth in the Nasdaq UTP Plan or the CTA Plan, as applicable.[24]
- ''SIP Plan'' [25] would be defined as ''the national market system plan governing the SIP, as applicable.''
- ''Operating Committee'' [26] is defined as having the same meaning as in the CTA/CQ Plan, namely the committee charged with administering the CTA/CQ Plan.
- ''Trading Center'' would have the same meaning as in Rule 600(b)(95) of Regulation NMS.

The Exchange is proposing to adopt a category of Regulatory Halt, called a ''SIP Halt,'' [27] which will have the same meaning as that term is defined in Section XI(a)(i)(K) of the CTA/CQ Plan, namely ''a Regulatory Halt to trading in one or more securities that a Primary Listing Market declares in the event of a SIP Outage or Material SIP Latency.'' This new category of Regulatory Halt will address situations where the Primary Listing Market declares a Regulatory Halt in one or more securities as a result of a SIP Outage [28] or Material SIP Latency.[29]

The Exchange proposes to add a definition of ''Regulatory Halt,'' [30] which would be a new defined term that incorporates the Exchange's existing regulatory halt authority as well as the proposed new regulatory halt authority. The Exchange proposes that the term would have the same meaning as in Section XI(a)(i)(J) of the Amended CTA/CQ Plan, as follows:

> a halt declared by the Primary Listing Market in trading in one or more securities on all Trading Centers for regulatory purposes, including for the dissemination of material news, news pending, suspensions, or where otherwise necessary to maintain a fair and orderly market. A Regulatory Halt includes a trading pause triggered by Limit Up Limit Down,[31] a halt based on Extraordinary Market Activity, a trading halt triggered by a Market-Wide Circuit Breaker,[32] and a SIP Halt.

The term ''Regulatory Halt'' would include the various existing reasons for a Regulatory Halt that are currently enumerated in the Exchange's rules, as well as the proposed new categories of Regulatory Halt from the Amended CTA/CQ Plan: (1) a SIP Halt (due to a SIP Outage or Material SIP Latency), (2) a halt based on Extraordinary Market Activity, and (3) a halt in the event of a national, regional, or localized disruption that necessitates a Regulatory Halt to maintain a fair and orderly market. The Exchange proposes to move the Market-Wide Circuit Breaker rules in their entirety from Rule 11.18 to proposed Rule 11.30, in order to improve clarity.

Next, the Exchange proposes to add a definition of ''Operational Halt,'' [33] which would be a new definition for the Exchange. The Exchange proposes that this term would have the same meaning as the Amended CTA/CQ Plans.[34] An Operational Halt is effective only on BZX; other markets are not required to halt trading in the impacted securities. In practice, the Exchange has always had the capacity to implement operational halts in specified circumstances, but such halts are not currently referred to as ''operational halts'' in the Exchange's rules.[35] The proposed change would provide greater clarity on when an Operational Halt may be implemented and the process for halting and resuming trading in the event of an Operational Halt. An Operational Halt is not a Regulatory Halt.

Finally, the Exchange proposes to introduce a definition of ''Derivative Securities Product.'' [36] The Exchange notes that this term is similar to the term ''Derivative Security'' in Rule 1.5(dd), but provides additional specificity as to the exact products under Chapter XIV that the Exchange would classify as a Derivative Securities Product for purposes of proposed Rule 11.29. The term ''Derivative Securities Product'' means a series of Portfolio Depositary Receipts, Index Fund Shares, Managed Fund Shares, Trust Issued Receipts, Managed Portfolio Shares, Exchange-Traded Fund Shares, Tracking

[18] ''Extraordinary Market Activity'' means a disruption or malfunction of any electronic quotation, communication, reporting, or execution system operated by, or linked to, the Processor or a Trading Center or a member of such Trading Center that has a severe and continuing negative impact, on a market-wide basis, on quoting, order, or trading activity or on the availability of market information necessary to maintain a fair and orderly market. For purposes of this definition, a severe and continuing negative impact on quoting, order, or trading activity includes (i) a series of quotes, orders, or transactions at prices substantially unrelated to the current market for the security or securities; (ii) duplicative or erroneous quoting, order, trade reporting, or other related message traffic between one or more Trading Centers or their members; or (iii) the unavailability of quoting, order, or transaction information for a sustained period.

[19] *See* proposed Rule 11.29(a)(16).

[20] *See* proposed Rule 11.29(a)(7).

[21] *See* proposed Rule 11.29(a)(15).

[22] *See* proposed Rule 11.29(a)(14).

[23] *See* proposed Rule 11.29(a)(11).

[24] *See, e.g.,* Amended CTA Plan, Section I(x), which provides: '''Processor' means the organization designated as recipient and processor of last sale price information furnished by Participants pursuant to this CTA Plan, as Section V describes.''

[25] *See* proposed Rule 11.29(a)(17).

[26] *See* proposed Rule 11.29(a)(8).

[27] *See* proposed Rule 11.29(a)(14).

[28] *See* Amended CTA/CQ Plan, Section XI(a)(i)(M). ''SIP Outage'' means ''a situation in which the Processor has ceased, or anticipates being unable, to provide updated and/or accurate quotation or last sale price information in one or more securities for a material period that exceeds the time thresholds for an orderly failover to backup facilities established by mutual agreement among the Processor, the Primary Listing Market for the affected securities, and the Operating Committee unless the Primary Listing Market, in consultation with the Processor and the Operating Committee, determines that resumption of accurate data is expected in the near future.''

[29] *See* Amended CTA/CQ Plan, Section XI(a)(i)(E). ''Material SIP Latency'' means ''a delay of quotation or last sale price information in one or more securities between the time data is received by the Processor and the time the Processor disseminates the data over the Processors vendor lines, which delay the Primary Listing Market determines, in consultation with, and in accordance with, publicly disclosed guidelines established by the Operating Committee, to be (a) material and (b) unlikely to be resolved in the near future.''

[30] *See* proposed Rule 11.29(a)(12).

[31] The Exchange proposes to incorporate the Amended CTA Plan's definition of ''Limit Up Limit Down.'' *See* proposed Rule 11.29(a)(5).

[32] The Exchange proposes to incorporate the Amended CTA Plan's definition of ''Market-Wide Circuit Breaker.'' *See* proposed Rule 11.29(a)(6).

[33] *See* proposed Rule 11.29(a)(9).

[34] *See* Amended CTA/CQ Plan, Section XI(a)(i)(G). An ''Operational Halt'' means a halt in trading in one or more securities only on a Market declared by such Participant and is not a Regulatory Halt.

[35] *See* Rule 11.1(c).

[36] *See* proposed Rule 11.29(a)(2).

Fund Shares, and Class ETF Shares (as defined in Rule 14.11(b), 14.11(c), 14.11(i), 14.11(f), 14.11(k), 14.11(l), 14.11(m), and 14.11(n) respectively), a series of Commodity-Related Securities (as defined in Rule 14.11(d)), securities representing interests in unit investment trusts or investment companies, Index-Linked Exchangeable Notes, Equity Gold Shares, Trust Certificates, Commodity-Based Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Trust Units, Managed Trust Securities, or Currency Warrants (as defined in Rule 14.11(e)(1)–(11)), or any other UTP Derivative Security (as described in Rule 14.11(j)).

Regulatory Halts

Proposed Rule 11.29(b) would set forth requirements relating to Regulatory Halts.

Authority To Initiate a Regulatory Halt

The Exchange proposes to consolidate the various types of situations that form the basis for declaring a Regulatory Halt in proposed Rule 11.29(b)(1). In this subsection, the Exchange would identify all of the bases for its Regulatory Halt authority, including cross-referencing to current rules describing existing halt authority and by adding the new Regulatory Halt authority consistent with the Amended CTA/CQ Plan.

Proposed Rule 11.29(b)(1)(A) describes ''Mandatory Halts,'' where the Exchange must issue a Regulatory Halt. The proposed rule would identify four categories of mandatory Regulatory Halts:

- Pursuant to Proposed Rule 11.29(b)(1)(A)(i) regarding the Market-Wide Circuit Breakers, which will be retained without modification in proposed Rule 11.30 (currently codified in Rule 11.18(a)–(d); (f)–(j)). This proposed rule would effectuate the definition of Regulatory Halt in proposed Rule 11.29(a)(10), which cross-references Section XI(a)(i)(J) of the Amended CTA/CQ Plan.
- Pursuant to Proposed Rule 11.29(b)(1)(A)(ii) regarding the Limit Up-Limit Down Plan (proposed Rule 11.18). This proposed rule would effectuate the definition of Regulatory Halt in proposed Rule 11.29(a)(10), which cross-references Section XI(a)(i)(J) of the Amended CTA/CQ Plan.
- Pursuant to Proposed Rule 11.29(b)(1)(A)(iii) when the Exchange becomes aware that a Derivative Securities Product (or in the case of Index Fund Shares, Managed Fund Shares, Managed Trust Securities, Managed Portfolio Shares, or Tracking Fund Shares, a Disclosed Portfolio, holdings, Fund Portfolio, or Tracking Basket, as applicable) is not being disseminated to all participants at the same time. The Exchange will maintain the trading halt until such time as the Exchange becomes aware that the required value is available to all market participants at the same time. This proposed rule text is based on authority found in current Rule 14.11, generally, and would effectuate Section XI(a)(iii)(1) of the Amended CTA/CQ Plan, which provides that a Primary Listing Exchange may declare a Regulatory Halt ''as provided for in the rules of the Primary Listing Market.''
- As provided for elsewhere in the Rules of the Exchange, including but not limited to Rules 11.1, 11.23, 14.6, 14.8, 14.9, 14.10, 14.11(b)–(g), 14.11(i)–(n), and 14.12 concerning requirements for listing, delisting, and maintaining listings of certain types of securities, and regarding the public dissemination of material information (Proposed Rule 11.29(b)(1)(A)(iv). This proposed rule text is based on authority found in current Rules 11.1 and 14.11, generally, and would effectuate Section XI(a)(iii)(1) of the Amended CTA/CQ Plan, which provides that a Primary Listing Exchange may declare a Regulatory Halt ''as provided for in the rules of the Primary Listing Market.''

Proposed Rule 11.29(b)(1)(B) would describe ''Discretionary Halts,'' where ''the Exchange may declare a Regulatory Halt in trading for any security for which it is the Primary Listing Market.'' The proposed rule would list four bases for the Exchange to declare a discretionary Regulatory Halt:

- Pursuant to Proposed Rule 11.29(b)(1)(B)(i) when the Exchange determines that there is Extraordinary Market Activity, a SIP Outage, or Material SIP Latency. This proposed rule would effectuate Section XI(a)(iii)(2) of the Amended CTA/CQ Plan, which provides this authority.
- Pursuant to Proposed Rule 11.29(b)(1)(B)(ii), as provided for elsewhere in the Rules of the Exchange, including but not limited to Rules 11.1, 11.23, 14.6, 14.8, 14.9, 14.10, 14.11(b)–(g), 14.11(i)–(n), and 14.12 concerning requirements for listing, delisting, and maintaining listings of certain types of securities, and regarding the public dissemination of material information.
- Pursuant to Proposed Rule 11.29(b)(1)(iii), based on a consideration of the following factors: (A) trading in the underlying securities comprising the index or portfolio applicable to that series has been halted in the primary market(s); (B) the extent to which trading has ceased in securities underlying the index or portfolio; or (C) the presence of other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market. This proposed rule text would effectuate Section XI(a)(iii)(1) of the Amended CTA/CQ Plan, which provides that a Primary Listing Exchange may declare a Regulatory Halt ''as provided for in the rules of the Primary Listing Market.''
- Pursuant to Proposed Rule 11.29(b)(1)(B)(iv) in the event of a national, regional, or localized disruption that necessitates a Regulatory Halt to maintain a fair and orderly market. This proposed rule would effectuate Section XI(a)(iii)(3) of the Amended CTA/CQ Plan, which provides this authority.

Communications

Proposed Rule 11.29(b)(2) would describe communications, consistent with Section XI(a)(viii) of the Amended CTA/CQ Plan. The proposed rule would provide that whenever, in the exercise of its regulatory functions, the Exchange as Primary Listing Market determines it is appropriate to initiate a Regulatory Halt, it will notify all other Participants and the Processor of such Regulatory Halt as well as provide notice that a Regulatory Halt has been lifted using such protocols and other emergency procedures as may be mutually agreed to between the Operating Committee and the Exchange. The Processor shall disseminate to Participants notice of the Regulatory Halt (as well as notice of the lifting of a Regulatory Halt) through the high speed line or through the ''high speed line'' under the CQ Plan, and any other means the Processor, in its sole discretion, considers appropriate. Each Participant shall be required to continuously monitor these communication protocols established by the Operating Committee and the Processor during market hours, and the failure of a Participant to do so shall not prevent the Exchange from initiating a Regulatory Halt in accordance with the SIP Plan and the procedures specified in these rules.

Initiating a Regulatory Halt

Proposed Rule 11.29(b)(3) would specify how the Exchange, as a Primary Listing Market, would initiate a Regulatory Halt. The proposed rule is consistent with the procedures for initiating a Regulatory Halt is set forth in Section XI(a)(iv) of the Amended CTA/CQ Plan.

Proposed Rule 11.29(b)(3)(A) would provide, consistent with Section XI(a)(iv)(A) of the Amended CTA/CQ Plan, that the start time of a Regulatory

Halt is the time the Exchange or the Primary Listing Market declares the Halt, regardless of whether communications issues impact the dissemination of notice of the Halt. This proposal would provide market participants with certainty on the official start time of the Regulatory Halt. Under the proposed rule, the start time is fixed by the Primary Listing Market; it is not dependent on whether notice is disseminated immediately. This will avoid possible disagreement if the Halt time were tied to dissemination or receipt of notification, which may occur at different times. The Exchange recognizes that in situations where communication is interrupted, trades may continue to occur until news of the Halt reaches all Trading Centers. However, a fixed ''official'' Regulatory Halt time will allow SROs to revisit trades after the fact and determine in a consistent manner whether specific trades should stand.

Second, proposed Rule 11.29(b)(3)(B) would provide, consistent with Section XI(a)(iv)(B) of the Amended CTA/CQ Plan, that if the SIP is unable to disseminate notice of a Regulatory Halt or the Exchange is not open for trading, the Exchange would take reasonable steps to provide notice of a Regulatory Halt in the manner set forth in the Amended CTA/CQ Plan. Currently, after receiving notice from the Primary Listing Market, the SIP disseminates automated, machine-readable trade halt messages to notify Trading Centers to automatically halt their order matching and order dissemination systems. Many Trading Centers rely solely on such SIP dissemination of a Regulatory Halt. Proposed Rule 11.29(b)(3)(B) would provide that the Exchange would take additional, reasonable steps to notify Trading Centers of a Regulatory Halt. The Amended CTA/CQ Plan provides that if the SIP is unable to disseminate notice of a Regulatory Halt, the other available means of dissemination that a Primary Listing Market could use would include:

- Proprietary data feeds that contain the same quote and trade information that the Exchange also sends to the applicable SIP;
- Posting on a publicly available Exchange website; or
- System status messages that are disseminated to market participants who choose to sign up to receive such messages.[37]

These additional sources for notice of a Regulatory Halt would provide redundancy if either the SIP or the Exchange is unable to communicate via the existing automated procedures. Although it may take longer for participants to react to messages received in less automated formats, the use of multiple forms of dissemination will increase the likelihood that participants receive important information. It will also assist participants who do not subscribe to the Exchange's proprietary feeds in getting regulatory notices. As noted above, in situations where communication is interrupted the Exchange and other SROs would retain the ability to break trades that occurred after the start of the Regulatory Halt in appropriate circumstances, thereby lessening the potential impact on participants that were delayed in halting trading.

Proposed Rule 11.29(b)(3)(C) would provide, consistent with Section XI(a)(iv)(C) of the Amended CTA/CQ Plan, that except in exigent circumstances, the Exchange would not declare a Regulatory Halt retroactive to a time earlier than the notice of such halt. Feedback from market participants has been that it is very disruptive to trading when the Primary Listing Market sets the start of a trading halt for a time earlier than the notice of the halt.[38] Therefore, in almost all situations, the trading halt will start at the time of the notice or at a point in time thereafter. However, the Exchange retains the authority to implement a retroactive halt to deal with unexpected and significant situations that represent exigent circumstances. While it is difficult in advance to provide an exhaustive list of when retroactive application of a trading halt would be in the public interest, one situation where a halt was applied retroactively was when the Primary Listing Market erroneously lifted a Regulatory Halt. In that case, the Primary Listing Market instituted a Regulatory Halt retroactively so that it coincided with the time the original halt was lifted in error.

Proposed Rule 11.29(b)(3)(D) would provide, consistent with Section XI(a)(iii)(B) of the Amended CTA/CQ Plan, that in making a determination to declare a Regulatory Halt in trading any security for which the Exchange is the Primary Listing Market, the Exchange will consider the totality of information available concerning the severity of the issue, its likely duration, and potential impact on Members and other market participants and will make a good-faith determination that the criteria for declaring the Regulatory halt have been satisfied and that a Regulatory Halt is appropriate. The Exchange will consult, if feasible, with the affected Trading Center(s), other SIP Plan Participants, or the Processor, as applicable, regarding the scope of the issue and what steps are being taken to address the issue. Once a Regulatory Halt has been declared, the Exchange will continue to evaluate the circumstances to determine when trading may resume in accordance with its Rules.

UTP Regulatory Halt

Proposed Rule 11.29(b)(4) would specify how the Exchange would respond to Regulatory Halts declared by other Primary Listing Markets, referred to by the Exchange as a ''UTP Regulatory Halt.'' Proposed Rule 11.29(b)(4)(A) would provide that the Exchange would halt trading in any UTP Securities when the Primary Listing Market declares a Regulatory Halt for any such securities. The proposed rule text is based on current Rule 14.11(j)(3) and Section XI(a)(iii) of the Amended CTA/CQ Plan. Proposed Rule 11.29(b)(4)(B)(i)–(iii) would set forth rules for trading halts in UTP Derivative Securities Products.[39] This proposed rule text is based on current authority to halt Derivative Securities pursuant to Rules 14.11(b)–(g); (i)–(m).

Resumption of Trading After a Regulatory Halt

The SROs have jointly developed processes to govern the resumption of trading in the event of a Regulatory Halt. While the actual process of re-launching trading will remain unique to each exchange (for example, BZX-listed securities resume trading on the Exchange in most cases through a Halt Auction pursuant to Rule 11.23(d)), the proposed rule would harmonize certain common elements of the reopening process that would benefit from consistency across markets. These common elements include the primacy of the Primary Listing Market in resumption decisions, the requirement that the Primary Listing Market make its determination to resume trading in good faith, and certain parts of the complex process of reopening trading after a SIP Halt. With respect to a SIP Halt,

[37] *See* Amended CTA/CQ Plan, Section XI(a)(iv)(B)(1)–(3).

[38] As noted previously, the start time of a Regulatory Halt is measured as the point in time when the Primary Listing Market declares the halt, regardless of whether there is a delay in dissemination of the notice or in receipt of the notice by participants.

[39] *See* Rule 1.5(ee). The term ''UTP Derivative Security'' shall mean any one of a list of Derivative Securities that trades on the Exchange pursuant to unlisted trading privileges. The term ''Derivative Security'' is defined in Rule 1.5(dd) and means a security that meets the definition of ''new derivative securities product'' in Rule 19b–4(e) under the Exchange Act.

common elements of the reopening process include the interaction among SROs (including the Primary Listing Market with the SIP), the requirement that the Primary Listing Market terminate a SIP Halt with a notification that specifies a SIP Halt Resume Time, the minimum quoting times before resumption of trading, the cutoff time after which trading would not resume during Regular Trading Hours, and the time when trading may resume if the Primary Listing Market does not open a security within the amount of time specified in its rules after the SIP Halt Resume Time.

Proposed Rule 11.29(b)(5)(A) provides the process to be followed when resuming trading upon the conclusion of Regulatory Halts other than SIP Halts. The new rule would effectuate Section XI(a)(v) of the Amended CTA/CQ Plan.

Proposed rule 11.29(b)(5)(A)(i) would make clear that BZX, as the Primary Listing Market, is responsible for declaring a resumption of trading when it makes a good faith determination that trading may resume in a fair and orderly manner and in accordance with its rules.

The resumption process incorporating the Halt Auction would be described under Proposed Rule 11.29(b)(5)(A)(ii), and states that the Exchange will release the security for trading pursuant to its Halt Auction process under Rule 11.23(d), except as provided in subparagraphs (a) through (d). Proposed Rule 11.29(b)(5)(A)(ii) also provides that during any trading halt or pause for which a Halt Auction under Rule 11.23(d) will not occur, orders entered during the Regulatory Halt or pause will be accepted pursuant to Rule 11.24(e).

Subparagraph (a) would specify that the Exchange would resume trading after a Limit Up Limit Down trading pause as specified in Rule 11.18.

Subparagraph (b) would specify that the Exchange would resume trading after a Market-Wide Circuit Breaker halt as specified in proposed Rule 11.30.

Subparagraph (c) would provide that the Exchange would resume trading as specified in Rule 11.23(e) when the start time of a Regulatory Halt would begin between 3:50 p.m. and 4:00 p.m. or the Quote-Only Period (as described in Rule 11.23(d)) of a Halt Auction for a security subject to a Regulatory Halt would otherwise be extended by the Exchange after 3:50 p.m.

Subparagraph (d) would provide that the Exchange would resume trading after a UTP Regulatory Halt other than a SIP Halt by starting to accept orders after the Exchange receives notification [40] from the UTP Listing Market that the Regulatory Halt has been terminated. Subparagraph (d) would further provide that the Exchange would not conduct a Halt Auction to resume trading after a Regulatory Halt in a UTP Security, including a UTP Derivative Security.

Proposed Rule 11.29(b)(5)(B) would address the resumption of trading following a SIP Halt. This new rule would effectuate Section XI(a)(vi) of the Amended CTA/CQ Plan.

Proposed Rule 11.29(b)(5)(B)(i) would establish the rules for the resumption of trading following a SIP Halt initiated by the Exchange. Proposed Rule 11.29(b)(5)(B)(i)(a), which is based on Section XI(a)(vi)(A) of the Amended CTA/CA Plan, would provide that the Exchange would determine when a SIP Halt would end, which would be defined as the ''SIP Halt Resume Time,'' which is also defined in the Amended CTA/CQ Plan.[41] As further proposed, in making this determination, the Exchange would make a good-faith determination and consider the totality of information to determine whether resuming trading would promote a fair and orderly market.

The SROs' experience with such events is that communication amount SROs, SIPs and market participants is the best way to ensure that the Primary Listing Market has access to available information and to coordinate the reopening of trading in an orderly manner. In addition, the SROs anticipate that market participants and other impacted entities will have access to information about the issue causing the SIP Halt, the duration of the halt and the resumption process through updated communications from the SIP, Operating Committee and Primary Listing Market. Accordingly, the proposed Rule 11.29(b)(5)(B)(i)(a) would further provide that when determining whether to resume trading, the Exchange would include input from the SIP processor, the Operating Committee, or the operator of the system in question (as well as any Trading Center(s) to which such system is linked), regarding operational readiness to resume trading. The rule would further provide that the Exchange would retain discretion to delay the SIP Halt Resume Time if it believes trading would not resume in a fair and orderly manner.

Under proposed Rule 11.29(b)(5)(B)(i)(b), the Exchange would terminate a SIP Halt with a notification that specifies the SIP Halt Resume Time. Section XI(a)(vi)(B) of the Amended CTA/CQ Plan directs the Primary Listing Market to specify in its rules (a) the minimum notice it will provide of a SIP Halt Resume Time, during which period market participants may enter orders in the affected securities, and (b) the last SIP Halt Resume Time before the end of regular trading hours. In accordance with that direction, Proposed Rule 11.29(b)(4)(B)(i)(b) would state that the Exchange would provide for a minimum five-minute notice of a SIP Halt Resume Time, which is sufficiently in advance of resumption to permit market participants to prepare their systems for trading.

In addition, proposed Rule 11.29(b)(5)(B)(i)(b) would establish that during Regular Trading Hours, the last SIP Halt Resume Time would be 20 minutes before the end of Regular Trading Hours, *e.g.,* 3:40 p.m. ET. The Exchange believes that a SIP Halt Resume Time after 3:40 p.m. ET would interrupt a fair and orderly closing process. Accordingly, in such case, the Exchange would not run a Closing Auction and would establish Official Closing Prices for securities affected by the SIP Halt pursuant to Rule 11.23(i), which sets forth how the Exchange will determine the Official Closing Price if the Exchange is unable to conduct a closing transaction in one or more securities due to a systems or technical issue. In such case, the Exchange would disseminate a SIP Halt Resume Time after Regular Trading Hours.

Proposed Rule 11.29(b)(5)(B)(i)(b) would further provide the Exchange, as the Primary Listing Market, with discretion to stagger the SIP Halt Resume Times for multiple securities in order to reopen in a fair and orderly manner. For example, this discretion could be used to open trading in a small number of symbols to ensure that systems are operating normally before resuming trading in the remaining symbols.

Proposed Rule 11.29(b)(5)(B)(i)(c) would provide that for a SIP Halt initiated by the Exchange, the Exchange would reopen trading in the same manner as a Regulatory Halt as described in proposed Rule 11.29(b)(5)(A), with the only difference being that the Quote-Only Period will be a minimum of five minutes, but may be extended at the discretion of the Exchange pursuant to Rule 11.29(b)(5)(B)(i)(a). Because a SIP Halt is a Regulatory Halt, such Halt Auction would be subject to the extension logic and widened auction collars as described in Rule 11.23(d)(2)(C).

[40] The manner and timing of such notice would be determined by the Primary Listing Market.

[41] *See* Amended CTA/CQ Plan, Section XI(a)(i)(L).

Proposed Rule 11.29(b)(5)(B)(ii) provides that, for a SIP Halt initiated by another exchange that is the Primary Listing Market, during Regular Trading Hours, BZX may resume trading after trading has resumed on the Primary Listing Market or notice has been received from the Primary Listing Market that trading may resume. Proposed Rule 11.29(b)(5)(B)(ii) provides that, for a SIP Halt initiated by a market other than BZX, during Regular Trading Hours, if the Primary Listing Market does not open a security within the amount of time listed by the rules of the Primary Listing Market, BZX may resume trading in that security. Under Proposed Rule 11.29(b)(4)(B)(ii), outside of Regular Trading Hours, BZX may resume trading immediately after the SIP Halt Resume Time.

Operational Halt

The Exchange proposes in Rule 11.29(c) to address Operational Halts, which are non-regulatory in nature and apply only to the exchange that calls the halt. As described above, the Exchange has always had the capacity to implement operational halts and local trading suspensions in specified circumstances, but such halts are not currently referred to as ''operational halts'' in the Exchange's rules.[42] As part of the Exchange's assessment with the other SROs of the halting and resumption of trading, the Exchange believes that the markets would benefit from greater clarity regarding when an Operational Halt may be appropriate. In part, the proposed change is designed to cover situations similar to those that might constitute a Regulatory Halt, but where the impact is limited to a single market. For example, just as a market disruption might trigger a Regulatory Halt for Extraordinary Market Activity (as defined in the Amended CTA/CQ Plan) if it affects multiple markets, so a disruption at the Exchange, such as a technical issue affecting trading in one or more securities, could impact trading on the Exchange so significantly that an Operational Halt is appropriate in one or more securities. In such an instance, it would be in the public interest to institute an Operational Halt to minimize the impact of a disruption that, if trading were allowed to continue, might negatively affect a greater number of market participants. An Operational Halt does not implicate other trading centers.

Proposed Rule 11.29(c)(1) would specify the Exchange's authority to initiate an Operational Halt, which is discretionary, and provide that the Exchange may declare an Operational Halt for any security trading on the Exchange if it is experiencing Extraordinary Market Activity on the Exchange (proposed Rule 11.29(c)(1)(A)) or when otherwise necessary to maintain a fair and orderly market or in the public interest (proposed Rule 11.29(c)(1)(B)).

Under proposed Rule 11.29(c)(2), the Exchange would notify the Processor if it has concerns about its ability to collect and transmit quotes, orders, or last sale prices, or where it has declared an Operational Halt or suspension of trading in one or more Eligible Securities (as that term is defined in the Amended CTA/CQ Plan), pursuant to the procedures adopted by the Operating Committee.

Proposed Rule 11.29(c)(3) would set out rules for order processing during an Operational Halt. In such case, proposed Rule 11.29(c)(3)(A) would provide that the Exchange would cancel all unexecuted orders resting on the BZX Book, including Eligible Auction Orders, and proposed Rule 11.29(c)(3)(B) would provide that the Exchange would reject all other incoming order instructions until the Exchange resumes trading. Proposed Rule 11.29(c)(3)(C) would provide that for a BZX-listed security, a Halt Auction will not be conducted pursuant to Rule 11.23(d), and the security will resume trading once the Operational Halt is lifted by the Exchange. Proposed Rule 11.29(c)(3)(D) provides that an Operational Halt in a UTP Security would resume on the Exchange pursuant to proposed Rule 11.24(f), which the Exchange proposes to introduce. Proposed Rule 11.24(f) would describe the Exchange's current practice for re-opening securities that are not subject to a Regulatory Halt and states that while a security is subject to an Operational Halt, orders will not be accepted for queuing prior to the security's resumption of trading and that any open orders on the BZX Book[43] will be cancelled. Proposed Rule 11.24(f)(1) states that a security subject to an Operational Halt will return to trading when the Exchange declares that trading may resume pursuant to Rule 11.29(c)(3).

Proposed Rule 11.29(c)(4) would specify how the Exchange resumes trading after an Operational Halt. Proposed Rule 11.29(c)(4)(A) would provide that the Exchange would resume trading following an Operational Halt when it determines that trading may resume in a fair and orderly manner consistent with the Exchange's rules. Proposed Rule 11.29(c)(4)(B) would address ''Communications,'' and provide that trading in a halted security shall resume at the time specified by the Exchange in a notice. It would further specify that the Exchange will notify all other Plan participants and the SIP of such Operational Halt as well as provide notice that an Operational Halt has been lifted using such protocols and other emergency procedures as may be mutually agreed to between the Operating Committee and the Exchange. If the SIP is unable to disseminate notice of an Operational Halt or the Exchange is not open for trading, the Exchange would take reasonable steps to provide notice of an Operational Halt, which shall include both the type and start time of the Operational Halt. Each Plan participant shall continuously monitor communication protocols established by the Operating Committee and the Processor during market hours to disseminate notice of an Operational Halt, and the failure of a participant to do so shall not prevent the Exchange from initiating an Operational Halt.

Conforming Changes to Other Rules

The Exchange is proposing to modify a number of other rules that currently cross reference rules that are being relocated or to add cross references to new Rules 11.29 and 11.30. Modifications to the citation are proposed for the following rules:

- Rule 11.8(d)(2)(D) and Rule 11.8(d)(2)(E), Obligations of Market Makers, have been modified to replace a reference to Rule 11.18(b) with Rule 11.18(a) to reflect the relocation of the original rule.
- Rule 11.9(a)(2), Orders and Modifiers, has been modified to replace a reference to Rule 11.18(e)(5)(B) with Rule 11.18(a)(5)(B) to reflect the relocation of the original rule.
- Rule 11.13(a)(3) and Rule 11.13(b)(3)(I), Order Execution and Routing, have been modified to replace a reference to Rule 11.18(e) with Rule 11.18(a) to reflect the relocation of the original rule.
- Rules 11.13(b)(3) and 11.13(b)(5) have been modified to remove the italic formatting from the title of each subsection in order to conform with other subsections of Rule 11.13(b).
- Rule 11.23(d), Auctions, has been modified to replace a reference to Rule 11.18(b)(2) with Rule 11.30(b)(2) to reflect the relocation of the original rule.
- Rule 11.23(e), Auctions, has been modified to include references to Rules

[42] *See* Rule 11.1(c). The Exchange also notes that its proposed Rule 11.29(c) regarding Operational Halts is substantially identical to the NYSE Arca, Nasdaq PHLX, MIAX Pearl, and MEMX rules cited in note 6 above, and is therefore not novel.

[43] *See* Rule 1.5(e).

11.29 and 11.30 to reflect the addition of new rule text and the relocation of the Market-Wide Circuit Breaker rule from the original rule.

• Rule 11.24(e), Opening Process for Non-BZX-Listed Securities, has been modified to replace a reference to Rule 11.18(b)(2) with Rule 11.30(b)(2) to reflect the relocation of the original rule. This rule has also been modified to include the word ''Regulatory'' in order to indicate its applicability only to Regulatory Halts.

• The preamble to Chapter XIV, Bats BZX Exchange Listing Rules, has been modified to include references to Rules 11.29 and 11.30 to reflect the addition of new rule text and the relocation of the Market-Wide Circuit Breaker rule from the original rule.

• Interpretation and Policy .01 to Rule 14.3, which covers dually-listed securities, has been modified to reflect the changes proposed in new Rule 11.29. The proposed rule makes clear that the Primary Listing Market is the market on which the security has been listed longest. This clear statement has eliminated the need for the more specific citations to various subsections currently contained in Interpretation and Policy .01 to Rule 14.3.

• Interpretation and Policy .01(c) to Rule 14.6, Disclosure of Material Information, Trading Halts, has been modified to include reference to new Rules 11.29 and 11.30. In addition, Interpretation and Policy .01(b) has been modified to display the correct Exchange market hours of 7:00 a.m. to 8:00 p.m. ET and to amend a reference to the Company rather than the Exchange.

• Rule 14.11(c) has been modified to include references to Rules 11.29 and 11.30 to reflect the addition of new rule text and the relocation of the Market-Wide Circuit Breaker rule from the original rule and to remove an extraneous comma.

• Rule 14.11(e)(9), Trust Units, has been modified to replace a reference to Rule 11.18 with Rule 11.30, to reflect the relocation of the original rule.

• Rule 14.11(e)(10), Managed Trust Securities, has been modified to replace a reference to Rule 11.18 with Rule 11.29, to reflect the relocation of the original rule.

• Rule 14.11(j) and Rule 14.11(j)(3), UTP Derivative Securities, have been modified to include references to Rules 11.29 and 11.30 to reflect the addition of new rule text and the relocation of the Market-Wide Circuit Breaker rule from the original rule.

The Staff notes that the changes described above are not substantive and serve only to update cross references to rules that have been relocated.

Implementation

The Exchange will implement the proposed changes herein in conjunction with the Processors and the other SROs implementing the necessary rule changes and related technology and procedural changes. The Exchange will publish a Trade Desk Notice at least 30 days prior to implementing the proposed changes.

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.[44] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[45] 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)[46] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As described above, the Exchange and other SROs are seeking to adopt harmonized rules related to halting and resuming trading in U.S.-listed equity securities. The Exchange believes that the proposed rules will provide greater transparency and clarity with respect to the situations in which trading will be halted and the process through which that halt will be implemented and terminated. Particularly, the proposed changes seek to achieve consistent results for participants across U.S. equities exchanges while maintaining a fair and orderly market, protecting investors and protecting the public interest. Based on the foregoing, the Exchange believes that the proposed rules are consistent with Section 6(b)(5) of the Act[47] because they will foster cooperation and coordination with persons engaged in regulating and facilitating transactions in securities.

As discussed previously, the Exchange believes that the various provisions of the proposed rules that will apply to all SROs are focused on the type of cross-market event where a consistent approach will assist market participants and reduce confusion during a crisis. Because market participants often trade the same security across multiple venues and trade securities listed on different exchange as part of a common strategy, the Exchange believes that the proposed rules will lessen the risk that market participants holding a basket of securities will have to deal with divergent outcomes depending on where the securities are listed or traded. Conversely, the proposed rules would still allow individual SROs to react differently to events that impact various securities or markets in different ways. This avoids the ''brittle market'' risk where an isolated event at a single market forces all markets trading equities securities to halt or halts trading in all securities where the issue impacted only a subset of securities. By addressing both concerns, the Exchange believes that the proposed rules further the Act's goal of maintaining fair and orderly markets.

The Exchange believes that the proposed rules' focus of responsibility on the Primary Listing Market for decisions related to a Regulatory Halt and the resumption of trading is consistent with the Act, which itself imposes obligations on exchanges with respect to issuers that are listed. As is currently the case, the Primary Listing Market would be responsible for the many regulatory functions related to its listings, including the determination of when to declare a Regulatory Halt. While these core responsibilities remain with the Primary Listing Market, trading in the security can occur on multiple exchanges that have unlisted trading privileges for the security or in the over-the-counter market, regulated by FINRA. These other venues are responsible for monitoring activity on their own markets, but also have agreed to honor a Regulatory Halt.

The proposed changes relating to Regulatory Halts would ensure that all SROs handle the situations covered therein in a consistent manner that would prevent conflicting outcomes in cross-market events and ensure that all Trading Centers recognize a Regulatory Halt declared by the Primary Listing Market. The changes are consistent with and implement the Amended CTA/CQ Plan. While the proposed rules recognize a Primary Listing Market for

[44] 15 U.S.C. 78f(b).

[45] 15 U.S.C. 78f(b)(5).

[46] *Id.*

[47] *Id.*

each security, the rules do not prevent an issuer from switching its listing to another national securities exchange that would thereafter assume the responsibilities of Primary Listing Market for that security. Similarly, the proposed rules set forth a fair and objective standard to determine which exchange will be the Primary Listing Market in the case of dually-listed securities: the exchange on which the security has been listed the longest.

The Exchange believes that the other definitions in the proposed rules are also consistent with the Act. For example, the proposed rules would define what constitutes Extraordinary Market Activity, consistent with the amended definition of that term in the Amended CTA/CQ Plan, thereby furthering the Act's goal of promoting fair and orderly markets. The Exchange is also proposing to adopt definitions for ''SIP Outage,'' ''Material SIP Latency'' and ''SIP Halt,'' to explicitly address situations that may disrupt the markets, and these definitions are identical to the definitions in the Amended CTA/CQ Plan. The proposed rules provide guidance on when the Exchange should seek information from the Operating Committee, other SROs and market participants as well as means for dissemination of important information to the market, consistent with the Amended CTA/CQ Plan. The Exchange believes these provisions strike the right balance in outlining a process to address unforeseen events without preventing SROs from taking action needed to protect the market.

The Exchange believes that the proposed rules, which make halts more consistent across exchange rules, are consistent with the Act in that they will foster cooperation and coordination with persons engaged in regulating the equities markets. In particular, the Exchange believes it is important for SROs to coordinate when there is a widespread and significant event, as multiple Trading Centers are impacted in such an event. Further, while the Exchange recognizes that the proposed rule will not guarantee a consistent result on every market in all situations, the Exchange does believe that it will assist in that outcome. While the proposed rules relating to Regulatory Halts focuses primarily on the kinds of cross-market events that would likely impact multiple markets, individual SROs will still retain flexibility to deal with unique products or small situations confined to a particular market. To that end, the Exchange has retained existing elements of Chapter XIV that focus on its unique products and the processes it has developed over time to interact with its issuers.

Also consistent with the Act, and with the Amended CTA/CQ Plan, is the Exchange's proposal in Rule 11.29(c) to address Operational Halts, which are non-regulatory in nature and apply only to the exchange that calls the halt. As noted earlier, the Exchange presently has the ability to implement operational halts and local trading suspensions, but such halts are not currently referred to as ''operational halts'' in the Exchange's rules.[48] The Exchange also notes that its proposed Rule 11.29(c) regarding Operational Halts is substantially identical to the revised NYSE Arca, Nasdaq PHLX, MIAX Pearl, and MEMX rules cited above,[49] and is therefore not novel.

The Exchange believes that the markets would benefit from greater clarity regarding when an Operational Halt may be appropriate. In part, the proposed change is designed to cover situations similar to those that might constitute a Regulatory Halt, but where the impact is limited to a single market. For example, just as a market disruption might trigger a Regulatory Halt for Extraordinary Market Activity if it affects multiple markets, so could a disruption at the Exchange, such as a technical issue affecting trading in one or more securities, impact trading on the Exchange so significantly that an Operational Halt is appropriate in one or more securities. In such an instance, it would be in the public interest to institute an Operational Halt to minimize the impact of a disruption that, if trading were allowed to continue, might negatively affect a greater number of market participants. An Operational Halt does not implicate other Trading Centers.

The Exchange believes that its proposal to introduce Rule 11.24(f) is consistent with the Act because it will describe the Exchange's ability to accept and process orders during an Operational Halt and describe the re-opening process for securities subject to an Operational Halt, which will provide clarity to market participants about how their orders will behave during an Operational Halt and describe how a security subject to an Operational Halt will resume trading.

The Exchange believes that it is consistent with the Act to reorganize the text related to Market-Wide Circuit Breakers currently codified in Rule 11.18(a)–(d), (f)–(j) into Rule 11.30 as it would provide clarity to market participants and better align with how the rules of other market centers are currently organized.

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.

Importantly, the Exchange believes the proposal will not impose a burden on intermarket competition but will rather alleviate any burden on competition because it is the result of a collaborative effort by all SROs to harmonize and improve the process related to the halting and resumption of trading in U.S.-listed equity securities, consistent with the Amended CTA/CQ Plan. In this area, the Exchange believes that all SROs should have consistent rules to the extent possible in order to provide additional transparency and certainty to market participants and to avoid inconsistent outcomes that could cause confusion and erode market confidence. The proposed changes would ensure that all SROs handle the situations covered therein in a consistent manner and ensure that all Trading Centers handle a Regulatory Halt consistently. The Exchange understands that all other Primary Listing Markets intend to file proposals that are substantially similar to this proposal.

The Exchange does not believe that its proposals concerning Operational Halts impose an undue burden on competition. Under the existing Rules, the Exchange already possesses discretionary authority to impose Operational Halts for various reasons, including because of an order imbalance or influx that causes another national securities exchange to impose a trading halt in a security, or because another national securities exchange imposes an operational halt in a security that is a derivative or component of a security listed on BZX. As described earlier, the proposed Rule change clarifies and broadens the circumstances in which the Exchange may impose such Halts, and specified procedures for both imposing and lifting them. The Exchange does not intend for these proposals to have any competitive impact whatsoever. Indeed, the Exchange expects that other exchanges will adopt similar rules and procedures to govern operational halts, to the extent that they have not done so already.

The Exchange does not believe that the proposed rule change imposes a burden on intramarket competition because the provisions apply to all market participants equally. In addition,

[48] *See* Rule 11.1(c).

[49] *Supra* note 6.

information regarding the halting and resumption of trading will be disseminated using several freely accessible sources to ensure broad availability of information in addition to the SIP data and proprietary data feeds offered by the Exchange and other SROs that are available to subscribers.

In addition, the proposals include several provisions related to the declaration and timing of trading halts and the resumption of trading designed to avoid any advantage to those who can react more quickly than other participants. The proposed rule gives the Exchanges the ability to declare the timing of a Regulatory Halt immediately. The SROs retain the discretion to cancel trades that occur after the time of the Regulatory Halt. The proposals also allow for the staggered resumption of trading to assist firms in reentering the market after a SIP Halt affecting multiple securities, in order to reopen in a fair and orderly manner. In addition, the proposals encourage early and frequent communication among the SROs, SIPs and market participants to enable the dissemination of timely and accurate information concerning the market to market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. 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[50] and Rule 19b–4(f)(6)[51] 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.* Please include file number SR–CboeBZX–2026–017 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–CboeBZX–2026–017. 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–CboeBZX–2026–017 and should be submitted on or before April 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[52]

Vanessa A. Countryman,

Secretary.

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[50] 15 U.S.C. 78s(b)(3)(A).

[51] 17 CFR 240.19b–4(f)(6).

[52] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105039; File No. SR–CboeBYX–2026–008]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Rules 11.28 and 11.29 Relating the Regulatory and Operations Trading Halts, Integrate Several Definitions and Concepts From the Amended CTA/CQ Plan, Reorganize Existing Rule 11.18, and To Make Conforming Changes to Related Rules

March 18, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 6, 2026, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') 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 Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') is filing with the Securities and Exchange Commission (''Commission'') a proposal to adopt Rules 11.28 and 11.29 to integrate several definitions and concepts from the Amended CTA/CQ Plan and to reorganize existing Rule 11.18 in light of the Exchange's experience with applying the rule during its time as a national securities exchange and to make conforming changes to related rules. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

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

In conjunction with adoption of amended CTA/CQ Plan proposed by its participants (''Amended CTA/CQ Plan''),[5] the Exchange proposes to adopt Rules 11.28 and 11.29 to integrate several definitions and concepts from the Amended CTA/CQ Plan and to reorganize existing Rule 11.18 in light of the Exchange's experience with applying the rule during its time as a national securities exchange.[6] Current Rule 11.18 would be reorganized to include only the Limit Up-Limit Down Mechanism.[7] Proposed Rule 11.28 would be entitled ''Trading Halts'' and would set forth the Exchange's authority to halt trading under various circumstances.[8] Proposed Rule 11.29 would be entitled ''Trading Halts Due to Extraordinary Market Volatility'' and would contain the rule text related to Market-Wide Circuit Breakers currently codified in Rule 11.18(a)–(d), (g)–(j). As part of these changes, the Exchange will create categories of regulatory and operational halts, improve the rule's clarity, and adopt defined terms from the Amended CTA/CQ Plan. In addition, the Exchange is updating cross references in other rules that are affected by the proposed changes and making non-substantive formatting changes in related rules.

Background

The Exchange has been working with other SROs to establish common criteria and procedures for halting and resuming trading in equity securities in the event of regulatory or operational issues. These common standards are designed to ensure that events which might impact multiple exchanges are handled in a consistent manner that is transparent. The Exchange believes that implementation of these common standards will assist the SROs in maintaining fair and orderly markets. Notwithstanding the development of these common standards, the Exchange will retain discretion in certain instances as to whether and how to handle halts, as is described below.

Every U.S.-listed equity security has its primary listing on a specific stock exchange that is responsible for a number of regulatory functions.[9] These include confirming that the security continues to meet the exchange's listing standards, monitoring trading in that security and taking action to halt trading in the security when necessary to protect investors and to ensure a fair and orderly market. While these core responsibilities remain with the primary listing venue, trading in the security can occur on multiple exchanges that have unlisted trading privileges for the security or in the over-the-counter market, regulated by the Financial Industry Regulatory Authority, Inc. (''FINRA''). The exchanges and FINRA are responsible for monitoring activity on the markets over which they have oversight, but also must abide by the regulatory decisions made by the Primary Listing Market. For example, a venue trading a security pursuant to unlisted trading privileges must halt trading in that security during a Regulatory Halt, which is a defined term under the proposed rules,[10] and may only trade the security once the Primary Listing Market has cleared the security to resume trading.

While the Exchange and the other SROs intend to harmonize certain aspects of their trading halt rules, other elements of the rules will continue to be unique to each market. The Exchange believes that this is appropriate to reflect different products listed or traded on each market.

In addition to establishing common criteria and procedures for halting and resuming trading in equity securities in the event of regulatory or operational issues, the Exchange is reorganizing the rule to improve clarity. The Exchange will implement all of the changes proposed herein in conjunction with other SROs implementing the necessary rule changes. The Exchange will publish a Trade Desk Notice at least 30 business days prior to implementing the proposed changes.

Definitions

The Exchange proposes adding a definitions section as Rule 11.28(a) to consolidate the various definitions that will be used in the Rule, some of which are taken from the Amended CTA/CQ Plan. The Exchange is adopting the following terms from the Amended CTA/CQ Plan: ''Operating Committee,'' ''Operational Halt,'' ''Primary Listing Market,'' ''Processor,'' [11] ''Regulatory

[5] On February 23, 2021, the participants of the CTA/CQ Plans filed Amendment 36 to the CTA Plan and Amendment 27 to the CQ Plan, to revise provisions governing regulatory and operational halts. *See* Letter from Robert Books, Chairman, Operating Committee, CTA/CQ Plans, to Vanessa Countryman, Secretary, Securities and Exchange Commission, dated February 3, 2021. The SEC approved the amendments on May 28, 2021. *See* Securities Exchange Act Release No. 34–92070 (May 28, 2021), 86 FR 29849 (June 3, 2021) (SR–CTA/CQ–2021–01). The Amended CTA/CQ Plan includes provisions requiring participant self-regulatory organizations (''SROs'') to honor a Regulatory Halt declared by the Primary Listing Market. The provisions in the CTA/CQ Plans, and the plan for consolidation of data for NASDAQ-listed securities, The Joint Self-Regulatory Organization Plan Governing The Collection, Consolidation and Dissemination of Quotation and Transaction Information For NASDAQ-Listed Securities Traded on Exchanges on an Unlisted Trading Privilege Basis (''UTP Plan''), include provisions similar to the changes proposed by the Exchange in this filing.

[6] The Exchange notes that it is a participant of the transaction reporting plan governing Tape B securities. Each transaction reporting plan has a securities information processor (''SIP'') responsible for consolidation of information for the plan's securities, pursuant to Rule 603 of Regulation NMS. The transaction reporting plans for BZX-listed securities are known as the ''Consolidated Tape System and Consolidated Quotations System Plan (collectively, the ''CTA/CQ Plans''). Pursuant to the CTA/CQ Plans, the Securities Industry Automation Corporation (''SIAC'') consolidates order and trade data from all markets trading BZX-listed securities. The Exchange uses the term ''CTA/CQ SIP'' herein when referring specifically to the SIP responsible for consolidation of information in BZX-listed securities. BZX is an affiliate of the Exchange and serves as a Primary Listing Market, unlike the Exchange. *Infra* note 6.

[7] *See* Securities Exchange Act Release No. 88704 (April 21, 2020), 85 FR 23383 (April 27, 2020) (File No. 4–631) (approving the Twentieth Amendment to the National Market System Plan to Address Extraordinary Market Volatility).

[8] The Exchange notes that its sister exchange, Cboe BZX Exchange, Inc. (''Cboe BZX''), filed a similar proposed rule change with the Commission. The Exchange's proposal provides the Exchange with less authority to declare halts in the event of regulatory or operational issues than under Cboe BZX's proposal because the Exchange, unlike Cboe BZX, is not a Primary Listing Market. Given the Exchange's status as a non-Primary Listing Market, certain definitions and concepts from the Amended CTA/CQ Plan, integrated in Cboe BZX's proposal, are not included herein.

[9] The Exchange is proposing to adopt Primary Listing Market as a new term, defined in the CTA/CQ Plans, Section XI(a)(i)(H), as follows: ''[T]he national securities exchange on which an Eligible Security is listed. If an Eligible Security is listed on more than one national securities exchange, Primary Listing Market means the exchange on which the security has been listed the longest.''

[10] *See* proposed Rule 11.28(a)(8).

[11] The Exchange proposes to also define the term ''SIP'' to have the same meaning as the term ''Processor'' as set forth in the Amended CTA/CQ Plan. Because the terms ''Processor'' and ''SIP'' are also used throughout the Rules, at times, to apply to processors of information furnished pursuant to the Nasdaq UTP Plan (''UTP Plan''), the term

Halt,'' ''SIP Halt,'' and ''SIP Halt Resume Time.'' The Exchange is adopting a modified form of the term ''Extraordinary Market Activity'' from the Amended CTA/CQ Plan, as described below. The definitions of ''After Hours Trading Session,'' ''Pre-Opening Session,'' ''Regular Trading Hours,'' and ''UTP Derivative Security'' are currently defined in Rule 1.5(c), (r), (w), and (ee) respectively and have been cross-referenced in the definitions section.[12]

First, the Exchange proposes to add the definition of ''Primary Listing Market'' [13] to Rule 11.28(a), which will have the same meaning as in the Amended CTA/CQ Plan, Section XI(a)(i)(H). As is currently the case under Rule 14.1(c)(3), with respect to UTP Derivative Securities, and under the Amended CTA/CQ Plan, all Regulatory Halt decisions are made by the market on which the security has its primary listing. This reflects the regulatory responsibility that the Primary Listing Market has for fair and orderly trading in the securities that list on its market and its direct access to its listed companies, which are required to advise it of certain events and maintain lines of communication with the Primary Listing Market. The proposed definition makes clear that if a security is listed on more than one market (a dually-listed security), the Primary Listing Market means the exchange on which the security has been listed the longest. This provision matches the language used in the definition of ''Primary Listing Exchange'' in the Limit Up-Limit Down Plan and will avoid conflict in the event of dually-listed securities.

Second, the Exchange proposes to add the definition of ''Extraordinary Market Activity'' to Rule 11.28(a), which would represent a modified version of the term defined in the Amended CTA/CQ Plan, Section XI(a)(i)(A).[14] Specifically, the Exchange proposes to remove the concept of a ''market-wide basis'' from the Amended CTA/CQ Plan's definition of Extraordinary Market Activity for purposes of the Exchange's Rules because the term ''Extraordinary Market Activity'' would only be used in the Exchange's Rules as a basis for the Exchange to initiate an Operational Halt, which would only occur on the market declaring the halt (*i.e.,* the Exchange).[15] The current rule does not include a definition for Extraordinary Market Activity.

The next set of new proposed definitions would be specific to events involving the SIP. While the Exchange recognizes that many events involving the SIP would also meet the definition of ''Extraordinary Market Activity'' (as defined in the Amended CTA/CQ Plan), the Exchange believes that the critical role of the SIPs in market infrastructure factors in favor of additional guidance on how such events will be handled. The definitions of ''SIP Halt Resume Time,'' and ''SIP Halt'' are intended to provide additional guidance and specific processes to address this subset of potential market issues.[16] In addition, the Exchange is proposing to define terms related to SIP governance needed in order to understand these definitions:

- ''Processor'' or ''SIP'' [17] have the same meaning as the term ''Processor'' set forth in the CTA/CQ Plan, namely the entity selected by the Participants to perform the processing functions set forth in the Plan. Because the terms ''Processor'' and ''SIP'' are also used throughout the Rules, at times, to apply to processors of information furnished pursuant to the Nasdaq UTP Plan, the term ''Processor'' and ''SIP'' may, in those applicable circumstances, refer to the processor of transactions in Tape C securities, as set forth in the Nasdaq UTP Plan.
- ''Operating Committee'' [18] is defined as having the same meaning as in the CTA/CQ Plan, namely the committee charged with administering the CTA/CQ Plan.

The Exchange is proposing to adopt a category of Regulatory Halt, called a ''SIP Halt,'' [19] which will have the same meaning as that term is defined in Section XI(a)(i)(K) of the CTA/CQ Plan, namely ''a Regulatory Halt to trading in one or more securities that a Primary Listing Market declares in the event of a SIP Outage or Material SIP Latency.'' This new category of Regulatory Halt will address situations where the Primary Listing Market declares a Regulatory Halt in one or more securities as a result of a SIP Outage [20] or Material SIP Latency.[21]

The Exchange proposes to add a definition of ''Regulatory Halt'' [22] as having the same meaning as in Section XI(a)(i)(J) of the Amended CTA/CQ Plan, which defines a Regulatory Halt to mean a halt declared by the Primary Listing Market in trading in one or more securities on all Trading Centers [23] for regulatory purposes, including for the dissemination of material news, news pending, suspensions, or where

''Processor'' may, in those applicable circumstances, refer to the processor of transactions in Tape C securities, as set forth in the UTP Plan.

[12] As noted above, the Exchange is adopting several new terms that have the same meaning as those terms are defined in the Amended CTA/CQ Plan. Each of the national market system plans governing the single plan processors have identical definitions of these terms, thus there will be uniformity in the meaning of the terms among such plans as well as among the rules of the SROs.

[13] *See* proposed Rule 11.28(a)(6).

[14] In the Amended CTA/CQ Plan, ''Extraordinary Market Activity'' means a disruption or malfunction of any electronic quotation, communication, reporting, or execution system operated by, or linked to, the Processor or a Trading Center or a member of such Trading Center that has a severe and continuing negative impact, on a market-wide basis, on quoting, order, or trading activity or on the availability of market information necessary to maintain a fair and orderly market. For purposes of this definition in the Amended CTA/CQ Plan, a severe and continuing negative impact on quoting, order, or trading activity includes (i) a series of quotes, orders, or transactions at prices substantially unrelated to the current market for the security or securities; (ii) duplicative or erroneous quoting, order, trade reporting, or other related message traffic between one or more Trading Centers or their members; or (iii) the unavailability of quoting, order, or transaction information for a sustained period.

[15] The Exchange proposes to define ''Extraordinary Market Activity'' to mean a disruption or malfunction of any electronic quotation, communication, reporting, or execution system operated by, or linked to, the Processor or a Trading Center or a member of such Trading Center that has a severe and continuing negative impact on quoting, order, or trading activity or on the availability of market information necessary to maintain a fair and orderly market. For purposes of this definition in the Exchange's rules, a severe and continuing negative impact on quoting, order, or trading activity includes (i) a series of quotes, orders, or transactions at prices substantially unrelated to the current market for the security or securities; (ii) duplicative or erroneous quoting, order, trade reporting, or other related message traffic between one or more Trading Centers of their members; or (iii) the unavailability of quoting, order, transaction information, or regulatory messages for a sustained period.

[16] The Exchange proposes to define the terms ''SIP Halt Resume Time'' and ''SIP Halt'' to have the same meaning as in the Amended CTA/CQ Plan.

[17] *See* proposed Rule 11.28(a)(7).

[18] *See* proposed Rule 11.28(a)(3).

[19] *See* proposed Rule 11.28(a)(10).

[20] SIP Outage means a situation in which the Processor has ceased, or anticipates being unable, to provide updated and/or accurate quotation or last sale price information in one or more securities for a material period that exceeds the time thresholds for an orderly failover to backup facilities established by mutual agreement among the Processor, the Primary Listing Market for the affected securities, and the Operating Committee unless the Primary Listing Market, in consultation with the Processor and the Operating Committee, determines that resumption of accurate data is expected in the near future. *See* Amended CTA/CTA Plan, Section XI(a)(i)(M).

[21] Material SIP Latency means a delay of quotation or last sale price information in one or more securities between the time data is received by the Processor and the time the Processor disseminates the data over the Processor's vendor lines, which delay the Primary Listing Market determines, in consultation with, and in accordance with, publicly disclosed guidelines established by the Operating Committee, to be (a) material and (b) unlikely to be resolved in the near future. *See* Amended CTA/CTA Plan, Section XI(a)(i)(E).

[22] *See* proposed Rule 11.28(a)(8).

[23] *See* Amended CTA/CQ Plan Section XI(a)(i)(N). A ''Trading Center'' has the same meaning as that term is defined in Rule 600(b)(82) of Regulation NMS.

otherwise necessary to maintain a fair and orderly market. A Regulatory Halt includes a trading pause triggered by Limit Up-Limit Down, a halt based on Extraordinary Market Activity (as defined in the Amended CTA/CQ Plan), a trading halt triggered by a Market-Wide Circuit Breaker, and a SIP Halt.

Finally, the Exchange proposes to add a definition of ''Operational Halt,'' [24] as having the same meaning as in Section XI(a)(i)(G) of the Amended CTA/CQ Plan, which defines an Operational Halt to mean ''a halt in trading in one or more securities only on a Market declared by such Participant and is not a Regulatory Halt.'' [25] An Operational Halt is effective only on the Exchange; other markets are not required to halt trading in the impacted securities. In practice, the Exchange has always had the capacity to implement operational halts in specified circumstances, but such halts are not currently referred to as ''operational halts'' in the Exchange's rules.[26] The proposed change would provide greater clarity on when an Operational Halt may be implemented and the process for halting and resuming trading in the event of an Operational Halt. An Operational Halt is not a Regulatory Halt.

Regulatory Halt Types

Proposed Rule 11.28(b) would set forth requirements relating to Regulatory Halts.

Authority To Initiate a Regulatory Halt

The Exchange proposes to consolidate the various types of situations that form the basis for declaring a Regulatory Halt in proposed Rule 11.28(b)(1). In this subsection, the Exchange would identify all of the bases for its Regulatory Halt authority, including cross-referencing to current rules describing existing halt authority and by adding the new Regulatory Halt authority consistent with the Amended CTA/CQ Plan.

Proposed Rule 11.28(b)(1)(A) describes ''Mandatory Halts,'' where the Exchange must issue a Regulatory Halt. The proposed rule would identify four categories of Regulatory Halts:

- Pursuant to proposed Rule 11.28(b)(1)(A)(i) regarding the Market-Wide Circuit Breakers, which will be retained without modification in proposed Rule 11.29 (currently codified in Rule 11.18(a)–(d); (f)–(j)). This proposed rule would effectuate the definition of Regulatory Halt in proposed Rule 11.28(a)(8), which cross-references Section XI(a)(i)(J) of the Amended CTA/CQ Plan.
- Pursuant to proposed Rule 11.28(b)(1)(A)(ii) regarding the Limit Up-Limit Down Mechanism (proposed Rule 11.18). This proposed rule would effectuate the definition of Regulatory Halt in proposed Rule 11.28(a)(8), which cross-references Section XI(a)(i)(J) of the Amended CTA/CQ Plan. The Exchange, as a non-Primary Listing Market, does not itself declare trading pauses pursuant to the Limit Up-Limit Down Mechanism, but rather implements such pauses declared by Primary Listing Markets.
- Pursuant to proposed Rule 11.28(b)(1)(A)(iii), which would provide that the Exchange must halt trading when the Primary Listing Market declares a SIP Halt or halts trading based on Extraordinary Market Activity. This proposed rule would effectuate the definition of Regulatory Halt in proposed Rule 11.28(a)(8), which cross-references Section XI(a)(i)(J) of the Amended CTA/CQ Plan.
- Pursuant to proposed Rule 11.28(b)(1)(A)(iv), which would provide that the Exchange would honor a Regulatory Halt initiated by the Primary Listing Market for any security listed on the Exchange. This proposed rule would effectuate the definition of Regulatory Halt in proposed Rule 11.28(a)(8), which cross-references Section XI(a)(i)(J) of the Amended CTA/CQ Plan.

The Exchange proposes to add proposed Rule 11.28(b)(1)(A)(iv)(a), which makes clear that the start time of a Regulatory Halt is the time the Primary Listing Market declares the Regulatory Halt, regardless of whether communication issues impact the dissemination of notice of the Halt.[27] This proposal would provide market participants with certainty on the official start time of the Regulatory Halt. Under the proposed rule, the start time is fixed by the Primary Listing Market; it is not dependent on whether notice is disseminated immediately. This will avoid possible disagreement if the Regulatory Halt time were tied to dissemination or receipt of notification, which may occur at different times. The Exchange recognizes that in situations where communication is interrupted, trades may continue to occur until news of the Regulatory Halt reaches all Trading Centers. However, a fixed ''official'' Regulatory Halt time will allow SROs to revisit trades after the fact and determine in a consistent manner whether specific trades should stand.

Resumption of Trading After a Regulatory Halt

The SROs have jointly developed processes to govern the resumption of trading in the event of a Regulatory Halt. While the actual process of re-launching trading will remain unique to each exchange, the proposed rule would harmonize certain common elements of the reopening process that would benefit from consistency across markets. These common elements include the primacy of the Primary Listing Market in resumption decisions, the requirement that the Primary Listing Market make its determination to resume trading in good faith,[28] and certain parts of the complex process of reopening trading after a SIP Halt. With respect to a SIP Halt, common elements of the reopening process include the interaction among SROs (including the Primary Listing Market with the SIP), the requirement that the Primary Listing Market terminate a SIP Halt with a notification that specifies a SIP Halt Resume Time, the minimum quoting times before resumption of trading, the cutoff time after which trading would not resume during Regular Trading Hours, and the time when trading may resume if the Primary Listing Market does not open a security within the amount of time specified in its rules after the SIP Halt Resume Time.

Proposed Rule 11.28(b)(2)(A) provides the process to be followed when resuming trading upon the conclusion of Regulatory Halts other than SIP Halts. The new rule would effectuate Section XI(a)(v) of the Amended CTA/CQ Plan.

Proposed Rule 11.28(b)(2), which incorporates Section XI(a)(v)(A) and Section XI(a)(vi)(C) of the Amended CTA/CQ Plan, is divided into the following two subsections concerning resumption of trading: (A) after a Regulatory Halt other than a SIP Halt; and (B) after a SIP Halt. Proposed Rule 11.28(b)(2)(A)(i) provides that, for a Regulatory Halt other than a SIP Halt, the Exchange may resume trading after the Exchange receives notification from the Primary Listing Market that the Regulatory Halt has been terminated.

Proposed Rule 11.28(b)(2)(B) would address the resumption of trading following a SIP Halt. The new rule would effectuate Section XI(a)(vi) of the Amended CTA/CQ Plan. Proposed Rule 11.28(b)(2)(B)(i) would provide that, for securities subject to a SIP Halt initiated by another exchange that is the Primary

[24] *See* proposed Rule 11.28(a)(4).

[25] A ''Market'' has the same meaning as that term is defined in Section XI(A)(i)(C) of the Amended CTA/CQ Plan.

[26] *See* Rule 11.1(c).

[27] This is consistent with the Amended CTA/CQ Plan. *See* Amended CTA/CQ Plan, Section XI(a)(iv)(A).

[28] *See* Partial Amendment No. 1 to the CTA/CQ Plans, dated March 31, 2021.

Listing Market, during Regular Trading Hours, the Exchange may resume trading after trading has resumed on the Primary Listing Market or notice has been received from the Primary Listing Market that trading may resume. During Regular Trading Hours, if the Primary Listing Market does not open a security within the amount of time specified by the rules of the Primary Listing Market after the SIP Halt Resume Time, the Exchange may resume trading in that security. Outside Regular Trading Hours, the Exchange may resume trading immediately after the SIP Halt Resume Time.[29]

Proposed Rule 11.28(b)(2)(C) would state that trading will resume and orders will be accepted pursuant to the re-opening process found in current Rule 11.23(e). The Exchange proposes to amend Rule 11.23(e) to make clear that the rule only applies to the resumption of trading following a Regulatory Halt and to amend the cross-reference to the rule associated with halts due to a Market-Wide Circuit Breaker. Rule 11.23(e) describes the re-opening process for all securities subject to a Regulatory Halt and is consistent with current practice.

Operational Halt

The Exchange proposes in Rule 11.28(c) to address Operational Halts, which are non-regulatory in nature and apply only to the Exchange that calls the halt. As described above, the Exchange has always had the capacity to implement operational halts and local trading suspensions in specified circumstances, but such halts are not currently referred to as ''operational halts'' in the Exchange's rules.[30] As part of the Exchange's assessment with the other SROs of the halting and resumption of trading, the Exchange believes that the markets would benefit from greater clarity regarding when an Operational Halt may be appropriate.[31] In part, the proposed change is designed to cover situations similar to those that might constitute a Regulatory Halt, but where the impact is limited to a single market. For example, just as a market disruption might trigger a Regulatory Halt for Extraordinary Market Activity (as defined in the Amended CTA/CQ Plan) if it affects multiple markets, so a disruption at the Exchange, such as a technical issue affecting trading in one or more securities, could impact trading on the Exchange so significantly that an Operational Halt is appropriate in one or more securities. In such an instance, it would be in the public interest to institute an Operational Halt to minimize the impact of a disruption that, if trading were allowed to continue, might negatively affect a greater number of market participants. An Operational Halt does not implicate other trading centers.

Proposed Rule 11.28(c)(1) would specify the Exchange's authority to initiate an Operational Halt, which is discretionary, and provide that the Exchange may declare an Operational Halt for any security trading on the Exchange if it is experiencing Extraordinary Market Activity on the Exchange (proposed Rule 11.28(c)(1)(A)) or when otherwise necessary to maintain a fair and orderly market or in the public interest (proposed Rule 11.28(c)(1)(B)).

Under proposed Rule 11.28(c)(2) the Exchange would notify the Processor if it has concerns about its ability to collect and transmit quotes, orders, or last sale prices, or if it has declared an Operational Halt or suspension of trading in one or more Eligible Securities (as that term is defined in the Amended CTA/CQ Plan), pursuant to the procedures adopted by the Operating Committee.

Proposed Rule 11.28(c)(3) will clarify how the Exchange resumes trading after an Operational Halt. Proposed Rule 11.28(c)(3)(A) provides that the Exchange would resume trading when it determines that trading may resume in a fair and orderly manner consistent with the Exchange's rules. Proposed Rule 11.28(c)(3)(B) specifies that the Exchange would resume trading following an Operational Halt pursuant to Rule 11.23(f). The Exchange proposes adding subsection (f) to Rule 11.23 to describe the Exchange's re-opening process for a security subject to an Operational Halt, which differs from the process of re-opening a security following a Regulatory Halt. Proposed Rule 11.23(f) describes the Exchange's current practice for re-opening securities that are not subject to a Regulatory Halt and states that while a security is subject to an Operational Halt, orders will not be accepted for queuing prior to the security's resumption of trading and that any open orders on the BYX Book[32] will be cancelled.[33] Proposed Rule 11.23(f)(1) states that a security subject to an Operational Halt will return to trading when the Exchange declares that trading may resume pursuant to Rule 11.28(c)(3).

Proposed Rule 11.28(c)(4) provides that trading in a halted security shall resume at the time specified by the Exchange in a notice. It would further specify that the Exchange would notify all other Plan participants and the SIP of such Operational Halt as well as provide notice that an Operational Halt has been lifted using such protocols and other emergency procedures as may be mutually agreed to between the Operating Committee and the Exchange. If the SIP is unable to disseminate notice of an Operational Halt or the Exchange is not open for trading, the Exchange would take reasonable steps to provide notice of an Operational Halt, which shall include both the type and start time of the Operational Halt. Each Plan participant shall continuously monitor communication protocols established by the Operating Committee and the Processor during market hours to disseminate notice of an Operational Halt, and the failure of a participant to do so shall not prevent the Exchange from initiating an Operational Halt.

Conforming Changes to Other Rules

The Exchange is proposing to modify Rules 11.8 (Obligations of Market Makers), Rule 11.9 (Orders and Modifiers), Rule 11.13 (Order Execution and Routing), Rule 11.23 (Opening Process), and Rule 14.1 (Unlisted Trading Privileges) that cross reference Rule 11.18 in light of the reorganization of current Rule 11.18 into Rules 11.28 and 11.29. Rule 11.8(d)(2)(D), Rule 11.8(d)(2)(E), Rule 11.9(a)(2), Rule 11.13(a)(3), and Rule 11.13(b)(3)(I) will be modified to update a cross-reference to the revised Rule 11.18(a) that governs Limit Up-Limit Down procedures. Additionally, Rules 11.13(b)(3) and 11.13(b)(5) have been modified to remove the italic formatting from the title of each subsection in order to conform with other subsections of Rule 11.13(b). Rule 11.23(e) will be modified to update a cross-reference to the Rule that governs halts under a Market-Wide Circuit Breaker. In addition, Rule

[29] *See* Partial Amendment No. 2 of Trading Halt Amendments to the CTA/CQ Plan, dated April 7, 2021.

[30] *See* Rule 11.1(c). The Exchange also notes that its proposed Rule 11.28(c) regarding Operational Halts is substantially identical to similar rule changes filed by competitor exchanges. *See, e.g.,* Securities Exchange Act Release No. 96574 (December 22, 2022), 87 FR 80213 (December 29, 2022), SR–PHLX–2022–49; Securities Exchange Act Release No. 97093 (March 9, 2023), 88 FR 16045 (March 15, 2023), SR–PEARL–2023–11; and Securities Exchange Act Release No. 97824 (June 29, 2023), 88 FR 43159 (July 6, 2023), SR–MEMX–2023–11.

[31] Differences between Cboe BZX and the Exchange's proposals as it relates to Operational Halts stem from Cboe BZX's status as a Primary Listing Market, unlike the Exchange.

[32] *See* Rule 1.5(e).

[33] The Exchange notes that its re-opening process for securities subject to an Operational Halt is simply to open the security for trading. There is no queuing process or re-opening auction associated with the re-opening of a security subject to an Operational Halt.

11.23(e) will be modified to include the word ''Regulatory'' in order to indicate its applicability only to Regulatory Halts. Rule 14.1(c)(3) will be modified to update a cross-reference to current Rule 11.18 to also cross-reference proposed Rule 11.28 and proposed Rule 11.29. Rule 14.1 *Interpretation and Policies* .01 will be modified to correct an incorrect rule reference to Rule 14.1(c)(4)(A) and (B) to properly reflect Rule 14.1(c)(3)(A) and (B). The Exchange notes that the changes described above are not substantive and serve only to update cross-references to rules that have been relocated.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[34] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [35] 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) [36] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As described above, the Exchange and other SROs are seeking to adopt harmonized rules related to halting and resuming trading in U.S.-listed equity securities. The Exchange believes that the proposed rules will provide greater transparency and clarity with respect to the situations in which trading will be halted and the process through which that halt will be implemented and terminated. Particularly, the proposed changes seek to achieve consistent results for participants across U.S. equities exchanges while maintaining a fair and orderly market, protecting investors and protecting the public interest. Based on the foregoing, the Exchange believes that the proposed rules are consistent with Section 6(b)(5) of the Act [37] because they will foster competition and coordination with persons engaged in regulating and facilitating transactions in securities.

As discussed previously, the Exchange believes that the various provisions of the proposed rules that will apply to all SROs are focused on the type of cross-market event where a consistent approach will assist market participants and reduce confusion during a crisis. Because market participants often trade the same security across multiple venues and trade securities listed on different exchanges as part of a common strategy, the Exchange believes that the proposed rules will lessen the risk that market participants holding a basket of securities will have to deal with divergent outcomes depending on where the securities are listed or traded. Conversely, the proposed rules would still allow individual SROs to react differently to events that impact various securities or markets in different ways. This avoids the ''brittle market'' risk where an isolated event at a single market forces all markets trading equity securities to halt or halts trading in all securities where the issue impacted only a subset of securities. By addressing both concerns, the Exchange believes that the proposed rules further the Act's goal of maintaining fair and orderly markets.

The Exchange believes that the proposed rules' focus of responsibility on the Primary Listing Market for decisions related to a Regulatory Halt and the resumption of trading is consistent with the Act, which itself imposes obligations on exchanges with respect to issuers that are listed. As is currently the case, the Primary Listing Market would be responsible for the many regulatory functions related to its listings, including the determination of when to declare a Regulatory Halt. While these core responsibilities remain with the Primary Listing Market, trading in the security can occur on multiple exchanges that have unlisted trading privileges for the security, such as on the Exchange, or in the over-the-counter market, regulated by FINRA. The Exchange is responsible for monitoring activity on its own markets, but also must honor a Regulatory Halt.

The proposed changes relating to Regulatory Halts would ensure that all SROs handle the situations covered therein in a consistent manner that would prevent conflicting outcomes in cross-market events and ensure that all trading centers recognize a Regulatory Halt declared by the Primary Listing Market. The changes are consistent with and implement the Amended CTA/CQ Plan.

The Exchange believes that the other definitions in the proposed rules are also consistent with the Act. For example, the proposed rules would define what constitutes Extraordinary Market Activity, consistent with the amended definition of that term in the Amended CTA/CQ Plan, thereby furthering the Act's goal of promoting fair and orderly markets. The Exchange is also proposing to adopt definitions for ''SIP Outage,'' ''Material SIP Latency'' and ''SIP Halt,'' to explicitly address situations that may disrupt the markets, and these definitions are identical to the definitions in the Amended CTA/CQ Plan. The proposed rules provide guidance on when the Exchange should seek information from the Operating Committee, other SROs and market participants as well as means for dissemination of important information to the market, consistent with the Amended CTA/CQ Plan. The Exchange believes these provisions strike the right balance in outlining a process to address unforeseen events without preventing SROs from taking action needed to protect the market.

The Exchange believes that the proposed rules, which make halts more consistent across exchange rules, are consistent with the Act in that they will foster cooperation and coordination with persons engaged in regulating the equities markets. In particular, the Exchange believes it is important for SROs to coordinate when there is a widespread and significant event, as multiple trading centers are impacted in such an event. Further, while the Exchange recognizes that the proposed rule will not guarantee a consistent result on every market in all situations, the Exchange does believe that it will assist in that outcome. While the proposed rules relating to Regulatory Halts focus primarily on the kinds of cross-market events that would likely impact multiple markets, individual SROs will still retain flexibility to deal with unique products or smaller situations confined to a particular market.

Also consistent with the Act, and with the Amended CTA/CQ Plan, is the Exchange's proposal in Rule 11.28(c) to address Operational Halts, which are non-regulatory in nature and apply only to the exchange that calls the halt. As noted earlier, the Exchange presently has the ability to implement operational halts and local trading suspensions, but such halts are not currently referred to as ''operational halts'' in the Exchange's

[34] 15 U.S.C. 78f(b).

[35] 15 U.S.C. 78f(b)(5).

[36] *Id.*

[37] *Id.*

rules.[38] The Exchange also notes that its proposed Rule 11.28(c) regarding Operational Halts is substantially identical to the proposals filed by competitor exchanges,[39] and is therefore not novel.

The Exchange believes that its proposal to introduce Rule 11.23(f) is consistent with the Act because it will describe the Exchange's ability to accept and process orders during an Operational Halt and describe the re-opening process for securities subject to an Operational Halt, which will provide clarity to market participants about how their orders will behave during an Operational Halt and describe how a security subject to an Operation Halt will resume trading.

Additionally, the proposed conforming changes to Rules 11.8, 11.9, 11.13, 11.23, and 14.1 are consistent with the Act in that they seek to provide the correct reference to the Limit Up-Limit Down procedures and halts, suspensions, or trading pauses due to Market-Wide Circuit Breakers without modification from current Rule 11.18. The Exchange believes that it is consistent with the Act to reorganize the text related to Market-Wide Circuit Breakers currently codified in Rule 11.18(a)–(d), (g)–(j) into Rule 11.29 as it would provide clarity to market participants and better align with how the rules of other market centers are currently organized.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposal is consistent with Section 6(b)(8) of the Act[40] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act as explained below.

Importantly, the Exchange believes the proposal will not impose a burden on intermarket competition but will rather alleviate any burden on competition because it is the result of a collaborative effort by all SROs to harmonize and improve the process related to the halting and resumption of trading in U.S.-listed equity securities, consistent with the Amended CTA/CQ Plan. In this area, the Exchange believes that all SROs should have consistent rules to the extent possible in order to provide additional transparency and certainty to market participants and to avoid inconsistent outcomes that could cause confusion and erode market confidence. The proposed changes would ensure that all SROs handle the situations covered therein in a consistent manner and ensure that all trading centers handle a Regulatory Halt consistently. The Exchange understands that all other non-Primary Listing Markets intend to file proposals that are substantially similar to this proposal.

The Exchange does not believe that its proposals concerning Operational Halts impose an undue burden on competition. Under the existing Rules, the Exchange already possesses discretionary authority to impose Operational Halts for various reasons, including because of an order imbalance or influx that causes another national securities exchange to impose a trading halt in a security.[41] As described earlier, the proposed Rule change clarifies and broadens the circumstances in which the Exchange may impose such Halts, and specifies procedures for both imposing and lifting them. The Exchange does not intend for these proposals to have any competitive impact whatsoever. Indeed, the Exchange expects that other exchanges will adopt similar rules and procedures to govern operational halts, to the extent that they have not done so already.[42]

The Exchange does not believe that the proposed rule change imposes a burden on intramarket competition because the provisions apply to all market participants equally. In addition, information regarding the halting and resumption of trading will be disseminated using several freely accessible sources to ensure broad availability of information in addition to the SIP data and proprietary data feeds offered by the Exchange and other SROs that are available to subscribers. In addition, the declaration and timing of trading halts and the resumption of trading is designed to avoid any advantage to those who can react more quickly than other participants. The proposals encourage early and frequent communication among the SROs, SIPs and market participants to enable the dissemination of timely and accurate information concerning the market to market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. 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[43] and Rule 19b–4(f)(6)[44] 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.* Please include file number SR–CboeBYX–2026–008 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–CboeBYX–2026–008. 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

[38] *See* Rule 11.1(c).

[39] *Supra* note 30.

[40] 15 U.S.C. 78f(b)(8).

[41] *See* Rule 11.1(c).

[42] *See, e.g.,* Securities Exchange Act Release No. 96574 (December 22, 2022), 87 FR 80213 (December 29, 2022), SR–PHLX–2022–49; Securities Exchange Act Release No. 97093 (March 9, 2023), 88 FR 16045 (March 15, 2023), SR–PEARL–2023–11; and Securities Exchange Act Release No. 97824 (June 29, 2023), 88 FR 43159 (July 6, 2023), SR–MEMX–2023–11.

[43] 15 U.S.C. 78s(b)(3)(A).

[44] 17 CFR 240.19b–4(f)(6).

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–CboeBYX–2026–008 and should be submitted on or before April 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[45]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–05556 Filed 3–20–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105046; File No. SR–FICC–2026–003]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving Proposed Rule Change To Remove the Activity Limit From the GSD Rules

March 18, 2026.

I. Introduction

On January 29, 2026, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–FICC–2026–003, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The Proposed Rule Change would amend the Government Securities Division (''GSD'') Rulebook[3] (i) to remove the activity limit currently applied to Sponsoring Members and (ii) to modify the application of the existing ''higher of'' calculation methodology to apply only to those Sponsored Members and Segregated Indirect Participants whose activity level exceeds a specified liquidity threshold. The Proposed Rule Change was published for comment in the **Federal Register** on February 4, 2026.[4] The Commission has received no comments on the Proposed Rule Change.

For the reasons discussed below, the Commission is approving the Proposed Rule Change.

II. Background

FICC's GSD provides trade comparison, netting, risk management, settlement, and central counterparty (''CCP'') services for the U.S. Government securities market.[5] As a CCP, FICC interposes itself as the buyer to every seller and seller to every buyer for the financial transactions it clears. As such, FICC is exposed to the risk that one or more of its members may fail to make a payment or to deliver securities.

Market participants who are not members of FICC may access FICC's services indirectly through the Sponsored Service or Agent Clearing Service.[6] The Sponsored Service allows members approved as Sponsoring Members to sponsor certain firms as ''Sponsored Members.''[7] Similarly, the Agent Clearing Service allows members approved as Agent Clearing Members to submit activities of certain institutional firms, ''Executing Firm Customers,'' for clearing and settlement. FICC establishes and maintains a Sponsoring Member Omnibus Account, to record transactions of a Sponsoring Member's Sponsored Members, and an Agent Clearing Member Omnibus Account, to record transactions of an Agent Clearing Member's Executing Firm Customers.[8] Sponsoring Members and Agent Clearing Members also have the option of segregating transactions of Sponsored Members and Executing Firm Customers, as ''Segregated Indirect Participants,'' in Segregated Indirect Participants Accounts.[9]

A key tool that FICC uses to manage its credit exposures to its members is the daily collection of the Required Fund Deposit (*i.e.,* margin) from each member. A member's margin is designed to mitigate potential losses associated with liquidation of the member's portfolio in the event of that member's default. FICC's Rules refer to margin in two ways, depending on the types of members and accounts involved. First, the Required Fund Deposit is the sum of each member's proprietary accounts and its indirect participant accounts not designated as Segregated Indirect Participants Accounts.[10] The aggregated amount of all GSD members' margin constitutes the Clearing Fund, which FICC would be able to access should a defaulted member's own margin be insufficient to satisfy losses to FICC caused by the liquidation of that member's portfolio. Second, the Segregated Customer Margin Requirement is the sum of the member's Sponsoring Member Omnibus Accounts and Agent Clearing Member Omnibus Accounts designated as Segregated Indirect Participants Accounts.[11] Similarly, FICC would be able to access Segregated Customer Margin in the event of the default of the Segregated Indirect Participant for which that margin is held.

Both the Required Fund Deposit and Segregated Customer Margin Requirement consist of several components, each of which is calculated to address specific risks faced by FICC arising out of its members' trading activity.[12] For both, the components include, among others, a VaR charge (''VaR Charge'') designed to capture the potential market price risk associated with the securities in a member's portfolio.[13] As a further risk mitigation step, FICC may require additional financial resources or other adequate assurances (such as limitations on activities) from members that may present a higher risk exposure to FICC.[14]

In particular, to mitigate the market risk associated with the Sponsored Service, FICC limits the activity that a Sponsoring Member can submit to FICC in certain circumstances. Specifically, a Sponsoring Member is not allowed to submit activity into its Sponsoring Member Omnibus Account when the sum of the VaR Charges for its Sponsoring Member Omnibus Account(s) and its Dealer Accounts (''Aggregate VaR Charges'') exceeds its Netting Member Capital.[15]

In addition, FICC can assess a higher Required Fund Deposit on its

[45] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Each capitalized term not otherwise defined herein has its meaning as set forth in the GSD Rulebook (''Rules''), *available at https://www.dtcc.com/legal/rules-and-procedures.*

[4] *See* Securities Exchange Act Release No. 104755 (Jan. 30, 2026). 91 FR 5128 (Feb. 4, 2026) (File No. SR–FICC–2026–003) (''Notice of Filing'').

[5] FICC's Mortgage-Backed Securities Division provides similar services for mortgage-backed securities. For purposes of this Order, ''FICC'' refers to GSD.

[6] *See* GSD Rules 3A and 8, *supra* note 3.

[7] *See* Notice of Filing, *supra* note 4, 91 FR at 5129.

[8] *Id.*

[9] *Id.*

[10] *See* GSD Rule 4 (Clearing Fund and Loss Allocation), *supra* note 3.

[11] *Id.*

[12] *See* GSD Rules Margin Component Schedule, Sections 2 and 5, *supra* note 3.

[13] *Id.* The components also include, as applicable, Blackout Period Exposure Adjustment, Backtesting Charge, Holiday Charge, Intraday Supplemental Fund Deposit, Margin Liquidity Adjustment Charge, and Portfolio Differential Charge.

[14] *See* Notice of Filing, *supra* note 4, 91 FR at 5129. *See also* GSD Rule 3A (Sponsoring Members and Sponsored Members) and Margin Component Schedule, *supra* note 3.

[15] *See* Notice of Filing, *supra* note 4, 91 FR at 5129.

Sponsoring Members. FICC currently determines the intraday VaR Charge on Sponsoring Member Omnibus Accounts by using a ''higher of'' VaR Charge calculation methodology, meaning that FICC applies as the intraday VaR Charge the higher of the VaR calculation as of the beginning of the day and intraday.[16]

III. Description of the Proposed Rule Change

FICC is proposing to amend the Rules to remove the activity limit currently applied to Sponsoring Members and to modify the application of the ''higher of'' calculation methodology currently applied for the intraday VaR Charge to Sponsoring Member Omnibus Accounts.[17]

First, the Proposed Rule Change would remove the restriction on activity submission from Sponsoring Members currently applied to Sponsoring Members whose Aggregate VaR Charges exceed their Netting Member Capital. FICC states that it is proposing to delete this restriction on activity submission from GSD Rule 3A, and, in lieu thereof, modify the application of the ''higher of'' calculation methodology so that it would apply to only those Sponsored Members and Segregated Indirect Participants whose activity level exceeds a specified liquidity threshold.[18] FICC also states that the proposed removal of activity limit would also facilitate access to FICC's clearance and settlement services in accordance with the requirements of Rule 17ad–22(e)(18)(iv)(C) under the Act.[19]

Second, FICC is proposing to expand the application of the ''higher of'' calculation methodology currently applied to Sponsoring Member Omnibus Accounts for the intraday VaR Charge to also apply to Segregated Indirect Participants Accounts.[20] FICC states that since both of these account types are used exclusively to record transactions submitted to FICC on behalf of indirect participants, they should be monitored and risk managed in a similar manner.[21]

In addition, to monitor and mitigate risk exposures from Sponsored Members and Segregated Indirect Participants, FICC is proposing to apply the ''higher of'' calculation methodology only when the aggregate liquidity needs of a particular Sponsored Member/Segregated Indirect Participant across all accounts exceed FICC's daily liquidity need.[22] To determine when to apply the ''higher of'' calculation methodology, FICC would compare the total liquidity needs arising from the Sponsored Member's/Segregated Indirect Participant's activities across all accounts of its Sponsoring Members/Agent Clearing Members against FICC's daily liquidity need. If the indirect participant's liquidity needs exceed FICC's daily liquidity need on any Business Day, FICC would then apply the ''higher of'' the VaR Charge calculation as the intraday VaR Charge to the Sponsored Member/Segregated Indirect Participant for the following 25 Business Days.[23] FICC states that this proposed change would help monitor and mitigate risk exposures from Sponsored Members and Segregated Indirect Participants whose activity level exceeds the specified liquidity threshold of FICC's daily liquidity need.[24]

FICC conducted an impact study for the period from April 1, 2024 to October 31, 2025 (''Impact Study'').[25] Overall, the Impact Study shows that if modifications to the application of the ''higher of'' calculation methodology had been in place, of the Sponsored Members included in the study, 95.5% of the Sponsored Members would have had a reduction in their VaR Charges, each having, on average, a daily reduction in their VaR Charges of approximately $20.2 million (or approximately 32% of the average daily VaR Charge that would otherwise be assessed on the Sponsored Member). The Impact Study also shows that 4.5% of the Sponsored Members included would not have been impacted because they were either already subject to the ''higher of'' calculation methodology and remain so under the proposed modification, or they were already being assessed the VaR Charge calculated intraday as the intraday VaR Charge and would remain so under the proposed modification.

IV. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[26] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. After careful review of the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to FICC. In particular, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act[27] and Rule 17ad–22(e)(4), (e)(6)(i), and (e)(19) thereunder.[28]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions, and assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[29] The Commission believes that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act for the reasons stated below.

As discussed in Part II, FICC determines and monitors the appropriate margin to collect from members to mitigate potential losses from liquidation of a member's portfolio in the event of that member's default. As discussed in Part III, the Proposed Rule Change would remove the activity limit on Sponsored Members with VaR Charges that exceed their capital, and it would revise FICC's rules such that FICC would assess a higher margin on Sponsored Members and Segregated Indirect Participants whose activity

[16] *Id.* at 5130. FICC calculates VaR Charge twice daily based on each Member's noon position and end-of-day position, collecting the former intraday (*i.e.,* intraday VaR Charge) and the latter at start-of-day the next business day (*i.e.,* SOD VaR Charge). With the application of the ''higher of'' methodology, FICC would compare the VaR Charge calculated based on the noon slice against the VaR Charge calculated based on the prior business day's end-of-day positions and apply the higher of the two amounts as the intraday VaR Charge. *Id.* at n.21.

[17] FICC is also proposing to add two new definitions and conforming changes. FICC proposes to add to Rule 1 definitions for terms ''Affiliated Family'' and ''Daily Liquidity Need.'' *See* Notice of Filing, *supra* note 4, 91 FR at 5130.

[18] *Id.* at 5129.

[19] *Id.* at 5130 (citing 17 CFR 240.17ad–22(e)(18)(iv)(C)).

[20] FICC states that it would not apply the ''higher of'' calculation methodology to Agent Clearing Member Omnibus Accounts that are not designated as segregated because margin requirements for these accounts are calculated on a net basis across all Executing Firm Customers whose transactions are recorded within the same account, unlike Sponsored Members and Segregated Indirect Participants whose margin requirements are calculated on a gross basis. *See* Notice of Filing, *supra* note 4, 91 FR at 5130 n.22.

[21] *See* Notice of Filing, *supra* note 4, 91 FR at 5130.

[22] *Id.*

[23] *Id.*

[24] *Id.*

[25] As part of the Proposed Rule Change, FICC filed, as Exhibit 3, the Impact Study. Pursuant to 17 CFR 240.24b–2, FICC requested confidential treatment of Exhibit 3.

[26] 15 U.S.C. 78s(b)(2)(C).

[27] 15 U.S.C. 78q–1(b)(3)(F).

[28] 17 CFR 240.17Ad–22(e)(4), (e)(6)(i), and (e)(19).

[29] 15 U.S.C. 78q–1(b)(3)(F).

level exceeds FICC's daily liquidity need and thus pose a higher risk to FICC. The Proposed Rule Change should continue to allow FICC to assess the margin required to cover risks arising from the activity of Sponsored Members and Segregated Indirect Participants, thus helping to better mitigate potential losses arising out of a member default that would exceed FICC's prefunded resources and result in a disruption of FICC's operation of its critical clearance and settlement services. Because the modifications to margin calculation methodology would generally provide a more accurate assessment of margin sufficient to manage potential losses arising out of a member default, the Commission finds that the Proposed Rule Change should support FICC's ability to provide prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[30]

Additionally, the Proposed Rule Change should help limit non-defaulting members' exposure to mutualized losses since FICC would access the mutualized Clearing Fund should a defaulted member's own margin be insufficient to satisfy losses to FICC caused by the liquidation of that member's portfolio. By allowing FICC to assess additional margin on Sponsored Members and Segregated Indirect Participants whose activity poses a higher risk to FICC and helping to limit the exposure of FICC's non-defaulting members to mutualized losses, the Proposed Rule Change should help FICC assure the safeguarding of securities and funds which are in its custody or control, consistent with Section 17A(b)(3)(F) of the Act.[31]

B. Consistency With Rule 17Ad–22(e)(4)

Rule 17Ad–22(e)(4)(i) requires that FICC establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes.[32]

The Proposed Rule Change would modify the application of the ''higher of'' calculation methodology so that Sponsored Members and Segregated Indirect Participants that present a higher risk exposure to FICC have a higher margin assessment. This modification should help FICC calculate and collect sufficient margin that more accurately covers the risk exposure from activities that members submit to FICC on behalf of indirect participants. By enabling FICC to calculate and collect sufficient margin to manage and mitigate FICC's credit exposure to its members, the Proposed Rule Change is reasonably designed to enable FICC to effectively identify, measure, monitor, and manage its credit exposure to participants, consistent with Rule 17ad–22(e)(4).[33]

C. Consistency With Rule 17Ad–22(e)(6)(i)

Rule 17Ad–22(e)(6)(i) requires that, among other things, that FICC establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.[34]

By assessing higher margin on indirect participants with higher risk exposures to FICC, the modification to the application of the ''higher of'' calculation methodology would help ensure that margin levels are commensurate with the risk exposure presented by the activities of indirect participants submitted to FICC by Sponsoring Members and Agent Clearing Members. Therefore, the Proposed Rule Change should allow FICC to more accurately address the risks presented by members and indirect participants, thus producing margin levels commensurate with the risks and particular attributes of each as with each relevant product, portfolio, and market, and overall better cover FICC's credit exposures to its participants, consistent with the requirements of Rule 17ad–22(e)(6)(i).[35]

D. Consistency With Rule 17Ad–22(e)(19)

Rule 17Ad–22(e)(19) requires FICC to identify, monitor, and manage the material risks to FICC arising from arrangements in which firms that are indirect participants in FICC rely on the services provided by direct participants to access FICC's clearance and settlement facilities.[36]

As discussed in Part III, FICC is removing the activity limit currently applicable to Sponsoring Members, which restricts their activity when their Aggregate VaR Charges exceed their Netting Member Capital. However, FICC would continue to have additional tools available to monitor its Sponsoring Members' exposures to Sponsored Member activity. For example, FICC performs intraday monitoring and collects Intraday Supplemental Fund Deposits and/or Intraday Mark-to-Market Charges as appropriate on its indirect participant accounts and would be able to collect additional margin should a particular portfolio present that risk.[37] FICC would still be able to monitor its Sponsoring Members' Excess Capital Ratio, which compares (a) the amount of a Netting Member's VaR Charge, other than the VaR Charges calculated for such Netting Member's Segregated Indirect Participants Accounts, against (b) the amount of Netting Member Capital that the Netting Member maintains, and, if that ECR is greater than 1.0, FICC assesses the Excess Capital Premium.[38] FICC therefore would continue to have the ability to monitor and manage the potential exposures arising from Sponsored Member Activity.

In addition, FICC is modifying the application of the ''higher of'' calculation methodology which would also include Segregated Indirect Participants. In doing so, the Proposed Rule Change should enable FICC to more accurately address the risk that the activities of all types of indirect participants present to FICC. This change should further mitigate risk exposure from indirect participant transactions for both Sponsored Members and Segregated Indirect Participants by ensuring that the margin collected is sufficient to cover the risk from these indirect participant arrangements accessing FICC's services.

For these reasons, the Proposed Rule Change should continue to allow FICC to identify, monitor, and manage the material risks to FICC arising from the activities of Sponsored Members and Segregated Indirect Participants, consistent with the requirements of Rule 17ad–22(e)(19).[39]

V. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act, and in

[30] *Id.*

[31] *Id.*

[32] 17 CFR 240.17ad–22(e)(4).

[33] *Id.*

[34] 17 CFR 240.17ad–22(e)(6)(i).

[35] *Id.*

[36] 17 CFR 240.17ad–22(e)(19).

[37] *See, e.g.,* Margin Component Schedule, GSD Rules (Section 2(b) for Required Fund Deposit calculations and Section 3(b) for Segregated Indirect Customer Margin Requirements), *supra* note 3. *See also id.* (Section 2(c) identifying the inclusion of the Intraday Supplemental Fund Deposit for Sponsored GC CIL Omnibus Account Required Fund Deposits).

[38] *See id.* (Section 2(b) regarding Required Fund Deposit Calculations and Section 5 defining Excess Capital Ratio and Excess Capital Premium).

[39] *Id.*

particular, with the requirements of Section 17A of the Act[40] and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[41] that proposed rule change SR–FICC–2026–003, be, and hereby is, *approved.*[42]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[43]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–05562 Filed 3–20–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105044; File No. SR–NASDAQ–2026–018]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Designated Liquidity Provider and Market Quality Supporter Programs in Equity 7, Section 114

March 18, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 11, 2026, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's incentive program for Exchange-Traded Products (''ETPs'') in Equity 7, Section 114 by: (1) amending the market quality metrics (''Market Quality Metrics'' or ''MQMs'') in the Designated Liquidity Provider (as defined below) and Market Quality Supporter (as defined below) programs; (2) clarifying how the auction spread metrics in the Designated Liquidity Provider and Market Quality Supporter programs are measured today; and (3) modifying how the Exchange will treat new allocations and new launches of ETPs under the Designated Liquidity Provider and Market Quality Supporter programs.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's incentive program for ETPs in Equity 7, Section 114 by: (1) amending the Market Quality Metrics in the Designated Liquidity Provider[3] (''DLP'') and Market Quality Supporter[4] (''MQS'') programs; (2) clarifying how the auction spread metrics in the DLP and MQS programs are measured today; and (3) modifying how the Exchange will treat new allocations and new launches of ETPs under the DLP and MQS programs.

The Exchange initially filed the proposed pricing changes on March 2, 2026 (SR–NASDAQ–2026–011). On March 11, 2026, the Exchange withdrew that filing and submitted this filing.

Background

Today, pursuant to Equity 7, Sections 114(f) and 114(g), the Exchange maintains a DLP program and MQS program, each of which are designed to enhance liquidity and market quality in Nasdaq-listed ETPs by providing incentives to the DLP or MQS for an ETP that is designated as a Qualified Security.[5] The MQS program is designed to complement the DLP program by allowing up to three MQSs per Nasdaq-listed ETP to support market quality for Low Volume ETPs.[6] As set out in Equity 7, Section 114(f)(4) and Section 114(g)(4), the DLP and MQS programs use market quality performance standards (''Market Quality Metrics'' or ''MQMs'') based on the ETP's underlying investment strategy, which determine eligibility for DLP and MQS program incentives.[7] The MQMs for the DLP program as set out in Equity 7, Section 114(f)(4)(B) are as follows:

Market quality metrics	High volume ETPs	Investment strategy group A ETPs	Investment strategy group B ETPs	Investment strategy group C ETPs
Time at the NBBO with a minimum notional size of $5,000	40%	45%	45%	45%

[40] 15 U.S.C. 78q–1.

[41] 15 U.S.C. 78s(b)(2).

[42] In approving the Proposed Rule Change, the Commission considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[43] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A ''Designated Liquidity Provider'' is a registered Nasdaq market maker for a Qualified Security that has committed to maintain minimum performance standards. A DLP is selected by Nasdaq based on factors including, but not limited to, experience with making markets in exchange-traded products, adequacy of capital, willingness to promote Nasdaq as a marketplace, issuer preference, operational capacity, support personnel, and history of adherence to Nasdaq rules and securities laws. *See* Equity 7, Section 114(g)(2).

[4] A ''Market Quality Supporter'' has committed to maintain minimum performance standards in Low Volume ETPs as defined in Equity 7, Section 114(g)(4)(A). A MQS is selected by Nasdaq based on factors including, but not limited to, experience with making markets in exchange-traded products, adequacy of capital, willingness to promote Nasdaq as a marketplace, issuer preference, operational capacity, support personnel, and history of adherence to Nasdaq rules and securities laws.

[5] For purposes of the DLP and MQS programs, a security may be designated as a ''Qualified Security'' if: (A) it is an ETP listed on Nasdaq pursuant to Nasdaq Rules 5703, 5704, 5705, 5710, 5711, 5713, 5715, 5720, 5735, 5745, 5750 or 5760; and (B) it has one DLP (for the DLP program) and at least one MQS (for the MQS program). *See* Equity 7, Sections 114(f)(1) and (g)(1).

[6] For purposes of the MQS program, the term ''Low Volume'' ETPs means ETPs with a monthly ADV of 1 million shares or less in the prior month. *See* Equity 7, Section 114(g)(4)(A).

[7] *See* DLP and MQS Programs Factsheet, available at: *https://www.nasdaq.com/docs/ETF-DLP-Factsheet.*

Market quality metrics	High volume ETPs	Investment strategy group A ETPs	Investment strategy group B ETPs	Investment strategy group C ETPs
Average Notional Depth within 25 basis points of the NBBO	$75,000	$40,000	$30,000	$20,000
Average Spread in basis points	25	35	60	100
Auction Reference Price Difference (Opening) of first reference price within 30 seconds prior to the market open must be within basis points	150	150	150	150
Auction Reference Price Difference (Closing) of first reference price within 120 seconds prior to the market close must be within basis points	50	50	50	50
Auction Spread in basis points with $37,500 notional depth (Opening)	75	105	180	300
Auction Spread in basis points with $75,000 notional depth (Closing)	25	35	60	100

To be eligible for the DLP incentives, DLPs currently need to meet 5 of the 7 MQMs set forth above, including Auction Spread (both opening and closing), in the assigned ETP as measured by the Exchange. The above DLP Market Quality Metrics are measured on average in the assigned ETP during regular market hours, except for the Auction Reference Price Difference and Auction Spread metrics that are measured at and directly before each auction, respectively, against the metrics and averaged for the period.[8] A DLP that satisfies the MQMs above would be eligible to receive the rebates and stipends in Section 114(f)(5) in the relevant ETP that qualified. Further, Section 114(f)(5) currently provides that a DLP is automatically eligible to receive the relevant rebate or stipend in one of the following scenarios: (1) for the month of December 2025; or (2) for the current month of a new DLP allocation of a symbol. In addition, new launches automatically get the Tier 5 incentive for the current month today. Accordingly, in the foregoing scenarios, the Exchange waives the MQM requirements and automatically provides the DLP with the relevant tiered rebate or stipend in Section 114(f)(5), or in the case of new launches, the base incentive (*i.e.,* Tier 5).

As it relates to the MQS program, the MQMs are set out in Equity 7, Section 114(g)(4)(B) are as follows:

Market quality metrics	Investment strategy group A ETPs	Investment strategy group B ETPs	Investment strategy group C ETPs
Average Notional Depth within 75 basis points of the NBBO	$125,000	$75,000	$50,000
Average Spread in basis points	35	60	100
Auction Spread in basis points with $37,500 notional depth (Opening)	105	180	300
Auction Spread in basis points with $75,000 notional depth (Closing)	35	60	100

To be eligible for the MQS stipend, MQSs need to meet all of the MQMs set forth above in the assigned ETP as measured by the Exchange. The above MQS Market Quality Metrics are measured on average in the assigned ETP during regular market hours, except for the Auction Spread metric that is measured directly before each auction against the metrics and averaged for the period.[9] A MQS that satisfies the MQMs above would be eligible to receive the MQS stipend of $175 per month in the relevant ETP that qualified. Further, Section 114(g)(5) currently provides that a MQS is automatically eligible to receive the MQS stipend in one of the following scenarios: (1) for the month of December 2025; (2) for the current month of a new MQS allocation of a symbol; or (3) for the current month of a new launch. Accordingly, in the foregoing scenarios, the Exchange waives the MQM requirements and automatically provides the MQS with the $175 MQS stipend in Section 114(g)(5).

The Exchange now proposes a number of changes to the DLP program and MQS program.

Proposal 1: Amending the Market Quality Metrics in the DLP and MQS Programs

The Exchange proposes to amend the MQMs in the DLP and MQS programs to enhance the effectiveness of the program and better align the incentives with achievable and meaningful liquidity provision outcomes. Based on conversations with market participants and the Exchange's review of the program data, the Exchange has determined that requiring DLPs and MQSs to meet the Auction Spread (both opening and closing) metrics have in certain circumstances limited the ability of liquidity providers to qualify for program incentives under both the DLP and MQS programs, despite their strong performance across the other Market Quality Metrics. The Exchange therefore proposes to modify the qualification standards in the DLP and MQS programs as follows.

- Under the DLP program, a DLP would still be required to satisfy 5 of the 7 Market Quality Metrics in Equity 7, Section 114(f)(4)(B). However, the Exchange will no longer require that the Auction Spread (both opening and closing) metrics be part of the 5 MQMs that need to be satisfied by the DLP. Accordingly, the requirement that the DLP must meet the Auction Spread (both opening and closing) metrics will be eliminated from paragraph (f)(4)(B).
- Under the MQS program, a MQS will now be required to satisfy 2 of the

[8] In addition, if a DLP fails to meet the notional thresholds for the metrics of Time at the NBBO and Auction Spread (both opening and closing) on a given day, that day will be excluded from those average calculations, except that the DLP must meet such notional thresholds at least 50% of the days in a given month. *See* Equity 7, Section 114(f)(4)(B).

[9] In addition, if a MQS fails to meet the notional thresholds for the Auction Spread (both opening and closing) metrics on a given day, that day will be excluded from those average calculations, except that the MQS must meet such notional thresholds at least 50% of the days in a given month. *See* Equity 7, Section 114(g)(4)(B).

4 Market Quality Metrics in Equity 7, Section 114(g)(4)(B) instead of being required to meet all four.

The Exchange will also fix a typo by removing the extra ''the'' in the first sentence of Section 114(f)(4)(B).

The substance of the current Market Quality Metrics themselves, including all numerical thresholds, will remain unchanged. The proposed rule change only modifies the number of metrics that must be satisfied and eliminates the requirement that any specific metric be mandatory components of qualification.

Proposal 2: Clarifying How the Auction Spread Metrics in the DLP and MQS Programs Are Currently Measured

The Exchange proposes to clarify how Auction Spread (opening and closing) are calculated for purposes of determining eligibility under the DLP and MQS programs. The proposed change is intended to memorialize the current calculation in the rule text for clarity. Specifically, the Exchange will clarify in Section 114(f)(4)(B) (DLP program) and 114(g)(4)(B) (MQS program) that the Auction Spread (both opening and closing) metrics will be based on the Nasdaq Market Center best bid and best offer (''QBBO'') in the assigned ETP directly before each auction. A DLP or MQS will satisfy the Auction Spread metrics for a given auction if, directly before such auction, the DLP or MQS maintains the applicable minimum notional depth amount (*e.g.,* $37,500 for opening) within the applicable basis point range of the QBBO (*e.g.,* 105 basis points in the opening for Investment Strategy Group A ETPs) and a bid-ask spread not wider than the applicable basis point range, as set forth in the table in Section 114(f)(4)(B) (DLP program) or Section 114(g)(4)(B) (MQS program) for the relevant ETP category and auction. For example, for Investment Strategy Group A [10] ETPs in the opening auction, the Exchange would determine (directly before the opening auction) whether the DLP or MQS meets the $37,500 notional depth requirement within 105 basis points of the QBBO. In addition, the Exchange separately assesses whether the DLP's or MQS's bid-ask spread is within 105 basis points.

The Exchange believes that the proposed clarifications in Sections 114(f)(4)(B) and 114(g)(4)(B) will eliminate potential confusion and increase transparency about how the Exchange calculates the Auction Spread metrics today.

Proposal 3: Modifying How the Exchange Will Treat New Allocations and New Launches of ETPs Under the DLP and MQS Programs

The Exchange proposes to amend how it treats new allocations of ETPs under the DLP and MQS programs. As discussed above, the Exchange currently waives the MQM requirements and automatically provides the applicable rebate or stipend to the DLP and MQS in the above scenarios (*e.g.,* for the current month of a new DLP or MQS allocation of a symbol). The Exchange initially adopted this temporary relief back in December 2025 (along with the current iteration of the DLP and MQS MQMs).[11] At the time of adoption, the MQM requirements were evaluated on a forward-looking basis (*i.e.,* the Exchange looked at the quoting activity of the current month to determine whether the DLP or MQS qualified for that month). Thus the waiver was intended provide DLPs and MQSs with clear visibility into their incentive earnings at the time of the ETP's launch or allocation. As stated in SR–NASDAQ–2025–102, this approach is critical as ETPs may launch or be allocated to DLPs or MQSs at various points throughout the month, potentially complicating the DLP's or MQS's ability to meet the monthly performance criteria and making it unclear on what rebates/stipends the program participants may expect. Furthermore, this approach ensures they have sufficient runway to quote and maintain liquidity in newly allocated or newly launched ETPs, which are often initially more thinly traded and may initially present challenges in meeting liquidity standards. Ultimately, the Exchange intended for this temporary relief to encourage greater participation in the incentive programs and allow DLPs and MQSs to have adequate time to transition to the MQMs.[12]

Since then, the Exchange has amended its equity pricing schedule to implement the changes to Reg NMS Rule 610(d).[13] As a result of SR–NASDAQ–2026–007, the Exchange began looking at the DLP's and MQS's quoting activity in the prior month (instead of the current month) in order to determine whether the DLP and MQS met the relevant Market Quality Metrics, thereby reducing the efficacy of the intended temporary relief.

Accordingly, the Exchange proposes to amend the DLP and MQS programs in a number of ways. First, the Exchange proposes in Section 114(f)(5) to provide that the DLP will automatically be eligible to receive the relevant rebate or stipend for the current month **and the immediately following month** of a new DLP allocation of a symbol. New launches will automatically get the Tier 5 incentive for the current month **and the immediately following month** (new rule text is bolded). Second, the Exchange proposes in Section 114(g)(5) to provide that the MQS will automatically be eligible to receive the MQS stipend in one of the following scenarios: (1) for the current month **and immediately following month** of a new MQS allocation; or (2) for the current month **and the immediately following month** of a new launch (new rule text is bolded).

The Exchange also proposes to remove the references to the month of December 2025 in Sections 114(f)(5) and (g)(5) as obsolete rule text. The Exchange further proposes to delete the beginning phrase ''For the current month of a new MQS allocation of a symbol,'' from the last sentence of Section 114(g)(5), as it is duplicative of the same phrase later in that sentence. Lastly, the Exchange proposes to fix a typo in the same sentence.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[15] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed changes to its schedule of credits are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market

[10] Investment Strategy Group A includes government fixed income, North American or USD denominated developed market fixed income, developed market equities, and currencies. *See* DLP and MQS Programs Factsheet, available at: *https://www.nasdaq.com/docs/ETF-DLP-Factsheet.*

[11] *See* Securities Exchange Act Release No. 104444 (December 18, 2025), 90 FR 60168 (December 23, 2025) (SR–NASDAQ–2025–102).

[12] *See supra* note 11.

[13] *See* Securities Exchange Act Release No. 104785 (February 9, 2026), 91 FR 6693 (February 12, 2026) (SR–NASDAQ–2026–007).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4) and (5).

system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [16]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [17]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

Proposal 1

The Exchange believes that the proposed changes to the Market Quality Metrics are reasonable because they recalibrate, but do not eliminate, the performance standards applicable to DLPs and MQMs to qualify for the relevant incentives. DLPs must continue to meet the vast majority of the MQMs (5 out of 7) in order to receive the relevant incentives. However, the Exchange will no longer require that the Auction Spread (both opening and closing) metrics be mandatory components of what needs to be included as part of the five metrics. All numerical thresholds in the DLP MQMs will remain unchanged. MQSs will no longer be required to meet all of the MQMs but they would still need to meet a meaningful amount (at least 2 out of 4) in order to receive the MQS stipend. The Exchange believes this adjustment is reasonable because it aligns the qualification standards with achievable and meaningful liquidity provision outcomes, while still requiring meaningful market quality performance in order to receive the MQS stipend. All numerical thresholds in the MQS MQMs will remain unchanged. As discussed above, the Exchange is proposing these changes to the DLP and MQS programs upon review of the program data and feedback from market participants. The proposal therefore refines the MQM structure in the manner discussed above to enhance the effectiveness of the DLP and MQS programs, and better align the incentives with achievable and meaningful liquidity provision outcomes.

The Exchange further believes that the proposed modifications to the DLP and MQS Market Quality Metrics are equitable and not unfairly discriminatory because the changes will apply uniformly to all DLPs and MQSs. The Exchange believes the proposal will fortify participation in the DLP and MQS programs while continuing to encourage meaningful liquidity that benefits all market participants.

Proposal 2

As discussed above, the Exchange proposes to clarify how the Auction Spread (both opening and closing) metrics are calculated today, including that the metrics are based on the QBBO directly before each auction and that the metrics require maintaining the applicable notional depth within the specified basis point range and a bid-ask spread not wider than that range. The Exchange believes this clarification is reasonable because it memorializes in the rule text the current methodology for calculating the metrics. Providing additional specificity in the rule text will enhance transparency and reduce potential confusion for market participants. Clear articulation of the methodology will also promote predictability and allow DLPs and MQSs to better understand how their performance is evaluated.

The Exchange believes that the proposed changes to clarify how it currently calculates the Auction Spread (both opening and closing) metrics are equitable and not unfairly discriminatory because the changes will apply uniformly to all DLPs and MQSs.

Proposal 3

As discussed above, the Exchange proposes to modify how it treats new DLP and MQS allocations and new launches by waiving the MQM requirements and automatically providing the relevant DLP or MQS incentive during the current month and the immediately following month of a new allocation or launch. The Exchange believes that the proposed changes are reasonable because it better aligns with the intended effect of this temporary relief, as originally adopted.[18] As discussed above, the Exchange now evaluates MQMs based on the prior month's quoting activity (versus the current month) as a result of SR–NASDAQ–2026–007.[19] This has reduced the efficacy of the temporary relief, as originally adopted. Automatically providing the relevant incentive for the current month and the immediately following month would help ensure that DLPs and MQSs have clear visibility into their incentive earnings at the time of the ETP's launch or allocation, as ETPs may launch or be allocated to DLPs or MQSs at various points throughout the month. Furthermore, the Exchange believes that the proposed change will provide DLPs and MQSs adequate time to quote and maintain liquidity in newly allocated or newly launched ETPs, which are often initially more thinly traded and may initially present challenges in meeting liquidity standards. The proposal is therefore intended to support the development of liquidity in new and transitioning products, which benefits all market participants, including issuers and investors.

The Exchange further believes that the proposed changes to waive the MQM requirements and automatically provide the DLP and MQS with the relevant incentive in the current and immediately following months of a new allocation or new launch are equitable and not unfairly discriminatory because the proposed changes will apply to all DLPs and MQSs. Any Member that becomes a DLP or MQS for a newly allocated or launched ETP will receive uniform treatment under this proposal. Furthermore, the proposed relief is temporary and limited in duration. After the specified two-month period, the DLP or MQS must meet their MQMs in order to qualify for the relevant incentives. By facilitating liquidity provision in newly allocated or newly launched ETPs, the proposal is intended to promote tighter spreads and deeper

[16] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[17] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[18] *See supra* note 11.

[19] *See supra* note 13.

markets during the initial stages of trading in these products. The Exchange further believes the proposal will fortify participation in the DLP and MQS programs while continuing to encourage meaningful liquidity that benefits all market participants.

Lastly, the Exchange believes that the proposed changes in Equity 7, Sections 114(f)(5) and (g)(5) to remove references to the month of December 2025 and correct minor drafting issues therein are reasonable, equitable, and not unfairly discriminatory. These are non-substantive clean-up changes that are intended to enhance rule clarity and transparency.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange does not believe that the proposed changes discussed above will impose an undue burden on intra-market competition because the changes will apply uniformly to all similarly situated market participants. To the extent the proposed changes result in greater participation in the DLP and MQS programs, the Exchange believes that the resulting improvement in market quality in Nasdaq-listed ETPs would benefit all market participants through additional trading opportunities, tighter spreads, and enhanced price discovery. Furthermore, the Exchange does not believe that the proposed changes to waive the MQM requirements and automatically provide the relevant DLP or MQS incentive during the current month and the immediately following month of a new allocation or new launch impose an undue burden on intra-market competition because the waiver will apply to all DLPs and MQSs. As discussed above, this approach ensures they have sufficient runway to quote and maintain liquidity in newly allocated or newly launched ETPs, which are often initially more thinly traded and may initially present challenges in meeting liquidity standards. The proposal is therefore intended to support the development of liquidity in new and transitioning products, which benefits all market participants, including issuers and investors.

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NASDAQ–2026–018 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NASDAQ–2026–018. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2026–018 and should be submitted on or before April 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Vanessa A. Countryman,

Secretary.

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BILLING CODE 8011–01–P

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0196]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 17a–22

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is soliciting comments on the proposed collection of information. Rule 17a–22 requires all registered clearing agencies to prominently post on their internet websites all supplementary materials they issue or make generally available to

their participants or other entities with whom they have a significant relationship. The supplementary materials must be posted within two days after they are issued or made generally available. When the Commission is not the clearing agency's appropriate regulatory agency, the clearing agency must file one copy of the material with its appropriate regulatory agency.

The Commission is responsible for overseeing clearing agencies and uses the information posted pursuant to Rule 17a–22 to determine whether a clearing agency is implementing procedural or policy changes. The information aides the Commission in determining whether such changes are consistent with the purposes of Section 17A of the Exchange Act. Also, the Commission uses the information to determine whether a clearing agency has changed its rules without reporting the actual or prospective change to the Commission as required under Section 19(b) of the Exchange Act.

The respondents to Rule 17a–22 are registered clearing agencies. The frequency of postings made by clearing agencies pursuant to Rule 17a–22 varies but on average there are approximately 120 postings per year per active clearing agency. There are nine clearing agencies, but only seven active registered clearing agencies that are expected to make postings pursuant to Rule 17a–22. The Commission staff estimates that each response requires approximately .25 hours (fifteen minutes), which represents the time it takes for a staff person at the clearing agency to properly identify a document subject to the rule and post the material prominently on the clearing agency's internet website. Thus, the total annual burden for all active clearing agencies is approximately 210 hours (7 clearing agencies multiplied by 120 filings per clearing agency multiplied by .25 hours).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by May 22, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: March 18, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–05553 Filed 3–20–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105043; File No. SR–NYSEARCA–2026–29]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rules 2.4, 2.6, and 6.44–O To Eliminate Certain Outdated Publication Obligations

March 18, 2026.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 12, 2026, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rules 2.4, 2.6, and 6.44–O to eliminate certain of the Exchange's publication obligations as outdated and unnecessary. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rules 2.4 (Application Procedures), 2.6 (Publication of Approved OTP Applications), and 6.44–O (Registration of Floor Brokers) to eliminate certain of the Exchange's publication obligations as outdated and unnecessary.

Rule 2.4 describes the procedures for applying to obtain an Options Trading Permit (''OTP'') on the Exchange.[4] Rule 2.4(b) provides that, following receipt of an OTP application, the Exchange will post the applicant's name for a period of three business days. The rule further provides that applicants seeking to shorten or waive this period must submit a written statement describing the basis for their request and that the Exchange may shorten or waive the posting period if it determines that extenuating circumstances so warrant. The Exchange proposes to delete the posting requirement set forth in Rule 2.4(b) (and designate the Rule as ''Reserved'') because the Exchange no longer accepts comments from OTP Holders or OTP Firms in connection with the OTP application process; instead, the Exchange's decisions regarding such applications are based on objective criteria set forth in its rules.[5] Accordingly, the Exchange believes posting the names of not-yet-approved OTP applicants is no longer necessary or relevant and proposes to delete this requirement to eliminate an

[4] The term ''OTP'' refers to an Options Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange's Trading Facilities. *See* Rule 1.1 (Definitions).

[5] *See, e.g.,* Rules 2.2 (Qualifications and Application of Individual OTP Applicants) and 2.3 (Qualifications of Firm Applicants).

unnecessary burden on Exchange resources.[6]

Rule 2.6 provides that, for each OTP that is issued, the Exchange will promptly distribute a notice to all OTP Holders and OTP Firms by publishing the name of each new OTP Holder or OTP Firm in the Exchange's Weekly Bulletin. The Exchange currently maintains on its website an up-to-date online directory listing the name and contact information of each OTP Holder or OTP Firm (the ''Membership Directory'').[7] The Exchange believes that the Membership Directory, which is publicly available, has rendered the requirement to separately publish the names of newly approved OTP Holders and OTP Firms redundant and inefficient. The Exchange therefore proposes to delete Rule 2.6, and to designate it as ''Reserved,'' because its requirements are unnecessary and unduly burdensome on the Exchange. In addition, with the proposed elimination of the publication requirement and given that the Exchange posts information relevant to market participants on its publicly available website, the Exchange also proposes to discontinue publication of the Weekly Bulletin and use of a physical bulletin board on the Trading Floor.[8]

Rule 6.44–O(a) requires that an applicant for registration as a Floor Broker must file an application in writing with the Exchange on such form or forms as the Exchange may prescribe and must pass a Floor Broker examination prescribed by the Exchange. The rule further provides that, before a registration becomes effective, the Exchange will post the name of the applicant on the bulletin board on the Floor of the Exchange for three business days. The Exchange proposes to delete the posting requirement as set forth in Rule 6.44–O(a) because the Exchange no longer accepts comments in connection with Floor Broker applications; instead, the Exchange's decisions regarding such applications are based solely upon objective criteria set forth in its rules.[9] Accordingly, the Exchange believes the posting of the names of not-yet-approved Floor Broker applicants is no longer necessary or relevant.[10] The Exchange therefore proposes to delete the portion of Rule 6.44–O(a) noted above, for the same reasons as noted for the proposed deletion of Rule 2.4(b). The Exchange further notes that, as with OTP Holders and OTP Firms, the Exchange currently maintains an up-to-date list of Floor Brokers in the Membership Directory on its website, which includes the names of each Floor Broker firm and contact information.[11]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act'',[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed rule change would remove impediments to, and perfect the mechanism of, a free and open market and a national market system because it eliminates publication and posting requirements that are outdated, unduly burdensome, and redundant of information publicly available on the Exchange's website. With respect to the posting requirements for OTP and Floor Broker applicants, as set forth in Rules 2.4(b) and 6.44–O, respectively, the Exchange believes that the original rationale for posting such information—to put market participants on notice of certain applications and provide them an opportunity to submit comments to the Exchange regarding such applications—is no longer relevant, given that the Exchange no longer accepts such comments. Instead, as noted above, the Exchange evaluates OTP Holder, OTP Firm, and Floor Broker applications based on objective criteria set forth in Exchange rules. The Exchange thus believes that eliminating these requirements would streamline Exchange rules, while promoting clarity and transparency as to the Exchange's practices with respect to evaluating such applications. The Exchange also believes that the elimination of the requirement, as set forth in Rule 2.6, to publish new OTP Holders and OTP Firms in the Exchange's Weekly Bulletin is similarly unnecessary given that the Exchange maintains an up-to-date Membership Directory on its website, which makes publicly available to market participants the names of approved OTP Holders and OTP Firms. Thus, the Exchange believes the proposed change would likewise streamline Exchange rules by removing unnecessary and outdated requirements. Finally, the Exchange believes that the proposed change to discontinue publication of the Weekly Bulletin and use of a physical bulletin board on the Trading Floor would similarly remove impediments to, and perfect the mechanism of, a free and open market and a national market system because it would reduce an administrative burden on the Exchange without impacting the continued availability of relevant information to market participants regarding OTP Holders, OTP Firms, and Floor Broker firms via the Exchange's website.

[6] The Exchange previously eliminated a similar requirement to post the names of new ETP Holder applicants in the Weekly Bulletin for 10 days and reduced the posting requirement with respect to OTP Holder applicants from 10 days to three days. *See* Securities Exchange Act Release Nos. 48532 (September 24, 2003), 68 FR 56369 (September 30, 2003) (SR–PCX–2003–43) (removing 10-day posting requirement for new ETP Holder applicants); 48533 (September 24, 2003), 68 FR 56367 (September 30, 2003) (SR–PCX–2003–44) (establishing three-day posting requirement for OTP Holder applicants). The Exchange no longer believes it necessary to maintain a distinction between ETP and OTP applicants in this regard. The Exchange further notes that Cboe Exchange, Inc. (''Cboe Options'') similarly no longer requires the publication of Trading Permit Holder (''TPH'') applicants in its weekly bulletin or the posting of such applicants on its bulletin board. *See* Securities Exchange Act Release No. 71436 (January 29, 2014), 79 FR 6662 (February 4, 2014) (SR–CBOE–2014–009). The Exchange's affiliate, NYSE American LLC (''NYSE American''), also previously filed to delete references to a weekly bulletin in its rules where the information that would have been reflected therein would be available on NYSE American's website. *See* Securities Exchange Act Release No. 56947 (December 12, 2007), 72 FR 72419 (December 20, 2007) (SR–Amex–2007–134).

[7] *See* Membership Directory, available at: *https://www.nyse.com/markets/arca-options/membership.*

[8] As noted above, both Cboe Options and NYSE American have similarly eliminated requirements to publish or post information in a weekly bulletin and/or on a physical bulletin board, based on the availability of such information via the exchange's website. *See* note 6, *supra.*

[9] Per Rule 6.44–O(a), in addition to submitting a written application with the Exchange on such form or forms as the Exchange may prescribe, prospective Floor Brokers must pass a Floor Broker examination prescribed by the Exchange, which objective standard must be met for registration approval.

[10] The Exchange notes that it has consulted the Floor Broker registration rules of other options exchanges that have a physical trading floor and determined that none include a similar posting requirement. *See, e.g.,* Nasdaq Phlx LLC, Options 8, Section 6 (Registration of Floor Brokers); Cboe Options Rule 3.50(b) (Floor Brokers, Registration); BOX Exchange LLC Rule 7550 (Registration of Floor Brokers); MIAX Sapphire Options Exchange Rule 2020 (Registration of Floor Brokers).

[11] *See* note 7, *supra.*

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will not impose an undue burden on intramarket competition because the changes will impact all similarly situated market participants equally. The Exchange believes that the proposed rule change will not impose an undue burden on intermarket competition because it is intended to streamline Exchange rules by removing unnecessary and outdated requirements that other exchanges have similarly eliminated or otherwise do not have in their rules.[14]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [15] and Rule 19b–4(f)(6) thereunder.[16] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) [18] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [19] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[20] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the operative delay is consistent with the protection of investors and the public interest because it would allow the Exchange to remove outdated, overly burdensome obligations without delay, which it believes will result in a more streamlined rule set to the benefit of market participants. According to the Exchange, other exchanges have similarly eliminated or do not have similar requirements and the Exchange believes these posting and publication requirements are no longer relevant or necessary based on the Exchange's current processes for evaluating OTP and Floor Broker applications. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal does not raise any novel regulatory issues and will allow the Exchange to streamline its rules by removing outdated and redundant processes. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change to be operative upon filing.[21]

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 proceduings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEARCA–2026–29 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEARCA–2026–29. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2026–29 and should be submitted on or before April 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–05559 Filed 3–20–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105047; File No. SR–NASDAQ–2025–072]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Approving a Proposed Rule Change, as Modified by Amendment No. 2, To Amend the Exchange's Rules To Enable the Trading of Securities on the Exchange in Tokenized Form

March 18, 2026.

I. Introduction

On September 8, 2025, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission

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[14] *See* notes 6 & 10, *supra.*

[15] 15 U.S.C. 78s(b)(3)(A)(iii).

[16] 17 CFR 240.19b–4(f)(6).

[17] 15 U.S.C. 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange 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 lease 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.

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] For the purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competion, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 17 CFR 200.30–3(a)(12).

(''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the Exchange's rules to enable the trading of securities on the Exchange in tokenized form. The proposed rule change was published for comment in the **Federal Register** on September 22, 2025.[3] On November 3, 2025, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On December 12, 2025, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act,[6] to determine whether to approve or disapprove the proposed rule change.[7] On December 29, 2025, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety. On January 20, 2026, the Exchange filed Amendment No. 2 to the proposed rule change, which replaced and superseded the original filing, as modified by Amendment No. 1, in its entirety. The proposed rule change, as modified by Amendment No. 2, was published for comment in the **Federal Register** on January 30, 2026.[8] This order approves the proposed rule change, as modified by Amendment No. 2.

II. Description of the Proposal, as Modified by Amendment No. 2[9]

The Exchange proposes amending its rules to enable the trading of securities on the Exchange in tokenized form during the pendency of a tokenization pilot program (''DTC Pilot'') operated by the Depository Trust Company (''DTC'') pursuant to the terms of a December 11, 2025 No-Action Letter.[10] Nasdaq market participants that are eligible to participate in the DTC Pilot (''DTC Eligible Participants'') would be able to trade tokenized versions of certain equity securities and exchange traded products on the Exchange that are eligible for tokenization as part of the DTC Pilot (''DTC Eligible Securities'').[11] According to Nasdaq, while they are actively assessing multiple methods of tokenization and trading of tokenized securities,[12] the proposed rule change describes and applies to one method by which DTC Eligible Securities can trade on Nasdaq, using DTC to clear and settle trades in token form, per order handling instructions that DTC Eligible Participants may select upon entering their orders for DTC Eligible Securities on Nasdaq.[13]

First, Nasdaq proposes to amend its definition of a security in Equity 1, Section 1, to mean, in part, a ''security'' as that term is defined in Section 3(a)(10) of the Act that is either listed on the Exchange or traded on the Exchange pursuant to unlisted trading privileges.[14] Further, under the proposed rule, a security may be traded in the Nasdaq Market Center in either traditional form (*i.e.,* digital representation of ownership and rights, but without utilizing blockchain technology) or, for the duration and under the terms of the DTC Pilot, in tokenized form (*i.e.,* digital representation of ownership and rights that utilizes blockchain technology).[15] Under the proposed rule, a share of a tokenized DTC Eligible Security would be tradable in the Nasdaq Market Center together with, on the same order book as, and with the same execution priority as, its traditional counterpart, but only if the tokenized security is fungible with, shares the same CUSIP number with and trading symbol, and affords its shareholders the same rights and privileges as does a share of an equivalent class of the traditional security.[16] According to the Exchange, DTC Eligible Securities that would be eligible to trade on the Exchange would be limited to, for purposes of this proposal, (i) securities in the Russell 1000 Index at the time the service launches as well as any additions to the index thereafter and notwithstanding the subsequent removal of any securities from the index; and (ii) ETFs that track major indices, such as the S&P 500 index and Nasdaq-100 index.[17] Nasdaq would publish Equity Trader Alerts periodically to identify a current list of DTC Eligible Securities that may trade in tokenized form on the Exchange.[18]

Second, the Exchange proposes to amend its Order Entry Rule, at Equity 4, Rule 4756, to describe how a DTC Eligible Participant can communicate its desire to clear and settle a DTC Eligible Security in tokenized form.[19] Under the proposed rule, a DTC Eligible Participant that wishes for its order in a DTC Eligible Security to clear and settle in tokenized form must notate its preference upon entry of the order in the System by selecting a flag that the Exchange designates for this purpose, in accordance with the Exchange's procedures.[20] When a DTC Eligible Participant enters an order for a DTC Eligible Security with the tokenization flag selected, the Exchange, as an agent or designee of such DTC Eligible Participant, would communicate the DTC Eligible Participant's tokenization preference to DTC on a post-trade basis.[21] The flag would indicate the DTC Eligible Participant's preference as to what form the security should take (*i.e.,* token or traditional) and it also may include other information or instructions that DTC may require the DTC Eligible Participant to enter, in accordance with DTC's rules, policies, and procedures, and the terms of the No-Action Letter, to effectuate the flag, such as the DTC Eligible Participant's selection of a blockchain and a digital wallet address for a tokenized DTC Eligible Security.[22] DTC would then carry out the DTC Eligible Participant's tokenization preference as set forth in the flag, as well as any instructions attendant thereto to the extent that the flag or instruction is executable in accordance with DTC's rules, policies,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 103989 (Sept. 16, 2025), 90 FR 45426. Comments received on the proposed rule change are available at: *https://www.sec.gov/comments/sr-nasdaq-2025-072/srnasdaq2025072.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 104173, 90 FR 51424 (Nov. 17, 2025). The Commission designated December 21, 2025, as the date by which the Commission shall approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 104384, 90 FR 58646 (Dec. 17, 2025).

[8] *See* Securities Exchange Act Release No. 104693 (Jan. 27, 2026), 91 FR 4138 (''Amendment No. 2''). Capitalized terms not defined in this order are defined in the Exchange's rules.

[9] For a more complete description of the proposal *see* Amendment No. 2 *supra* note 8.

[10] *See id.* at 4138; *see also* No-Action Letter Request Related to The Depository Trust Company's Development of the DTCC Tokenization Services from Jeffrey S. Mooney, Associate Director, Division of Trading and Markets, to Brian Steele, Managing Director, President, Clearing & Securities Services, DTCC, and Nadine Chakar, Managing Director, Global Head of DTCC Digital Assets, DTCC, dated December 11, 2025, including incoming letter from DTCC on behalf of DTC (''No-Action Letter'') at *https://www.sec.gov/files/tm/no-action/dtc-nal-121125.pdf.*

[11] *See* Amendment No. 2 *supra* note 8 at 4140.

[12] *See id.* at 4140 n.10.

[13] *See id.* at 4140.

[14] *See* Proposed Equity 1, Section 1(a)(2).

[15] *See id.*

[16] *See id.* and Amendment No. 2 *supra* note 8 at 4141–42.

[17] *See* Amendment No. 2 *supra* note 8 at 4143.

[18] *See* Proposed Rule Section 1(a)(2).

[19] *See* Proposed Rule 4756(a)(5) and Amendment No. 2 *supra* note 8 at 4142.

[20] *See id.*

[21] *See id.*

[22] *See id.* The Exchange would issue an Equity Trader Alert prior to requiring a DTC Eligible Participant to enter any such information or instructions to the flag, other than its tokenization preference. *See id.*

and procedures, and the terms of the No Action Letter.[23]

As proposed, Nasdaq's systems would not determine whether a market participant is a DTC Eligible Participant or whether a security is a DTC Eligible Security at the time of order entry and selection of the tokenization flag.[24] Nasdaq also would not determine whether DTC is able to execute a tokenization order for other reasons, including because the DTC Eligible Participant wishes to mint the token to a blockchain that is not compatible with the DTC Pilot or deposit it into a wallet that is not registered with DTC.[25] Thus, if at the time of order entry, a market participant is not a DTC Eligible Participant, the security selected for tokenization is not a DTC Eligible Security, or there are other reasons why DTC cannot execute a tokenization preference or instruction, DTC would settle the executed order in traditional (non-tokenized) form, in accordance with DTC's rules, policies, and procedures.[26]

Third, Nasdaq proposes to amend its Book Processing Rule, at Equity 4, Rule 4757, to state that the mere fact that an order contains tokenized securities or indicates a preference to clear and settle DTC Eligible Securities in token form would not affect the priority in which the Exchange executes that order.[27]

Fourth and finally, the Exchange proposes to amend its Order Routing Rule, at Equity 4, Rule 4758, to state that when the Exchange routes orders in DTC Eligible Securities that DTC Eligible Participants have designated for clearing and settlement in token form, in accordance with the Exchange's order entry rules and procedures, the Exchange would communicate this tokenization instruction to DTC upon receiving an execution for an order that was routed to another trading venue.[28]

Nasdaq states that apart from the above, as far as Nasdaq's systems and matching engine are concerned, the Exchange's trading procedures and behavior would be the same regardless of whether a DTC Eligible Participant opts to trade tokenized or traditional shares of a DTC Eligible Security.[29] For example, according to Nasdaq, the following aspects of its trading system and procedures would not change when trading tokenized securities:

- All Exchange order types and attributes would be available for use by tokenized securities.
- All Exchange routing strategies would be available for orders in tokenized securities.
- Orders in tokenized securities may participate in all of the Exchange's trading sessions as well as in its Opening and Closing Crosses, subject to generally applicable eligibility criteria.
- Participants may utilize their existing connectivity to enter orders in tokenized securities.
- The Exchange's fee schedule would not vary based upon whether shares that Participants execute are tokenized or traditional in nature.
- Market data feeds would not differentiate between tokenized and traditional shares.
- The Exchange would comply with any Commission requirements to report tokenization data to the Consolidated Audit Trail.
- Market surveillance of tokenized and traditional securities would rely upon the same underlying data, which would continue to be accessible by Nasdaq and FINRA.
- Trades in tokenized securities handled by DTC would continue to settle on a T+1 basis.
- Nasdaq's clearly erroneous and risk management measures would cover tokenized securities.
- Trading of tokenized securities would not be expected to alter the existing proxy distribution process.[30]

According to Nasdaq, its proposal would become effective once the requisite infrastructure and post-trade settlement services have been established by DTC.[31] Further, Nasdaq would alert its Members in an Equity Trader Alert at least 30 calendar days before the Exchange begins trading DTC Eligible Securities in tokenized form on its market.[32]

III. Discussion and Commission Findings

The Commission finds that the Exchange's proposal, as modified by Amendment No. 2, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[33] In particular, the Commission finds the proposed rule change, as modified by Amendment No. 2, is consistent with Section 6(b)(5) of the Act.[34] Section 6(b)(5) of the Act requires that the rules of a national securities exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Commission received comment letters on Nasdaq's proposed rule change, all of which were submitted prior to the filing of Amendment No. 2 and most of which were submitted prior to the No-Action Letter.[35] While some commenters commended Nasdaq on its proposal to accommodate and incorporate tokenization and generally agreed that tokenized securities should trade within the existing regulatory framework,[36] some of these commenters discussed the lack of information available regarding the DTC proposed process for settling tokenized securities.[37] Commenters also raised

[23] *See id.*

[24] *See id.*

[25] *See id.*

[26] *See id.*

[27] *See id.*

[28] *See* Proposed Rule 4758(a)(1)(A) and Amendment No. 2 *supra* note 8 at 4142.

[29] *See* Amendment No. 2 *supra* note 8 at 4142.

[30] *See id.* at 4142–43. According to DTC, a DTC Eligible Participant may need to issue a de-tokenization instruction or DTC may need to force convert the tokenization entitlement into a book-entry entitlement in order to receive a distribution or replacement security or to issue instructions in relation to the corporate action. In such situations, DTC would, to the extent feasible, provide the relevant participants with advance notice of the need to provide such instruction or DTC's need to take such action. *See* No Action Letter *supra* note 10, attached incoming request at 10–11; *see also* Amendment No. 2 *supra* note 8 at 4143 n.23.

[31] *See* Amendment No. 2 *supra* note 8 at 4143.

[32] *See id.*

[33] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[34] 15 U.S.C. 78f(b)(5).

[35] *See* letters from Brent Taylor, dated September 13, 2025 (''Taylor Letter''); Benjamin L. Schiffrin, Director of Securities Policy, Better Markets, Inc., dated October 14, 2025 (''Better Markets Letter''); Katie Kolchin, CFA, Managing Director, Head of Equity & Options Market Structure, and Gerald O'Hara, Vice President & Assistant General Counsel, SIFMA, dated October 14, 2025 (''SIFMA Letter''); Morrison C. Warren, James Audette, Elizabeth S. Boison, Christian Brockman, Chapman and Cutler LLP on behalf of The Digital Chamber, dated October 14, 2025 (''TDC Letter''); Peter Curley, Head of Global Regulatory Affairs, Ondo Finance Inc., dated October 14, 2025 (''Ondo Letter 1''); Patrick Sexton, EVP, General Counsel, and Corporate Secretary, Cboe Global Markets, Inc., dated November 26, 2025 (''Cboe Letter''); and Peter Curley, Head of Global Regulatory Affairs, Ondo Finance Inc., dated December 15, 2025 (''Ondo Letter 2''). In Ondo Letter 2, Ondo withdrew its original objection to Nasdaq's proposal in Ondo Letter 1 in light of the information contained in the No-Action Letter. *See* Ondo Letter 2.

[36] *See* Cboe Letter at 1 and SIFMA Letter at 1–3; *see also* Taylor Letter (recommending, in part, the Commission consider a pilot tokenization sandbox with Nasdaq as an initial pilot).

[37] *See* Cboe Letter at 1 (stating there is more to learn on the mechanics of the post-trade tokenization process envisioned by DTC), SIFMA Letter at 3 (stating that SIFMA looks forward to reviewing more details about the technical and operational aspects of the proposal when information regarding the DTC process is available), and TDC Letter at 2 and 6 (stating the lack of details regarding DTC's requisite infrastructure and post-

competitive concerns and questioned how the Commission would ensure that the regulatory framework remains technologically neutral and does not inadvertently pick winners and losers,[38] and raised concerns regarding issuer choice.[39] Other commenters made recommendations outside the scope of the Nasdaq proposal.[40] Finally, one commenter objected to Nasdaq's proposal as being unnecessary.[41] This commenter raised general concerns regarding tokenizing securities such as some provisions of securities laws being potentially inapplicable, the risk of prices diverging from the price of the traditional security, market surveillance concerns, and tokenized securities potentially not offering holders the same rights as shareholders in the underlying company.[42] The commenter agreed that ''Nasdaq's proposal is better than having tokenized securities that do not offer the same rights and privileges as traditional securities trade on unregulated crypto exchanges,'' but questioned why having tokenized securities trading on Nasdaq was ''necessary at all.'' [43]

As described above, some commenters expressed concerns regarding the lack of detail as to how the DTC proposed process would affect tokenization in Nasdaq's original filing before the issuance of the No-Action Letter.[44] However, the incoming letter from DTCC on behalf of DTC provides sufficient detail to address these concerns. Moreover, Nasdaq, in Amendment No. 2, provided more detail than the original filing regarding the tokenization process by, in part, (i) clarifying the information required from DTC Eligible Participants for DTC to effectuate a tokenization request,[45] (ii) tailoring its proposal to the DTC Pilot by clarifying that only DTC Eligible Participants can request to tokenize DTC Eligible Securities,[46] and (iii) providing more detail regarding tokenization and post-trade processing.[47] Accordingly, one commenter, who had previously raised concerns about the lack of public information regarding the DTC initiatives, concluded that ''there is now sufficient information in the public domain to allow interested parties to comment intelligently on the Proposal and for the Commission to determine whether the proposed rule change by Nasdaq is consistent with the requirements of'' the Act in light of the information contained in DTCC's incoming letter.[48] This commenter withdrew its original objection to Nasdaq's proposal.[49]

Further, while commenters expressed views regarding the Commission's approach to securities tokenization, this order is limited to the Nasdaq proposal, which would allow securities to clear and settle in tokenized form pursuant to the DTC Pilot.[50] Nasdaq, in its response to commenters made clear ''that its tokenization proposal is not exclusive but rather is one of multiple forms that currently exist or may come to exist.'' [51] Further, Nasdaq has stated that other forms of tokenization and clearance and settlement are under discussion.[52] However, to the extent that Nasdaq plans to adopt any alternative to the DTC Pilot, it would file a proposed rule change with the Commission.[53]

While comments were expressed regarding the risks of tokenization, such as prices diverging between tokenized and traditional securities, holders of tokenized securities not receiving the same rights as shareholders in the underlying company, provisions of securities laws being potentially inapplicable, and market surveillance concerns,[54] these concerns have been addressed. Pursuant to the Nasdaq proposal, a tokenized share of a DTC Eligible Security must be fungible with, share the same CUSIP number and trading symbol with, and afford its shareholders the same rights and privileges as a share of an equivalent class of the traditional security for it to trade on Nasdaq.[55] Further, Nasdaq has represented that it would trade DTC Eligible Securities ''within the confines of existing securities laws and rules'' [56] and that its trading system and procedures, except as described above, would be the same regardless of whether a security is tokenized.[57] A tokenized share of a DTC Eligible Security and its traditional counterpart would trade on the same order book and with the same execution priority.[58] Moreover, market data feeds would not differentiate between tokenized and traditional shares and market surveillance of tokenized and traditional securities would rely upon the same underlying data, which would continue to be accessible by Nasdaq and FINRA.[59]

Based on the foregoing, the Commission therefore finds that the proposal, as modified by Amendment No. 2, is consistent with the Act and the requirements that the rules of an exchange be designed, among other

trade settlement services makes it difficult for stakeholders and regulators to fully assess the Nasdaq proposal's impact on market structure, competition, and innovation).

[38] *See* TDC Letter at 1–3.

[39] *See id.* at 3 (stating that ''issuer choice should be a central consideration that is thoughtfully and thoroughly examined before any final rules can be considered''); Taylor Letter (stating that tokenization experiments that proceed without issuer coordination risk fragmenting liquidity); and *see also* Better Markets Letter at 3 (stating that tokenized stocks may be issued by a third party and it is not clear with whom investors are investing).

[40] *See* Taylor Letter (recommending the Commission adopt the Swiss approach to tokenized securities); Cboe Letter at 1 (stating that it is worth considering whether any move toward tokenization should be an industry-wide initiative backed by Commission rulemaking and holistic regulatory review); TDC Letter at 11–12 (recommending in part regulatory sandboxes, pilot programs, conditional exemptive relief, and principles-based technology-neutral regulations).

[41] *See* Better Markets Letter at 1.

[42] *See id.* at 2–3.

[43] *See id.* at 5.

[44] *See also* Letter from Brett M. Kitt, Vice President, Deputy General Counsel, Nasdaq, dated December 29, 2025, at 6 (stating that the No-Action Letter, DTC's no-action request letter, and informational materials on DTC's website should together suffice to address most questions and concerns) (''Nasdaq Response Letter'').

[45] *See* Proposed Rule 4756(a)(5).

[46] *See* Proposed Section 1(a)(2) and Proposed Rule 4756(a)(5).

[47] *See* Amendment No. 2 *supra* note 8 at 4143–44.

[48] *See* Ondo Letter 2 at 1.

[49] *See id.*

[50] Nasdaq has represented that the proposal is intended to offer ''a means by which market participants can utilize the DTC pilot tokenization program when trading on the Exchange.'' *See* Amendment No. 2 *supra* note 8 at 4144. Moreover, the ''post-trade settlement services, including the eligibility of a member's orders to be settled in tokenized form, will be determined by DTC's policies and procedures and the No Action Letter.'' *See id.*

[51] *See* Nasdaq Response Letter *supra* note 44 at 1.

[52] *See* Amendment No. 2 *supra* note 8 at 4143 n.24.

[53] *See id.* at 4140 n.10 and 4143 n.24. In addition, this proposed rule change does not address whether and how Nasdaq may choose to trade non-fungible tokenized instruments in the future pursuant to a proposed rule change. *See id.* at 4142 n.20.

[54] *See* Better Markets Letter at 2–4. *See also* SIFMA Letter at 2 n.5 (stating that ''issuing and trading tokenized securities outside the core protections of the federal securities laws and regulations also could increase investors' exposure to fraud, manipulation, and undisclosed conflicts of interest'') and TDC Letter at 9 (raising the question of how surveillance tools will be adapted for blockchain-based trading).

[55] *See* Proposed Section 1(a)(2), and Amendment No. 2, *supra* note 8 at 4141–42. A tokenized DTC Eligible Security would be deemed to provide the same rights and privileges as a traditional security if, among other things, it conveys an equity interest in an underlying company, a right to receive any dividends that the company issues to its shareholders, a right to exercise any voting rights that shareholders are due, and a right to receive a share of the residual assets of the company upon liquidation. *See* Amendment No. 2, *supra* note 8 at 4141. Further, as discussed above, Nasdaq has represented that it would submit a proposed rule change if it decides to trade non-fungible tokenized instruments in the future. *See supra* note 53.

[56] *See* Amendment No. 2 *supra* note 8 at 4141.

[57] *See id.* at 4142–43. Nasdaq has also represented that if Nasdaq develops functionality to allow it to check for eligibility to tokenize at order entry, it would submit a rule proposal to effectuate that functionality.

[58] *See* Proposed Section 1(a)(2), and Amendment No. 2, *supra* note 8 at 4141.

[59] *See* Amendment No. 2 *supra* note 8 at 4143.

things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[60] that the proposed rule change (SR–NASDAQ–2025–072), as modified by Amendment No. 2, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[61]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–05563 Filed 3–20–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105040; File No. SR–NYSEARCA–2026–27]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Exchange Rules 5.32–O, 5.35–O, and 6.8–O Regarding Options on Certain Crypto Assets

March 18, 2026.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 10, 2026, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 5.32–O (Terms of FLEX Options), Rule 5.35–O (Position Limits for FLEX Options) and Rule 6.8–O (Position Limits) in connection with options overlying the following Exchange-Traded Fund Shares, as applicable: Grayscale Bitcoin Trust, Grayscale Bitcoin Mini Trust, Bitwise Bitcoin ETF, iShares Bitcoin Trust, Fidelity Wise Origin Bitcoin Fund, ARK21Shares Bitcoin ETF, Grayscale Ethereum Trust ETF, Grayscale Ethereum Mini Trust ETF, Bitwise Ethereum ETF, iShares Ethereum Trust ETF, and Fidelity Ethereum Fund. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 5.32–O(f)(1) (Terms of FLEX Options), Rule 5.35–O (Position Limits for FLEX Options), and Commentary .06(f) to Rule 6.8–O (Position Limits) in connection with the following options overlying Exchange-Traded Fund Shares, as applicable: Grayscale Bitcoin Trust, Grayscale Bitcoin Mini Trust, Bitwise Bitcoin ETF, iShares Bitcoin Trust, Fidelity Wise Origin Bitcoin Fund, ARK21Shares Bitcoin ETF, Grayscale Ethereum Trust ETF, Grayscale Ethereum Mini Trust ETF, Bitwise Ethereum ETF, iShares Ethereum Trust ETF, and Fidelity Ethereum Fund (collectively ''the Crypto Assets''). This filing is based on similar proposals submitted by Nasdaq ISE, LLC (''ISE''),[4] Miami International Securities Exchange, LLC (''MIAX''),[5] and Nasdaq PHLX LLC (''Phlx'').[6]

Background

On November 20, 2024, the Exchange filed to list and trade option contracts on the iShares Bitcoin Trust, the Fidelity Wise Origin Bitcoin Fund, and the ARK21Shares Bitcoin ETF.[7] Also on November 20, 2024, the Exchange filed to list and trade options contracts on the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust, and the Bitwise Bitcoin ETF.[8] On April 9, 2025, the Exchange filed to list and trade the Grayscale Ethereum Trust, the Grayscale Ethereum Mini Trust, and the Bitwise Ethereum ETF.[9] Also on April 9, 2025, the Exchange filed to list and trade options on the iShares Ethereum Trust ETF and the Fidelity Ethereum Fund.[10] These immediately effective filings permitted the Exchange to list and trade options on the Crypto Assets subject to a 25,000 contract position and exercise limit and a restriction on the trading of FLEX options.

On July 29, 2025, the Commission approved a rule filing to eliminate the 25,000-contract position and exercise limit for the Grayscale Bitcoin Trust ETF options and apply the position limits in Exchange Rule 6.8–O, Commentary .06(a)–(e) to options on the Grayscale Bitcoin Trust ETF and to permit options on the Grayscale Bitcoin Trust ETF to trade as FLEX Equity

[60] 15 U.S.C. 78s(b)(2).

[61] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 34–104648 (Jan. 21, 2026), 91 FR 3282 (Jan. 26, 2026) (SR–ISE–2026–01) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Restrictions on Certain Crypto Assets).

[5] *See* Securities Exchange Act Release No. 34–104738 (Jan. 29, 2026), 91 FR 5000 (Feb. 03, 2026) (SR–MIAX–2026–04) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 307, Position Limits, and Rule 309, Exercise Limits, Regarding Position and Exercise Limits on Options Overlying Certain Crypto Assets).

[6] *See* Securities Exchange Act Release No. 34–104650 (Jan. 21, 2026), 91 FR 3265 (Jan. 26, 2026) (SR–Phlx–2026–02) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove Restrictions on Certain Crypto Assets).

[7] *See* Securities Exchange Act Release No. 101712 (Nov. 22, 2024), 89 FR 94794 (Nov. 29, 2024) (SR–NYSEArca–2024–100) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to List and Trade Option Contracts on the iShares Bitcoin Trust, the Fidelity Wise Origin Bitcoin Fund, and the ARK21Shares Bitcoin ETF).

[8] *See* Securities Exchange Act Release No. 101713 (Nov. 22, 2024), 89 FR 94839 (Nov. 29, 2024) (SR–NYSEArca–2024–101) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to List and Trade Option Contracts on the Grayscale Fund, the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF).

[9] *See* Securities Exchange Act Release No. 102817 (Apr. 11, 2025), 90 FR 16283 (Apr. 17, 2025) (SR–NYSEArca–2025–31) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rules 5.3–O, 5.4–O, and 6.8–O).

[10] *See* Securities Exchange Act Release No. 102818 (Apr. 11, 2025), 90 FR 16181 (Apr. 17, 2025) (SR–NYSEArca–2025–32) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rules 5.3–O, 5.4–O, and 6.8–O).

Options.[11] Also on July 29, 2025, the Commission approved a rule filing to eliminate the 25,000-contract position and exercise limit for the Grayscale Bitcoin Mini Trust ETF and the Bitwise Bitcoin ETF and to apply the position limits in Exchange Rule 6.8–O, Commentary .06(a)–(e) to options on those funds, and to permit options on those funds to trade as FLEX Equity Options.[12] Thereafter, on July 31, 2025, the Exchange amended Rules 5.32–O and 5.35–O to permit iShares Bitcoin Trust ETF options to trade as FLEX Equity Options with an aggregated position and exercise limit for IBIT options of 25,000-contracts.[13]

On November 12, 2025, the Exchange's proposal to amend its listing rules at Rule 5.3–O(g) to permit certain options on Exchange-Traded Fund Shares that meet certain generic requirements to be listed as a Commodity-Based Trust was deemed approved pursuant to Section 19(b)(2)(D) of the Act.[14] On November 7, 2025, during the shutdown resulting from a lapse of appropriations, the Exchange submitted an amendment that would have superseded the original filing that was deemed approved in its entirety. The amendment could not be processed or published due to the pendency of the shutdown, which ended on November 12, 2025. On November 21, 2025, the Exchange filed to adopt the rule text included in the amendment to the original filing that could not be processed during the government shutdown, reinstate text that was previously deleted, and remove text that was added when the original filing was deemed approved.[15]

Specifically, as amended, Rule 5.3–O(g)(x) provides that the Exchange may list and trade options on shares of a Commodity-Based Trust that meets the generic criteria of NYSE Arca Rule 8.201 (Generic) [16] except that the Commodity-Based Trust holds a single crypto asset.[17] Further, a Commodity-Based Trust that meets the requirements of Rule 5.3–O(g)(x) must also satisfy the following requirements: (A) the total global supply of the underlying crypto asset held by the Commodity-Based Trust has an average daily market value of at least $700 million over the last 12 months; and (B) the crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group (''ISG''). Any option approved pursuant to Rule 5.3–O(g)(x) is subject to the position limits set forth in Rule 6.8–O, Commentary .06, and subject to the exercise limits set forth in Rule 6.9–O. Further, any option approved pursuant to Rule 5.3–O(g)(x) is not restricted from trading as a FLEX Option.

Proposed Rule Change

The Crypto Assets all qualify for listing pursuant to Rule 5.3–O(g)(x). As such, similar to other options listed pursuant to Rule 5.3–O, the Crypto Assets should all be subject to the position limits set forth in Commentary .06 to Rule 6.8–O and the corresponding exercise limits set forth in Rule 6.9–O. Also, the Crypto Assets should not be restricted from trading as FLEX Options. To effectuate these changes, the Exchange proposes the following changes.

Position Limits

The Exchange proposes to remove the 25,000 position and exercise limit restrictions for Fidelity Wise Origin Bitcoin Fund, ARK21Shares Bitcoin ETF, Grayscale Ethereum Trust ETF, Grayscale Ethereum Mini Trust ETF, Bitwise Ethereum ETF, iShares Ethereum Trust ETF, and Fidelity Ethereum Fund from 6.8–O, Commentary .06(f). Position limits for these products will be determined in accordance with Rule 6.8–O. Additionally, the Exchange proposes to remove the following rule text in Rule 5.35–O(b)(iv) in its entirety:

FLEX GBTC, BTC, BITB, and IBIT Options. Position limits on FLEX Equity Options for GBTC, BTC, BITB, and IBIT will be aggregated with positions on the same non-FLEX underlying ETF for the purpose of calculating position and exercise limits on GBTC, BTC, BITB, and IBIT options as set forth in Rules 6.8–O and 6.9–O.

A conforming change will be made to the first sentence of Rule 5.35–O(b), which currently references ''paragraphs (i)–(iv) below.''

Similar to all other options, FLEX Equity Options on the iShares Bitcoin Trust ETF, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF would no longer be aggregated with positions on the same non-FLEX underlying ETF for the purpose of calculating the position limits set forth in Rules 6.8–O, and the exercise limits set forth in Rules 6.9–O. The Exchange notes that similar to all other options, the Grayscale Bitcoin Trust, the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF would not be subject to positions limits

[11] *See* Securities Exchange Act Release No. 103567 (July 29, 2025), 90 FR 36253 (Aug. 1, 2025) (SR–NYSEArca–2025–07) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 3, To Amend Rules Regarding Position and Exercise Limits for Options on the Grayscale Bitcoin Trust (''GBTC'') and To Permit Flexible Exchange Options on GBTC). Exercise limits for options on an underlying security are the same as the position limits for options on that underlying security. *See* Exchange Rule 6.9–O, Commentary .01.

[12] *See* Securities Exchange Act Release No. 103568 (July 29, 2025), 90 FR 36238 (Aug. 1, 2025) (SR–NYSEArca–2025–10) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 2, to Amend Rules Regarding Position and Exercise Limits for Options on the Grayscale Bitcoin Mini Trust (''BTC'') and the Bitwise Bitcoin ETF (''BITB'') and to Permit Flexible Exchange Options on BTC and BITB).

[13] *See* Securities Exchange Act Release No. 103622 (Aug. 1, 2025), 90 FR 37900 (Aug. 6, 2025) (SR–NYSEArca–2025–55) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rules 5.32–O and 5.35–O To Permit Flexible Exchange Options in the iShares Bitcoin Trust ETF).

[14] *See* 15 U.S.C. 78s(b)(2)(D); Securities Exchange Act Release No. 104210 (November 21, 2025), 90 FR 52727 (November 21, 2025) (SR–NYSEArca–2025–16).

[15] *See* Securities Exchange Act Release No. 104320 (Dec. 5, 2025), 90 FR 57230 (Dec. 10, 2025) (SR–NYSEArca–2025–79) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change of Amendments to Rules 5.3–O and 5.4–O).

[16] NYSE Arca Rule 8.201–E (generic) permits the listing and trading of certain qualifying exchange-traded products that physically hold commodities like precious metals and digital asset commodities on the Exchange. Pursuant to NYSE Arca Rule 8.201–E (Generic), the term ''Commodity-Based Trust Shares'' means a security that: (i) is issued by a trust, limited liability company, partnership, or other similar entity (''Trust'') that, if applicable, is operated by a registered commodity pool operator pursuant to the Commodity Exchange Act, and is not registered as an investment company pursuant to the Investment Company Act of 1940, or series or class thereof; (ii) is designed to reflect the performance of one or more reference assets or an index of reference assets; (iii) in order to reflect the performance as provided in (c)(1)(ii) above, is issued by a Trust that holds (A) one or more commodities or commodity-based assets as defined in (c)(3) below, and (B) in addition to such commodities or commodity-based assets, may hold securities, cash, and cash equivalents; (iv) is issued by such Trust in a specified aggregate minimum number in return for a deposit of (A) a specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents, or (B) a cash amount with a value based on the next determined net asset value per Trust share; and (v) when aggregated in the same specified minimum number, may be redeemed at a holder's request by such Trust which will deliver to the redeeming holder (A) the specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents, or (B) a cash amount with a value based on the next determined net asset value per Trust share.

[17] For purposes of this rule the term ''crypto asset'' means an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network, including but not limited to, assets known as ''tokens,'' ''digital assets,'' ''virtual currencies,'' and ''coins'' and that relies on cryptographic protocols. *See* Rule 5.3–O(g)(3).

for FLEX Equity Options that are physically settled.[18]

FLEX Options

Currently, pursuant to Rule 5.32–O(f)(1), the Exchange may approve and open for trading any FLEX Equity Options series on any security that is eligible for Non-FLEX Options trading under Rule 5.3–O except those set forth in Commentary .01 to Rule 5.3–O other than GBTC, BTC, BITB, and IBIT, and that has Non-FLEX Options on such security listed and traded on at least one national securities exchange, even if the Exchange does not list and trade such Non-FLEX Options.[19] For the avoidance of doubt, to permit all the Crypto Assets to trade as FLEX options, the Exchange proposes to remove the following text from Rule 5.32–O(f)(1): ''(except those set forth in Commentary .01 to Rule 5.3–O other than GBTC, BTC, BITB, and IBIT)''. With this proposal, the Crypto Assets that qualify to be listed pursuant to Rule 5.3–O(g)(x) would be treated similar to all other options for purposes of position and exercise limits and FLEX Options trading.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[20] in general, and Section 6(b)(5) of the Act,[21] 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, 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)[22] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that proposal to permit the Crypto Assets, which qualify for listing pursuant to Rule 5.3–O(g)(x), to be subject to the position limits set forth in Rule 6.8–O, and subject to the corresponding exercise limits set forth in Rule 6.9–O similar to all other options is consistent with the Act as this treatment promotes just and equitable principles of trade. Further, the Exchange's proposal to permit the Crypto Assets, which qualify for listing pursuant to Rule 5.3–O(g)(x), to trade as FLEX Options similar to all other options is consistent with the Act insofar as this treatment promotes just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because the Crypto Assets that qualify to be listed on the Exchange would be treated similar to all other options for purposes of position and exercise limits and FLEX Option trading. The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition as the proposal is not competitive in nature. The Exchange expects that all option exchanges will adopt substantively similar proposals, such that the Exchange's proposal would benefit competition. For the foregoing reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and public interest, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[23] and subparagraph (f)(6) of Rule 19b–4 thereunder.[24]

A proposed rule change filed under Rule 19b–4(f)(6)[25] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[26] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving 30-day operative delay is consistent with the protection of investors and the public interest because the proposal aligns the rule text relating to options on the Crypto Assets with the rule text of other exchanges and does not introduce any novel regulatory issues.[27] Accordingly, the Commission designates the proposed rule change to be operative upon filing.[28]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[18] As of February 1, 2026, the iShares Bitcoin Trust ETF is eligible to have cash as a settlement term. *See https://www.nyse.com/publicdocs/nyse/products/options/NYSE_Cash_Settled_FLEX_ETF_Options.pdf.*

[19] Commentary .01 to Rule 5.3–O provides that ''the Exchange may list and trade options on shares of the Grayscale Bitcoin Trust (BTC) (symbol: GBTC), the Grayscale Bitcoin Mini Trust (BTC) (symbol: BTC), and the Bitwise Bitcoin ETF (symbol: BITB), iShares Bitcoin Trust (symbol: IBIT), the Fidelity Wise Origin Bitcoin Fund (symbol: FBTC), and the ARK21Shares Bitcoin ETF (symbol: ARKB), the Grayscale Ethereum Trust ETF (symbol: ETHE), the Grayscale Ethereum Mini Trust ETF (symbol: ETH), the Bitwise Ethereum ETF (symbol: ETHW), the iShares Ethereum Trust ETF (symbol: ETHA), and the Fidelity Ethereum Fund (symbol: FETH), pursuant to Rules 5.3–O and 5.4–O.''

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

[22] *Id.*

[23] 15 U.S.C. 78s(b)(3)(A)(iii).

[24] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[25] 17 CFR 240.19b–4(f)(6).

[26] 17 CFR 240.19b–4(f)(6)(iii).

[27] *See supra* notes 4–6.

[28] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEARCA–2026–27 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEARCA–2026–27. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2026–27 and should be submitted on or before April 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–05557 Filed 3–20–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0198]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 15c2–5

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''SEC'' or ''Commission'') is submitting to the Office of Management and Budget (''OMB'') this request for extension of the proposed collection of information provided for in Rule 15c2–5 (17 CFR 240.15c2–5), under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et. seq.*) (''Exchange Act'').

Rule 15c2–5 prohibits a broker-dealer from arranging or extending certain loans to persons in connection with the offer or sale of securities unless, before any element of the transaction is entered into, the broker-dealer: (1) delivers to the person a written statement containing the exact nature and extent of the person's obligations under the loan arrangement; the risks and disadvantages of the loan arrangement; and all commissions, discounts, and other remuneration received and to be received in connection with the transaction by the broker-dealer or certain related persons (unless the person receives certain materials from the lender or broker-dealer which contain the required information); and (2) obtains from the person information on the person's financial situation and needs, reasonably determines that the transaction is suitable for the person, and retains on file and makes available to the person on request a written statement setting forth the broker-dealer's basis for determining that the transaction was suitable. The collection of information required by Rule 15c2–5 is necessary to execute the Commission's mandate under the Exchange Act to prevent fraudulent, manipulative, and deceptive acts and practices by broker-dealers.

The Commission estimates that there are approximately 50 respondents that require an aggregate total of 600 hours to comply with Rule 15c2–5.[1] Each of these approximately 50 registered broker-dealers makes an estimated six annual responses, for an aggregate total of 300 responses per year.[2] Each response takes approximately two hours to complete. Thus, the total hour burden per year is approximately 600 hours.[3] The approximate internal compliance cost per hour is $89.00 for clerical labor,[4] resulting in a total internal compliance cost of approximately $53,400 per year.[5] These reflect internal labor costs; there are no external labor, capital, or start-up costs.

Although Rule 15c2–5 does not specify a retention period or record-keeping requirement under the rule, broker-dealers are required to preserve the records for a period no less than six years pursuant to Rule 17a–4(c). The information required under Rule 15c2–5 is necessary for broker-dealers to engage in the lending activities prescribed in the Rule. Rule 15c2–5 does not assure confidentiality for the information retained under the rule.[6]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202601-3235-005* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by April 23, 2026.

Dated: March 18, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–05552 Filed 3–20–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105045; File No. SR–CBOE–2025–069]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of Amendment Nos. 1 and 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified and Superseded by Amendment No. 2, To Amend Rule 5.4 To Change the Minimum Increment for Options on the Cboe Magnificent 10 Index

March 18, 2026.

I. Introduction

On September 24, 2025, Cboe Exchange, Inc. (''Exchange'' or ''Cboe'')

[29] 17 CFR 200.30–3(a)(12), (59).

[1] 50 respondents × 6 responses per year × 2 hours per response = 600 hours per year.

[2] 50 respondents × 6 responses per year = 300 responses per year.

[3] 300 responses per year × 2 hours per response = 600 hours per year.

[4] Cost per hour for a Compliance Clerk is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by Commission staff to account for an 1800-hour work-year and to account for bonuses, firm size, employee benefits, and overhead, and adjusted for inflation.

[5] 600 hours per year × $89.00 per hour = $53,400 per year.

[6] The records required by Rule 15c2–5 would be available only for examination purposes of the Commission staff, state securities authorities, and the self-regulatory organizations. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 552, and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] a proposed rule change to change the minimum increment for all series of options on the Cboe Magnificent 10 Index. The proposed rule change was published for comment in the **Federal Register** on September 30, 2025.[4] On November 3, 2025, pursuant to Section 19(b)(2)(A)(ii)(I) of the Act,[5] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[6] On December 17, 2025, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [7] to determine whether to approve or disapprove the proposed rule change.[8] On February 18, 2026, the Exchange submitted Amendment No. 1 to the proposed rule change, which amended and superseded the proposed rule change as originally filed.[9] On March 5, 2026, the Exchange submitted Amendment No. 2 to the proposed rule change, which amended and superseded the proposed rule change, as modified by Amendment No. 1, in its entirety.[10] The Commission received no comments on the proposed rule change. The Commission is publishing this Notice and Order to solicit comment on Amendment No. 2 in Sections II and III below, which sections are being published verbatim as filed by the Exchange, and to approve the proposed rule change, as modified and superseded by Amendment No. 2, on an accelerated basis.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Rule 5.4 to change the minimum increment for all series of options on the Cboe Magnificent 10 Index (''MGTN options'') to $0.01 for series trading lower than $3.00 and $0.05 for series trading at $3.00 or higher. The Exchange initially submitted this rule filing SR–CBOE–2025–069 to the Securities and Exchange Commission (the ''Commission'') on September 24, 2025 (the ''Initial Rule Filing''). The Exchange submitted Amendment No. 1 to this rule filing SR–CBOE–2025–069 to the Commission on February 18, 2026. This Amendment No. 2 supersedes the Initial Rule Filing and replaces it in its entirety. This Amendment No. 2 provides additional support for the proposed rule change, as well as makes minor changes to language in the rule filing, but makes no changes to the proposal. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/options/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

III. 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 V below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 5.4(a) to change the minimum increment for all series of options on the Cboe Magnificent 10 Index (''MGTN options'') [11] to $0.01 for series trading lower than $3.00 and $0.05 for series trading at $3.00 or higher (as long as options on the Nasdaq 100 Micro Index (''XND options'') have a minimum increment of $0.01).[12] The Exchange believes market demand (including by retail investors, who generally prefer lower trading increments) supports a lower trading increment for MGTN options. Options overlying the components of the Cboe Magnificent 10 Index are among the most actively traded options (as are the underlying stocks), which options are eligible for a lower trading increment, supporting the view that there will be market demand for the proposed trading increments for MGTN options. The Exchange offers MGTN options to provide investors with opportunity to gain exposure to these dominant, highly liquid stocks in a single trade with the benefits associated with index options and without the concentration risk associated with trading in single stocks and options on those single stocks.[13] The proposed increments will allow MGTN options to more effectively compete with other options that currently trade in the proposed increments, primarily options on the constituent stocks and options tracking the performance of the Nasdaq 100 Micro Index. The Exchange also expects this more granular pricing to lead to narrowing of the bid-ask spread for these options and increase the possible number of price points available to investors for these series. The Exchange believes tighter spreads will increase order flow in MGTN options, which additional liquidity ultimately benefits all investors. Finer increments also permit more precise pricing in line with the theoretical value of these options and thus more efficient hedging opportunities, particularly with respect to related products that may already trade in finer increments.

The Exchange has analyzed its capacity and represents that it believes that the Exchange has the necessary systems capacity to handle any potential additional message traffic associated with the proposed rule change. The Options Price Reporting Authority (''OPRA'') also informed the Exchange it believes it has the necessary systems capacity to handle any additional traffic that may result from this proposed rule change. The Exchange does not believe any potential increased traffic will become unmanageable since this

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 104076 (September 25, 2025), 90 FR 47000.

[5] *See* 15 U.S.C. 78s(b)(2)(A)(ii)(I).

[6] *See* Securities Exchange Act Release No. 104173, 90 FR 51424 (November 17, 2025). The Commission designated December 29, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 104439, 90 FR 59897 (December 22, 2025).

[9] *See* Amendment No. 1, *available at https://www.sec.gov/comments/sr-cboe-2025-069/srcboe2025069-705027-2220975.pdf.*

[10] *See* Amendment No. 2, *available at https://www.sec.gov/comments/sr-cboe-2025-069/srcboe2025069-719687-2253174.pdf.*

[11] The Exchange may list MGTN options pursuant to generic listing criteria for narrow-based index options as set forth in Rule 4.11(b). The Exchange began listing MGTN options in the fourth quarter of 2025.

[12] If XND options no longer had a minimum increment of $0.01 (because options on the PowerShares QQQ Trust (''QQQ'') no longer participated in the Penny Interval Program), then the minimum increment for MGTN options would become $0.05 for series trading lower than $3.00 and $0.05 for series trading at $3.00 or higher at the same time as the minimum increment for XND changed.

[13] *See, e.g., Why Mag 10 Index Options, available at https://www.cboe.com/tradable-products/mag-10/mgtn-options/.*

proposed rule change with respect to minimum trading increments is limited to a single class of options.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will protect investors and the public interest. As discussed above, the Exchange believes market demand (including by retail investors, who generally prefer lower trading increments) supports a lower trading increment for MGTN options. Options overlying the components of the Cboe Magnificent 10 Index are among the most actively traded options, which options are eligible for a lower trading increment. As discussed below, various other options with which MGTN options are designed to compete (including XND options and QQQ options) and to create exposure to some or all of the constituents of the Cboe Magnificent 10 Index may also currently trade in lower trading increments. The Exchange believes this supports the view that there will be market demand for the proposed trading increments for MGTN options and that the proposed rule change will promote competition among options providing exposure to the performance of technology and growth-driven stocks, which competition ultimately benefits investors. The Exchange believes the proposed rule change will also benefit investors because it will permit more granular pricing in MGTN options, which may lead to narrower bid-ask spreads for these options and increase the possible number of price points (thus increasing execution opportunities) available to investors for these series, which ultimately increases liquidity to the benefit of all investors. The Exchange believes tighter spreads will also increase order flow in MGTN options, which additional liquidity ultimately benefits all investors.

As noted above, the Exchange believes the proposed rule change will promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system because it will permit MGTN options to trade at the same level of granularity as permitted for options with which MGTN options were designed to compete. The Cboe Magnificent 10 Index is comprised of large-capitalization U.S.-listed technology and growth-oriented companies, and MGTN options are designed to offer targeted exposure to the performance of top tech- and growth-driven companies. As noted above, the Exchange offers MGTN options to provide investors with an alternative product to gain exposure to these companies as part of a basket. MGTN options were designed to compete with options that also provide exposure to these companies, including options on the components of the Cboe Magnificent 10 Index. MGTN options provide investors with opportunity to gain exposure to these popular products with the benefits of index options (including European-style, cash settlement) and without risks associated with trading in single stocks and options on those stocks (including concentration risk and American-style, physical settlement). Options on each component of the Cboe Magnificent 10 Index are eligible for the Penny Interval Program, which is unsurprising given the constituents of the Cboe Magnificent 10 Index are among the most liquid and traded stocks in the market. The Exchange understands investors tend to trade in some or all of these stocks (and thus some or all of the options on these stocks) given their market dominance. MGTN options provide investors with an efficient way to gain exposure to the performance of these dominant stocks in a single trade rather than multiple trades. As a result, the Exchange believes MGTN options should be eligible for the same pricing increments for competitive reasons to allow the Exchange to price these options at the same level of granularity as permitted for competitor products to promote competition and help level the competitive playing field among options that provide exposure to some of the most dominant stocks in the industry.[17] Permitting MGTN options to trade in the same increments as these competitive products will promote competition and help level the competitive playing field, thus promoting just and equitable principles of trade and removing impediments to and perfecting the mechanism of a free and open market and a national market system.

MGTN options also provide investors with an alternative method to gain exposure to the performance of technology and high-growth companies (including some or all of the constituents of the Cboe Magnificent 10 Index) that other products are also designed to provide, many of which options are eligible for the Penny Interval Program or penny increments.[18] For example, the constituents of the Cboe Magnificent 10 Index represent a subset of the constituents of the Nasdaq-100 Index. Similar to the Cboe Magnificent 10 Index, the Nasdaq-100 Index is designed to track performance of high-growth, market-leading companies, the majority of which are in the technology sector. While the 10 constituents of the Cboe Magnificent 10 Index represent only about 10% of the number of constituents of the Nasdaq-100 Index, these 10 constituents represent more than half of the market capitalization (and thus weight) of the Nasdaq-100 Index and in fact drive the movements of the Nasdaq-100 Index. This is evidenced by the approximately 0.958 daily return correlation between the Cboe Magnificent 10 Index and the Nasdaq-100 Index since the launch of the Cboe Magnificent 10 Index in October 25 (and backcast to March 21, 2021).[19] As a result, the Exchange

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

[17] The Exchange notes that other index options that trade on the Exchange are currently permitted to trade in smaller increments because competitive products are able to trade in those smaller increments. *See* Rule 5.4 (the minimum increment for options on the Mini-S&P 500 Index (''XSP options'') is $0.01 because that is the minimum increment for options on the Standard & Poor's Depository Receipts Trust (''SPY options''), and the minimum increment for DJX options is $0.01 for series below $3 and $0.05 for series $3 and above because that is the minimum increment for options on The DIAMONDS Trust (''DIA options'')).

[18] *See* Rule 5.4(d) (permits $0.01 and $0.05 trading increments for equity options that satisfy certain volume requirements).

[19] *See Cboe Magnificent 10 Index Futures and Options: A New Era for Trading Market Leadership* (February 9, 2026), *available at https://www.cboe.com/insights/posts/cboe-magnificent-10-index-futures-and-options-a-new-era-for-trading-market-leadership.*

believes MGTN options compete for order flow with options on the Nadsaq-100 Index, as well as options on ETFs tracking the performance of that index (including QQQ options).[20] Options on the Nasdaq 100 Micro Index[21] (''XND options'') (which trade on Nasdaq PHLX LLC (''PHLX'')) may trade in penny increments as long as QQQ options participate in the Penny Interval Program (which they currently do).[22]

Additionally, there are numerous exchange-traded funds that are designed to create exposure to and be correlated with many of the constituents of the Cboe Magnificent 10 Index. These include the Invesco QQQ ETF, the State Street Technology Select Sector SPDR ETF, the ARK Innovation ETF, the VanEck Semiconductor ETF, and the ProShares UltraPro QQQ ETF. Options on these ETFs, as well as a number of other ETFs, are eligible for the Penny Interval Program. While the holdings of these ETFs are not exactly the same as the constituents of the Cboe Magnificent 10 Index, they are similarly designed to provide investors with opportunities for exposure to tech- and growth-driven stocks. For these reasons, the Exchange believes MGTN options should be eligible for the same pricing increments as these competitor products so that MGTN options can more effectively compete for order flow with these other options and thus provide investors with an alternative product with similar pricing precision.

The Exchange also believes consistency in pricing across related products may better facilitate cross-product trading strategies. For example, market participants may use options overlying each component of the Cboe Magnificent 10 Index to hedge MGTN options or as part of other investment strategies involving MGTN options. The same is true with respect to the products listed above that are designed to track the performance of top U.S. technology and growth companies. Therefore, having the pricing increments for MGTN options aligned with these related products will permit investors to trade related products at more granular prices that may be more aligned with their investment objectives.

Further, finer increments also permit more precise pricing in line with the theoretical value of these options, particularly short-dated options. The Exchange may list MGTN options with nonstandard expirations,[23] and the Exchange has observed significant trading in MGTN options with these nonstandard expirations near their expiration dates. Approximately 98% of MGTN options traded in January 2026 were traded with one week or less to expiration. Theoretical values of options change in response to changes in the underlying more rapidly closer to their expiration. Therefore, finer pricing permits investors to price these options to more accurately reflect then-current market conditions. A larger increment may create an artificially widespread compared to the option's actual value, which may impact execution quality. Similarly, premiums of shorter-dated options are often lower than premiums of longer-dated options given the reduced time value that exists in options closer to their expiration, so a lower trading increment is more proportional to the value of these options and further promotes tighter spreads. The value of the premium may fluctuate more given the proximity to expiration, and the Exchange believes providing investors with the ability to quote options nearing expiration in a finer increment will result in more efficient and accurate pricing for investors.

The same reasons supporting why finer trading increments are appropriate for shorter-dated options provided the same support for why more granular strikes are permitted for shorter-dated options. Specifically, in prior rule filings, the Exchange explained that smaller strike intervals for weekly expirations permit strikes on a more refined scale that, at times, will more closely reflect values in the underlying index and allow market participants to roll open positions from a lower strike to a higher strike in conjunction with the price movement of the underlying.[24] The Exchange believes this provides market participants with efficient hedging and trading opportunities. The Exchange believes this same principle applies to trading increments for MGTN options, for which (as noted above) nearly all trading is in shorter-dated options. Shorter-dated options experience more rapid time decay than longer-dated options because, as options approach their expiration dates, even relatively small movements in the underlying index can result in meaningful changes to option values. Finer trading increments of $0.01 and $0.05 allow market participants to price MGTN options with greater precision that more accurately reflects the theoretical value of these options as they approach expiration. This precision is particularly important for retail investors and market makers who need to adjust positions frequently in response to rapid changes in option values.

Additionally, market participants trading shorter-dated options typically roll or adjust their positions more frequently than those trading longer-dated options. With weekly and nonstandard expirations, investors may be rolling positions multiple times per month. Finer trading increments facilitate these frequent adjustments by providing more price points at which market participants can efficiently enter and exit positions. This is analogous to the Exchange's justification for smaller strike intervals.[25]

Further, just as the Exchange has determined that smaller strike price intervals are appropriate for shorter-dated options to provide more efficient hedging and trading opportunities,[26] the Exchange believes that finer trading increments serve the same purpose. As noted above, the Cboe Magnificent 10 Index comprises highly liquid, actively traded stocks that experience continuous price discovery throughout the trading day. Shorter-dated MGTN options are more sensitive to these underlying movements due to their higher gamma (rate of change in delta). The proposed rule change to permit finer trading increments would allow MGTN option prices to track these underlying movements more closely, which the Exchange believes would provide market participants with pricing that more closely reflects the value of the underlying index. As a result, market participants would be able to execute their hedging and investment strategies with greater precision. While strike intervals determine the available price points for different option contracts, trading increments determine the precision with which those contracts can be priced. For shorter-dated MGTN options, both forms of granularity would provide market participants with the tools they need to manage their

[20] It is for this reason the proposed rule change ties penny and nickel increments for MGTN options to XND options having a minimum increment of $0.01.

[21] The value of the Nasdaq 100 Micro Index, which is 1/100th the value of the Nadsaq-100 Index, is similar to the value of the Cboe Magnificent 10 Index (as are values of other indexes on which options may currently trade in penny increments, such as the Mini-S&P 500 Index).

[22] *See* PHLX Rulebook Options 3, Section 3, Supplementary Material .04.

[23] *See* Rule 4.13(e) (permitting the Exchange to list MGTN options with expirations on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays).

[24] *See, e.g.,* Securities Exchange Act Release Nos. 90748 (December 21, 2020), 85 FR 85759, 85762 (December 29, 2020) (SR–CBOE–2020–118); and 104390 (December 15, 2025), 90 FR 59234, 59235 (December 18, 2025) (SR–CBOE–025–087).

[25] *Id.*

[26] *Id.*

positions more efficiently in a rapidly changing market environment.

The Exchange notes MGTN options may already trade in penny increments in certain circumstances under the Rules. For example, MGTN options are eligible for complex order trading, which permits the legs to execute in penny increments. Additionally, the Exchange has activated the automated improvement mechanism (''AIM'') auction for MGTN simple orders, which also permits penny executions.[27] Therefore, current rules will allow MGTN options to trade in penny increments in certain situations.

While current trading volume in MGTN options would not qualify for penny interval program, the average daily volume in MGTN options grew approximately 30% from December to January.[28] If this volume trend were to continue during 2026, the volume of MGTN options would qualify it (if it were eligible for that program) for the penny interval program at the December 2026 rebalancing.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not impose any burden on intramarket competition that is not necessary or appropriate, because all Trading Permit Holders will be able to trade MGTN options in the proposed minimum trading increments. The proposed rule change will not impose any burden on intermarket competition that is not necessary or appropriate, because it will permit MGTN options to have pricing consistent with the pricing of competitive products that are part of the Penny Interval Program and may currently trade in increments of $0.01 or $0.05, as well as other products that may trade in penny increments (including XND options). Additionally, the proposed rule change to permit MGTN options to be listed in penny and nickel increments may relieve any burden on, or otherwise promote, competition, as it will allow market participants to trade these options at the same level of granularity as permitted for competitor products, as discussed above. The Exchange also expects the more granular pricing to lead to narrowing of the bid-ask spread for these options, which the Exchange believes will increase order flow and price competition in MGTN options.

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.

IV. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified and superseded by Amendment No. 2 (''Amended Proposal''), is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[29] In particular, the Commission finds that the Amended Proposal is consistent with Section 6(b)(5) of the Act,[30] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

As discussed above, the Exchange proposes to reduce the minimum trading increment for all series of MGTN options to $0.01 for series trading lower than $3.00 and to $0.05 for series trading at $3.00 or higher, as long as XND options have a minimum trading increment of $0.01. The Exchange states that the MGTN index that underlies MGTN options, and the Nasdaq-100 Index that underlies XND options (which specifically track the Nasdaq-100 Micro index, the reduced value version of the Nasdaq-100 index) and is tracked by the QQQ ETF, both seek to provide investors exposure to the performance of technology and high-growth companies.[31] Indeed, the Exchange states that the ten constituents of the MGTN index are a subset of the constituents of the Nasdaq-100 index, and while these same constituents represent only about 10% of the number of constituents of the Nasdaq-100 index, they represent more than half of the market capitalization (and thus weight) of the Nasdaq-100 index and drive the movements of the Nasdaq-100 Index.[32] That these two indexes are heavily correlated with each other is evidenced, according to the Exchange, by an approximately 0.958 daily return correlation between the MGTN index and the Nasdaq-100 index since the launch of the MGTN index.[33]

As a result, the Exchange believes MGTN options compete for order flow with XND options and QQQ options, which is why the Exchange has proposed to tie the proposed minimum increment of $0.01 for MGTN options to XND options having a minimum increment of $0.01. XND options, in turn, may trade in penny increments as long as QQQ options participate in the Penny Interval Program (which they currently do).[34] Accordingly, the proposal would align the minimum trading increment for MGTN options with the minimum trading increment for heavily correlated option products with which MGTN options are designed to compete, namely XND options and QQQ options. According to the Exchange, this alignment of the minimum trading increment will allow MGTN options to more effectively compete for order flow. In addition, the Exchange expects more granular pricing to lead to narrowing of the bid-ask spread for MGTN options, more precise pricing in line with the theoretical value of these options, and more efficient hedging opportunities, particularly with respect to related products that may already trade in finer increments.

The Commission believes that, by permitting MGTN options to trade at the same minimum increment as option products with which they are heavily correlated and against which they are designed to compete for order flow, the proposal is designed to promote competition and be consistent with just and equitable principles of trade. The Commission also believes that the proposal is consistent with Section 6(b)(5) of the Act insofar as it is designed to better facilitate cross-product trading or hedging strategies, lead to narrower bid-ask spreads, and/or permit more precise pricing for MGTN options consistent with their theoretical values and prevailing market

[27] *See* Rule 5.37(a)(4).

[28] The Exchange notes the volume of MRUT options, which are currently eligible for penny increments pursuant to Rule 5.4, and XND options, which are currently eligible for penny increments pursuant to PHLX Rulebook Options 3, Section 3, Supplementary Material .04, as of the December 2025 rebalancing of the Penny Interval Program would not have qualified these options for the Penny Interval Program (as these volumes are below the volumes of the 300 most actively traded multiply listed options, and in fact are outside the 425 most actively traded multiply listed options volume).

[29] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[30] 15 U.S.C. 78f(b)(5).

[31] *See* Amendment No. 2, *supra* note 10, at 6.

[32] *Id.* at 8–9.

[33] *Id.* at 9.

[34] *See* PHLX Rulebook Options 3, Section 3, Supplementary Material .04.

conditions. In addition, consistent with the protection of investors and the public interest, the Exchange represents that it has the necessary systems capacity to handle any potential additional message traffic associated with the proposed rule change, and that OPRA informed the Exchange that it believes it has the necessary systems capacity to handle any additional traffic that may result from this proposed rule change.

For the foregoing reasons, the Commission finds that the Amended Proposal is consistent with the requirements of the Act.

V. Solicitation of Comments on Amendment No. 2 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 2 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2025–069 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–2025–069. 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–2025–069 and should be submitted on or before April 13, 2026.

VI. Accelerated Approval of the Proposed Rule Change, as Modified and Superseded by Amendment No. 2

The Commission finds good cause to approve the Amended Proposal prior to the thirtieth day after the date of publication of Amendment No. 2 in the **Federal Register**. Amendment No. 2 does not substantively alter the Initial Rule Filing. The Initial Rule Filing provided that the minimum trading increment for MGTN options would be $0.01 for series trading lower than $3.00 and $0.05 for series trading at $3.00 or higher; Amendment No. 2 conditions these minimum increments for MGTN options on XND options having a minimum increment of $0.01. Amendment No. 2 also notes that the $0.01 minimum increment for XND options, which trade on PHLX, is conditioned on QQQ options participating in the Penny Interval Program. Further, Amendment No. 2 provides more detail about the composition of the MGTN index and presents data that reflects the correlation and competitive dynamic between MGTN options and other option products, primarily XND options and QQQ options.

The Commission therefore finds that Amendment No. 2 raises no novel regulatory issues that have not previously been subject to comment and is reasonably designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. Accordingly, pursuant to Section 19(b)(2) of the Act,[35] the Commission finds good cause to approve the Amended Proposal, on an accelerated basis, prior to the 30th day after publication of notice of the filing of Amendment No. 2 in the **Federal Register**.

VII. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[36] that the proposed rule change, as modified and superseded by Amendment No. 2 (SR–CBOE–2025–069), be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–05561 Filed 3–20–26; 8:45 am]

BILLING CODE 8011–01–P

[35] 15 U.S.C. 78s(b)(2).

[36] *Id.*

[37] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105041; File No. SR–FICC–2025–025]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend and Restate the Second Amended and Restated Cross-Margining Agreement Between FICC and CME and Amend Related GSD Rules

March 18, 2026.

I. Introduction

On December 12, 2025, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–FICC–2025–025 pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 [2] thereunder concerning changes to the Cross-Margining Agreement with the Chicago Mercantile Exchange Inc. (''CME'') and related rule changes to FICC Government Securities Division (''GSD'') Rulebook (''GSD Rules'') to extend the availability of cross-margining to positions cleared and carried for customers by a dually registered broker-dealer and futures commission merchant that is a common member of FICC and CME (''Eligible BD–FCM''). The Proposed Rule Change was published for public comment in the **Federal Register** on December 29, 2025.[3] The Commission has received comments regarding the substance of the changes proposed in the Proposed Rule Change.[4]

On January 26, 2026, pursuant to Section 19(b)(2) of the Exchange Act,[5] the Commission designated a longer period within which to approve, disapprove, or institute proceedings to determine whether to approve or disapprove the Proposed Rule Change.[6] The Commission is instituting proceedings, pursuant to Section 19(b)(2)(B) of the Exchange Act,[7] to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 104485 (Dec. 22, 2025), 90 FR 60791 (Dec. 29, 2025) (File No. SR–NSCC–2025–025) (''Notice of Filing'').

[4] Comments on the Proposed Rule Change are available at *https://www.sec.gov/comments/sr-ficc-2024-009/srficc2024009.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] Securities Exchange Act Release No. 104690 (Jan. 26, 2026), 91 FR 3944 (Jan. 29, 2026) (File No. SR–FICC–2025–025).

[7] 15 U.S.C. 78s(b)(2)(B).

determine whether to approve or disapprove the Proposed Rule Change.

II. Summary of the Proposed Rule Change

A. Background

FICC's GSD provides trade comparison, netting, risk management, settlement, and central counterparty (''CCP'') services for the U.S. Government securities market.[8] As a CCP, FICC novates the transactions submitted to it by its members, which means it interposes itself as the buyer to every seller and seller to every buyer for the financial transactions it clears. As such, FICC is exposed to the risk that one or more of its members may fail to make a payment or to deliver securities.

A key tool that FICC uses to manage its credit exposures to its members is the daily collection of margin from each member. A member's margin is designed to mitigate potential losses associated with liquidation of the member's portfolio in the event of that member's default. Margin requirements are typically designed, in part, to recognize the potential relationship between products in a member's portfolio (*e.g.,* some products may naturally gain value when others lose value), to accurately manage the risk that two offsetting transactions may present.

To recognize potential offsets in the risk presented by related products, FICC has a Cross-Margining Arrangement with CME,[9] which acts as a CCP for futures related to the debt instruments that FICC clears.[10] Under the Existing Agreement, a joint clearing member of both Clearing Organizations (a ''Joint Clearing Member'') that participates in the Cross-Margining Arrangement may designate any of its accounts at FICC (except its Sponsoring Member Omnibus Account) to be cross-margined with a cross-margining account on the books of CME. FICC states that any resulting margin reductions create capital efficiencies for the Cross-Margining Participants and incentivize them to maintain or carry portfolios that present lower overall risk.[11]

FICC is proposing to extend the availability of the Cross-Margining Arrangement to positions cleared and carried for customers other than an Eligible Affiliate (''Cross-Margining Customers''). FICC states that this would allow Cross-Margining Customers to benefit from the margin reductions that are currently only available to Cross-Margining Participants and their Eligible Affiliates under the Existing Agreement.[12] FICC and CME have also submitted to the Commission and the Commodity Futures Trading Commission (''CFTC'') petitions for exemptive relief from certain provisions of the Commodity Exchange Act and Exchange Act that would enable FICC and CME to make cross-margining available to Cross-Margining Customers.[13]

B. Proposed Changes

To extend the availability of cross-margining to Cross-Margining Customers, FICC is proposing to replace the Existing Agreement with the proposed Third Amended and Restated Cross-Margining Agreement (the ''Third A&R Agreement''), incorporate it into the GSD Rules, and adopt related changes to the GSD Rules.[14]

The amendments to the Existing Agreement would address eligibility criteria and participation requirements for customer cross-margining, establishment of customer cross-margining accounts, margin methodology for customer cross-margining, default management of a Joint-Clearing Member carrying positions for Cross-Margining Customers, and other conforming changes and clarifying edits.[15] For participation in the Cross-Margining Arrangement, the amendments would also require Eligible BD–FCMs to enter into the Customer Cross-Margining Clearing Member Agreement as set forth in Appendix C to the Third A&R Agreement, as well as require Cross-Margining Customers to enter into an agreement with the Eligible BD–FCM that includes certain terms also set forth in Appendix C.[16] The amendments would also provide for consistency with the Petitions.

FICC is also proposing related changes to the GSD Rules to effectuate and conform with the Customer Cross-Margining Arrangement, as well as the adoption of new defined terms to effectuate these changes.[17] The proposed changes include provisions addressing the establishment of customer cross-margining accounts, treatment of Cross-Margining Customer margin, and description of the Customer Cross-Margining Arrangement.

FICC states that the adoption of the Third A&R Agreement and related changes to the GSD Rules would promote the maintenance of more balanced portfolios that present lower risk and facilitate the access of indirect participants to central clearing, in accordance with Rule 17ad–22 under the Exchange Act.[18]

III. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to determine whether the Proposed Rule Change should be approved or disapproved.[19] Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the Proposed Rule Change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to comment on the Proposed Rule Change, which would provide the Commission with arguments to support the Commission's

[8] FICC's Mortgage-Backed Securities Division provides similar services for mortgage-backed securities. For purposes of this Order, ''FICC'' refers to GSD.

[9] In 2023, FICC and CME entered into the Amended and Restated Cross-Margining Agreement that allows FICC and CME to consider the net risk of a participant's eligible positions at each Clearing Organization when setting margin requirements for such positions. *See* Securities Exchange Act Release No. 98327 (Sept. 8, 2023), 88 FR 63185 (Sept. 14, 2023). In 2025, FICC and CME entered into the Second Amended and Restated Cross-Margining Agreement (the ''Existing Agreement''), which made certain changes to account for requirements under amended Rule 17ad–22 to hold margin for transactions in U.S. Treasury securities that a Netting Member submits to FICC on behalf of an indirect participant separately and independently from margin for the Netting Member's proprietary positions. *See* Securities Exchange Act Release No. 103399 (July 8, 2025), 90 FR 31043 (July 11, 2025) (File No. SR–FICC–2025–014). The Existing Agreement is incorporated by reference in the GSD Rules, *available at www.dtcc.com/legal/rules-and-procedures.aspx.* Unless otherwise specified, capitalized terms not defined herein shall have the meanings ascribed to them in the GSD Rules, which includes the Existing Agreement.

[10] CME provides central counterparty services for futures, options, and swaps. *See* Financial Stability Oversight Council (''FSOC'') 2012 Annual Report, Appendix A, *available at https://home.treasury.gov/system/files/261/here.pdf* (last visited July 17, 2023).

[11] *See* Notice of Filing, *supra* note 3, 90 FR at 60792.

[12] *Id.*

[13] *See* Securities Exchange Act Release No. 104748 (Jan. 30, 2026), 91 FR 4994 (Feb. 3, 2026) (File No. S7–2026–03) (the ''SEC Petition''); CFTC, *Proposal to Provide Exemptive Relief to Facilitate Cross-Margining of Customer Positions Cleared at Chicago Mercantile Exchange, Inc. and Fixed Income Clearing Corporation,* 90 FR 58525 (Dec. 17, 2025) (the ''CFTC Petition'', and collective with the SEC Petition, the ''Petitions'', and the proposed Commission and CFTC orders as described in the Petitions, the ''Proposed Orders'').

[14] *See* Notice of Filing, *supra* note 3, 90 FR at 60792.

[15] *Id.* at 60793–97.

[16] *Id.* at 60797–99.

[17] *Id.* at 60799–803.

[18] *Id.* at 60792.

[19] 15 U.S.C. 78s(b)(2)(B).

analysis as to whether to approve or disapprove the Proposed Rule Change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[20] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the Proposed Rule Change's consistency with Section 17A of the Exchange Act [21] and the rules thereunder, including the following provisions:

- Section 17A(b)(3)(F) of the Exchange Act,[22] which requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions, as well as to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions; and, in general, to protect investors and the public interest;
- Rule 17ad–22(e)(4)(i) under the Exchange Act,[23] which requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence;
- Rule 17ad–22(e)(6)(i) under the Exchange Act,[24] which requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market, and, if the covered clearing agency provides central counterparty services for U.S. Treasury securities, calculates, collects, and holds margin amounts from a direct participant for its proprietary positions in Treasury securities separately and independently from margin calculated and collected from that direct participant in connection with U.S. Treasury securities transactions by an indirect participant that relies on the services provided by the direct participant to access the covered clearing agency's payment, clearing, or settlement facilities;
- Rule 17ad–22(e)(18)(iv)(C) under the Exchange Act,[25] which requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to establish objective, risk-based, and publicly disclosed criteria for participation, which, when the covered clearing agency provides central counterparty services in transactions in U.S. Treasury securities, ensure that it has appropriate means to facilitate access to clearance and settlement services of all eligible secondary market transactions in U.S. Treasury securities, including those of indirect participants, which policies and procedures the board of directors of such covered clearing agency reviews annually;
- Rule 17ad–22(e)(19) under the Exchange Act,[26] which requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to identify, monitor, and manage the material risks to the covered clearing agency arising from arrangements in which firms that are indirect participants in the covered clearing agency rely on the services provided by direct participants to access the covered clearing agency's payment, clearing, or settlement facilities; and
- Rule 17ad–22(e)(23)(ii) under the Exchange Act,[27] which requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide sufficient information to enable participants to identify and evaluate the risks, fees, and other material costs they incur by participating in the covered clearing agency.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the Proposed Rule Change. In particular, the Commission invites the written views of interested persons concerning whether the Proposed Rule Change is consistent with Section 17A(b)(3)(F),[28] and Rules 17ad–22(e)(4)(i), (e)(6)(i), (e)(18)(iv)(C), (e)(19), and (e)(23)(ii) [29] of the Exchange Act, or any other provision of the Exchange Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4(g) under the Exchange Act,[30] any request for an opportunity to make an oral presentation.[31]

The Commission asks that commenters address the sufficiency of FICC's statements in support of the Proposed Rule Change, which are set forth in the Notice of Filing [32] in addition to any other comments they may wish to submit about the Proposed Rule Change.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–FICC–2025–025 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–FICC–2025–025. 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 such filing also will be available for inspection and copying at the principal office of FICC and on FICC's website (*www.dtcc.com/legal/second* rule-filings). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from

[20] *Id.*

[21] 15 U.S.C. 78q–1.

[22] 15 U.S.C. 78q–1(b)(3)(F).

[23] 17 CFR 240.17ad–22(e)(4)(i).

[24] 17 CFR 240.17ad–22(e)(6)(i).

[25] 17 CFR 240.17ad–22(e)(18)(iv)(C).

[26] 17 CFR 240.17ad–22(e)(19).

[27] 17 CFR 240.17ad–22(e)(23)(ii).

[28] 15 U.S.C. 78q–1(b)(3)(F).

[29] 17 CFR 240.17Ad–22(e)(4)(i), 17 CFR 240.17Ad–22(e)(6)(i), 17 CFR 240.17Ad–22(e)(18)(iv)(C), 17 CFR 240.17ad–22(e)(19) and 17 CFR 240.17ad–22(e)(23)(ii).

[30] 17 CFR 240.19b–4(g).

[31] Section 19(b)(2) of the Exchange Act grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[32] *See* Notice of Filing, *supra* note 3.

publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR–FICC–2025–025 and should be submitted on or before April 13, 2026. Rebuttal comments should be submitted by April 27, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–05558 Filed 3–20–26; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under Office of Management and Budget Review

AGENCY: U.S. Small Business Administration.

ACTION: 30-Day notice; request for comments.

SUMMARY: The Small Business Administration (SBA) will submit the information collection described below to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, as amended, on or after the date of publication of this notice. SBA is publishing this notice to allow all interested members of the public an additional 30 days to provide comments on the collection of information.

DATES: Submit comments on or before April 22, 2026.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Small Business Administration''; ''Currently Under Review,'' then select the ''Only Show ICR for Public Comment'' checkbox. This information collection can be identified by title and/or OMB Control Number, which are provided below.

FOR FURTHER INFORMATION CONTACT: You may obtain information including a copy of the forms and supporting documents from the Interim Agency Clearance Officer, Shauniece Carter, at (202) 205–6536, or *shauniece.carter@sba.gov,* or from *www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: The servicing agent agreement is executed by the borrower and the certified development company as the loan servicing agent. The agreement is primarily used by the certified development company as the loan servicing agent and acknowledges the imposition of various fees allowed in SBA's 504 loan program.

Summary of Information Collection

Title: Servicing Agent Agreement.
OMB Control Number: 3245–0193.
SBA Form: 1506.
Estimated Number of Respondents: 6,226.
Estimated Annual Responses: 6,226.
Estimated Annual Hour Burden: 6,226.

Solicitation of Public Comments

SBA invites the public to submit comments, including specific and detailed suggestions on ways to improve the collection and reduce the burden on respondents. Commenters should also address (i) whether the information collection is necessary for the proper performance of SBA's functions, including whether it has any practical utility; (ii) the accuracy of the estimated burdens; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; and (iv) the use of automated collection techniques or other forms of information technology to minimize the information collection burden on those who are required to respond.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2026–05614 Filed 3–20–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21438 and #21439; MISSISSIPPI Disaster Number MS–20019]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of MISSISSIPPI and the MISSISSIPPI BAND OF CHOCTAW INDIANS

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of MISSISSIPPI and the MISSISSIPPI BAND OF CHOCTAW INDIANS (FEMA–4899–DR), dated February 6, 2026.

Incident: Severe Winter Storm.

DATES: Issued on March 17, 2026.

Incident Period: January 23, 2026 through January 27, 2026.

Physical Loan Application Deadline Date: April 7, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: November 6, 2026.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of MISSISSIPPI and the MISSISSIPPI BAND OF CHOCTAW INDIANS, dated February 6, 2026, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Choctaw, Itawamba, Oktibbeha, Wilkinson.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)
(*Authority:* 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–05654 Filed 3–20–26; 8:45 am]

BILLING CODE 8026–09–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2026–0133]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

[33] 17 CFR 200.30–3(a)(31).

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, Mail Stop 3253 Altmeyer, 6401 Security Blvd., Baltimore, MD 21235, Fax: 833–410–1631, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *https://www.reginfo.gov/public/do/PRAmain* by clicking on Currently under Review—Open for Public Comments and choosing to click on one of SSA's published items. Please reference Docket ID Number [SSA–2026–0133] in your submitted response.

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than May 22, 2026. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *Request for Corrections of Earnings Record—20 CFR 404.820 and 20 CFR 422.125—0960–0029.* Individuals alleging inaccurate earnings records in SSA's files use paper Form SSA–7008, or a personal interview during which SSA employees key their answers into our electronic Earnings Modernization Item Correction system, to provide the information SSA needs to check earnings posted, and as necessary, initiate development to resolve any inaccuracies. The respondents are individuals who request correction of earnings posted to their Social Security earnings record.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office/telephone wait time (minutes) **	Total annual opportunity cost (dollars) ***
SSA–7008	9,766	1	30	4,883	* $32.66		*** $159,479
In-person or telephone interview	112,312	1	30	56,156	* 32.66	** 38	*** 4,157,193
mySSA Earnings Correction Screen	14,194	1	30	7,097	*32.66		*** 231,788
Totals	136,272			68,136			*** 4,548,460.

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*Occupational Employment and Wage Statistics*)

** We based this figure on the average combined FY 2026 wait times for field offices (23 minutes) and for teleservice centers (52 minutes which includes the average speed of answer of 11 minutes as well as the average 41-minute wait time for a call back from an SSA technician), based on SSA's current management information data. This figure reflects both data from our systems and the data posted on our public facing website (Social Security performance| SSA) on the date we drafted this document. As the figures fluctuate daily, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data on call back times to ensure we report updated figures when possible.

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2. *Application for Supplemental Security Income (Deferred or Abbreviated)—20 CFR 416.305–416.335, Subpart C—0960–0444.* SSA provides Supplemental Security Income (SSI) payments to members of the public who meet the required eligibility criteria and file an application. SSA uses Form SSA8001BK, Application for SSI (Deferred or Abbreviated), to collect information from respondents to either: (1) provide a formal determination of ineligibility based on non-medical reasons only, or (2) document allegations of potential eligibility prior to requesting a medical determination from the state disability determination services (DDS) while deferring the collection of additional information until after the DDS approves a medical determination. Respondents apply for SSI using the deferred application through one of three modalities: (1) a paper application for both adult and child claims (Form SSA–8001), which the public can access as a fillable PDF from our website and submit through SSA's Upload Documents Portal (OMB Control No. 0960–0830); (2) a field office interview (in person or over the phone), during which an SSA employee enters applicant data directly into the Consolidated Claim Experience (CCE) and Intranet SSI Claims System screens; or (3) using the internet Claims (iClaim) System to complete the iSSI internet application to complete the basic eligibility questions. In December 2024, SSA implemented a new simplified SSI online application. SSA developed a hybrid approach to streamline and simplify the online application form and the modalities we offer across other service channels (*i.e.,* phone and in-person interviews). SSA's hybrid approach consists of two separate steps: (1) capturing the claimant's basic eligibility with a simplified application, and (2) a technician supported experience to develop additional information necessary to make an initial determination. This second step only happens after we provide medical approval and identify what other information we need. This approach strikes a balance between improving the applicant's filing experience and collecting all necessary information to make eligibility determinations. SSA uses the information we gather on the SSA–8001, deferred SSI Application, to: (1) formally deny SSI for nonmedical reasons when information the applicant provides results in ineligibility; or (2) establish a disability claim but defer the evidence development of non-medical issues until SSA approves the disability. The respondents are individuals who are applying for SSI and are either clearly ineligible or, disabled or blind, or are the third parties who aid these individuals in applying for SSI.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
Intranet CCE or SSI Claims System ...	596,633	1	28	278,429	* $23.47	** 38	*** $15,403,291
Internet Claim System (iSSI)	167,331	1	6	16,733	* 23.47	.....	*** 392,724
SSA–8001 (Paper Version)	371,585	1	15	92,896	* 23.47	** 38	*** 7,703,629
Total	1,135,579	.....	.....	388,058	.....	.....	*** 23,499,644

* We based this figure by averaging both the average DI payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this figure on the average combined FY 2026 wait times for field offices (23 minutes) and for teleservice centers (52 minutes which includes the average speed of answer of 11 minutes as well as the average 41-minute wait time for a call back from an SSA technician), based on SSA's current management information data. This figure reflects both data from our systems and the data posted on our public facing website (Social Security performance| SSA) on the date we drafted this document. As the figures fluctuate daily, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data on call back times to ensure we report updated figures when possible.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

3. *Authorization to Obtain Earnings Data From the Social Security Administration—0960–0602.* On occasion, public and private organizations and agencies need to obtain detailed earnings information about specific Social Security number (SSN) holding wage earners for business purposes (*e.g.* pension funds and State agencies, etc.). Respondents use Form SSA–581 to identify the SSN holder whose information they are requesting, and provide authorization from the SSN holder, when applicable. SSA uses the information provided on Form SSA–581 to: (1) identify the wage earner; (2) establish the period of earnings information requested; (3) verify the wage earner authorized SSA to release this information to the requesting party; and (4) produce the Itemized Statement of Earnings (SSA–1826). The respondents are private businesses, state or local agencies, and other federal agencies.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–581	24,000	1	10	4,000	* $39.86	** $159,440

* We based this figure on the average Compensation, Benefits, and Job Analysis Specialists hourly wage data, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

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4. *Medicare Subsidy Quality Review Forms—20 CFR 418(b)(5)—0960–0707* The Medicare Modernization Act of 2003 mandated the creation of the Medicare Part D prescription drug coverage program and provides certain subsidies for eligible Medicare beneficiaries to help pay for the cost of prescription drugs. As part of its stewardship duties of the Medicare Part D subsidy program, SSA conducts periodic quality review checks of the information Medicare beneficiaries report on their subsidy applications (Form SSA–1020). SSA uses the Medicare Quality Review program to conduct these checks. The respondents are applicants for the Medicare Part D subsidy whom SSA chose to undergo a quality review.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time telephone (minutes) **	Total annual opportunity cost (dollars) **
SSA–9301 (Medicare Subsidy Quality Review Case Analysis Form	3,500	1	30	1,750	* $32.66	** 52	*** $156,212

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time telephone (minutes) **	Total annual opportunity cost (dollars) **
SSA–9302 (Notice of Quality Review Acknowledgment Form for those with Phones)	3,500	1	15	875	* 32.66	.....	*** 28,578
SSA–9303 (Notice of Quality Review Acknowledgment Form for those without Phones) ..	350	1	15	88	* 32.66	.....	*** 2,874
SSA–9308 (Request for Information)	7,000	1	15	1,750	* 32.66	.....	*** 57,155
SSA–9310 (Request for Documents)	3,500	1	5	292	* 32.66	.....	*** 9,537
SSA–9311 (Notice of Appointment-Denial -Reviewer Will Call)	450	1	15	113	* 32.66	.....	*** 3,691
SSA–9312 (Notice of Appointment-Denial-Please Call Reviewer)	50	1	15	13	* 32.66	.....	*** 425
SSA–9313 (Notice of Quality Review acknowledgment Form for those with Phones)	2,500	1	15	625	* 32.66	.....	*** 20,413
SSA–9314 (Notice of Quality Review acknowledgement Form for those without Phones) ..	500	1	15	125	* 32.66	.....	*** 4,083
Total	21,350	.....	.....	5,631	.....	53	** 282,968

* We based this figure on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this figure on the average combined FY 2026 wait times for field offices (23 minutes) and for teleservice centers (52 minutes which includes the average speed of answer of 11 minutes as well as the average 41-minute wait time for a call back from an SSA technician), based on SSA's current management information data. This figure reflects both data from our systems and the data posted on our public facing website (Social Security performance| SSA) on the date we drafted this document. As the figures fluctuate daily, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data on call back times to ensure we report updated figures when possible.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

5. *Electronic SSDI and SSI Wage Reporting: myWageReport, SSA Mobile Wage Reporting, and Supplemental Security Income Telephone Wage Reporting—20 CFR 404.1520(b), 404.1571–1576, 404.1584–1593, & 416.701–416.732—0960–0715.* SSA requires Social Security Disability Insurance (SSDI) beneficiaries or their representative payees to report changes when beneficiaries return to work, when their amount of work increases, or when their earnings increase. Similarly, SSA requires recipients of SSI, their deemors, and representative payees to report changes in work and monthly wages. SSA allows SSDI beneficiaries, SSI recipients, deemors, and representative payees to report earnings via electronic means, though the methods available depend on the type of benefits received. SSDI users may report wages using an internet reporting system called myWageReport. myWageReport is a secure internet reporting tool within the mySSA portal that enables SSDI beneficiaries to submit pay stub information to SSA. In addition to myWageReport, SSI users have two other electronic options, the SSA Mobile Wage Reporting application (SSAMWR) and the SSI Telephone Wage Reporting System (SSITWR). The SSITWR allows callers to report their wages by speaking their responses through voice recognition technology, or by keying in responses using a telephone key pad. The SSAMWR allows recipients to report their wages through the mobile wage reporting application on their smartphone. SSITWR and SSAMWR systems collect the same information and send it to SSA over secure channels. To ensure the security of the information provided, SSITWR and SSAMWR ask respondents to provide information SSA can compare against our records for authentication purposes. Once the system authenticates the identity of the respondents, they can report their wage data. The respondents are SSDI beneficiaries, SSI recipients, SSI deemors, or representative payees.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) **	Total annual opportunity cost (dollars) ***
Training/Instruction +	129,032	1	129,032	35	75,269	* $23.47	** $1,766,563
myWageReport	37,425	12	449,100	22	164,670	* 23.47	** 3,864,805
SSITWR	8,678	12	104,136	20	34,712	* 23.47	** 814,691
SSAMWR	82,929	12	995,148	20	331,716	* 23.47	** 7,758,375
Totals	258,064	.....	1,667,416	.....	606,367	.....	** 14,204,434

+ SSI respondents complete training and a modality of collection. SSA is not able to break down the number of new wage reporters who receive training and longtime wage reporters who did not receive training; therefore, the actual number may be less than the estimate we provided. SSA collects management information data based on the number of transactions; the number of respondents has been extrapolated from that number. We do not collect MI on unique reporters.

* We based this figure by averaging both the average DI payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

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6. *Request for Evidence from Doctor and Request for Evidence from Hospital—20 CFR 404 Subpart P and 20 CFR 416 Subpart I—0960–0722.* Sections 223(d)(5) and 1614(a)(3)(H)(i) of the Act require claimants to furnish medical evidence of their disability when filing a disability claim. SSA uses Forms HA–66 and HA–67 to request evidence from medical sources, which claimants identify as having information relative to their impairments, or ability to do work-related activities. In addition to accepting manual paper responses, SSA sends a barcode with the HA–66 and HA–67, allowing respondents to fax the information directly into the electronic claims folder rather than submitting it manually. SSA uses the information to determine eligibility for benefits, and to pay medical sources for furnishing the information. The respondents are medical sources, doctors, and hospitals that evaluate the claimants.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
HA–66—Paper Version	6,843	22	150,546	15	37,637	* $103	** $3,876.611
HA–66—Electronic Version (ERE or barcode)	12,708	22	279,576	15	69,894	* 103	** 7,199,082
HA–67—Paper Version	2,752	22	60,544	15	15,136	* 103	** 1,559,008
HA–67—Electronic Version (ERE or barcode)	5,111	22	112,442	15	28,111	* 103	** 2,895,433
Totals	27,414	.....	.....	.....	150,778	.....	** 15,530,134

* We based this figures on the average Physician's hourly salary, the average Psychiatrist's hourly salary, and the average Psychologist's hourly salary as reported by Bureau of Labor Statistics data (*Occupational Employment and Wage Statistics*).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

7. *Government-to-Government Services Online website Registration Form; Government-to-Government Services Online website Account Modification/Deletion Form—20 CFR 401.45—0960–0757.* The Government-to-Government Services Online (GSO) website allows various external organizations to submit files to a variety of SSA systems and, in some cases, receive files in return. The SSA systems that process data transferred via GSO include, but are not limited to, systems responsible for disability processing and benefit determination or termination. SSA uses the information on Form SSA–159, Government-to-Government Online website Registration Form, to register the requestor to use the GSO website. Once we receive the SSA–159, SSA provides the user with account information and conducts a walkthrough of the GSO website as necessary. Established organizations may submit Form SSA–159 to register additional users as well. The established requesting organizations can also complete Form SSA–160, Government-to-Government Online website Account Modification/Deletion Form, to modify their online accounts (*e.g.,* address change). Respondents are State and local government agencies, and some private sector business entities.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–159	1,973	1	15	493	* $21.44	** $10,570
SSA–160	366	1	15	92	* 21.44	** 1,972
Totals	2,339			585		** 12,542

* We based these figures on average Information and Record Keeping Clerk's hourly salary, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

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8. *Request to Show Cause for Failure to Appear—20 CFR 404.938, 416.1438, and 404.957(b)(i) and (ii)—0960–0794.* When claimants who requested a hearing before an administrative law judge (ALJ) fail to appear at their scheduled hearing, the ALJ may reschedule the hearing if the claimants establish good cause for missing the hearings. To establish good cause, respondents must show proof of one of the following: (1) SSA did not properly notify the claimant of the hearing; or (2) an unexpected event occurred without sufficient time for the claimant to request a postponement. The claimants can use paper Form HA–L90 or HA–L90–OP1 to provide their reason for not appearing at their scheduled hearings; or the claimants' representatives can use Electronic Records Express (ERE), OMB Control No. 0960–0753, to submit the HA–L90 online. SSA uses the HA–L90 for new cases, and the HA–L90–OP1 for redeterminations cases. We need two versions of the paper form, as the ALJ follows different procedures when determining the good cause on redetermination cases (cases that have a prior decision and evidence on file), than they do for new cases (where we have no evidence on file). The ERE modality automatically adjusts for redetermination cases, so we only need one version of the internet screens. If the ALJ determines the claimant established good cause for failure to appear at the hearing, the ALJ will schedule a supplemental hearing; if not, the ALJ will make a claims eligibility determination based on the claimants' evidence of record. Respondents are claimants, or their representatives, seeking to establish good cause for failure to appear at a scheduled hearing before an ALJ.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
HA–L90	37,265	1	10	6,211	* $23.47	** $145,772.17
HA–L90–OP1	500	1	10	83	* 23.47	** 1948.01
Totals	37,765			6,294		** 147,720.18

* We based this figure on averaging both the average DI payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

9. *Vocational Resource Facilitator Demonstration—0960–0829.* SSA administers the Vocational Resource Facilitator Demonstration (VRFD) under the Interventional Cooperative Agreement Program (ICAP). ICAP allows SSA to partner with various non-federal groups and organizations to advance interventional research connected to the SSI and SSDI programs. VRFD tests the Vocational Resource Facilitator (VRF) intervention, which helps newly injured spinal cord injury or disease (SCI) or brain injury (BI) patients in pursuing their employment goals. The VRFD provides empirical evidence on the impact of the intervention on patients in several critical areas: (1) employment and earnings; (2) SSI and SSDI benefit receipt; and (3) satisfaction and well-being. A rigorous evaluation of VRFD is critical to help SSA and other interested parties assess promising options to improve employment-related outcomes and decrease benefit receipt. The VRFD evaluation uses a randomized control experimental design that includes one treatment group and one control group. Control group members receive a referral for services to the Division of Vocational Rehabilitation Services (DVRS), New Jersey's state Vocational Rehabilitation agency. The treatment group receives a referral to DVRS and employment services from a resource facilitator (RF). RFs are fully integrated members of clinical teams who engage with injured workers during inpatient rehabilitation about return to work. The central research questions include:

- Was the intervention implemented as planned?
- What are key considerations for scaling up or adopting the VRF model at other facilities?
- What were the impacts of VRF on outcomes of interest?
- Did treatment group members earn or work more than control group members?
- Were treatment group members relatively less likely to apply to or receive SSI or SSDI benefits?
- Did treatment group members experience greater satisfaction and well-being than control group members?
- What were the benefits and costs of the demonstration across key groups?

The proposed public survey data collections supports three components of the planned implementation, impact, and benefit-cost analyses. The data collection efforts provides information that is not available in SSA program records about the characteristics and outcomes of VRFD participants in the treatment and control groups. Respondents are newly injured SCI and BI patients, who will provide written consent before agreeing to participate in the study and are randomly assigned to one of the study groups.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
12-month Follow-up Survey	90	1	25	38	* $14.27	** $542
Staff Interviews with Site Staff	12	1	66	13	* 32.66	** 425
Onsite Audit of sample of case files	1	1	30	1	* 32.66	** 32.66
Totals	103			51		** 1,000

* We based this figure on DI Payments, based on SSA's current management information data (Effect of COLA on Average Social Security Benefits) and on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

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II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than April 22, 2026. Individuals can obtain copies of these OMB clearance packages by writing to the *OR.Reports.Clearance@ssa.gov.*

1. *Application for Child's Insurance Benefits—20 CFR 404.350–404.368, 404.603, & 416.350—0960–0010.* Title II of the Social Security Act (Act) provides for the payment of monthly benefits to children of an insured worker who is retired, disabled, or deceased. Section 202(d) of the Act discloses the conditions and requirements SSA requires the applicant to meet when filing an application. SSA uses the information on Form SSA–4–BK to determine entitlement for children of living and deceased workers to monthly Social Security payments. Respondents are guardians completing the form on behalf of the children of living or deceased workers, or the children of living or deceased workers.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office and teleservice centers (minutes) ***	Total annual opportunity cost (dollars) ***
SSA–4–BK (Death Claim): Paper	1,702	1	12	340	* $32.66		*** $11,104
SSA–4–BK (Death Claim): MCS Interview	235,166	1	11	43,114	* 32.66	** 38	*** 6,272,418
SSA–4–BK (Life Claim): Paper	2,912	1	12	582	* 32.66		*** 19,008
SSA–4–BK (Life Claim): MCS Interview	332,333	1	11	60,928	* 32.66	** 38	*** 8,864,120
Totals	572,113			104,964			*** 15,166,650

* We based this figure on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this figure on the average combined FY 2026 wait times for field offices (23 minutes) and for teleservice centers (52 minutes which includes the average speed of answer of 11 minutes as well as the average 41-minute wait time for a call back from an SSA technician), based on SSA's current management information data. This figure reflects both data from our systems and the data posted on our public facing website (Social Security performance | SSA) on the date we drafted this document. As the figures fluctuate daily, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data on call back times to ensure we report updated figures when possible. We note that we combined these two figures for the purposes of this information collection, as SSA does not track whether the respondents who complete the MCS interview do so via telephone or in person. In addition, we did not calculate wait time for the respondents who use the paper form, as they submit the forms via mail.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

2. *Statement Regarding Marriage—20 CFR 404.726—0960–0017.* Section 216(h)(1)(A) of the Act directs SSA to apply State law to determine an individual's marital relationship. Some state laws recognize marriages without a ceremony (*i.e.,* common-law marriages). In such cases, SSA provides the same spouse or widow(er) benefits to the common-law spouses as it does to ceremonially married spouses. To determine common-law spouses, SSA must elicit information from blood relatives or other persons who are knowledgeable about the alleged common-law relationship. SSA uses Form SSA–753, Statement Regarding Marriage, to collect information from third parties to verify the applicant's statements about intent; cohabitation; and holding out to the public as married, which are the basic tenets of a common-law marriage. SSA uses the information to determine if a valid marital relationship exists, and if the common-law spouse is entitled to Social Security spouse, or widow(er) benefits. The respondents are blood relatives of the worker or claimant for spouse's or widow(er)'s benefits, or other third parties who can confirm or deny an alleged common-law marriage.

This is a correction notice: SSA published the incorrect burden information for this collection at 90 FR 42294, on 8/29/25. We are correcting this error here.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–753 (paper)	179,804	1	9	26,971	* $32.66	*** $880,873
SSA–753 Submittable PDF Version via Upload Documents (0960–0830)	165	1	9	25	* 32.66	** 817
Totals	179,969			56,990		** 881,690

* We based this figure on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

3. *Claimant's Work Background—20 CFR 404.1512(a); 404.1520(a)(4); 404.1565(b); 416.912(a); 416.920(a)(4); 416.965(b)—0960–0300.* Sections 205(a) and 1631(e) of the Act provide the Commissioner of Social Security with the authority to establish procedures for determining if a claimant is entitled to disability benefits. The administrative law judge (ALJ) may ask individuals to provide background information on Form HA–4633 about work they performed in the past 15 years. When a claimant requests a hearing before an ALJ to establish an entitlement to disability benefits, the ALJ may request that the claimant provide a work history to assist the ALJ in fully inquiring into issues related to the disability. The ALJ uses the information collected from the claimants on Form HA–4633 to: (1) identify the claimant's relevant work history; (2) decide if SSA requires expert vocational testimony and, if so, have a vocational expert available to testify during the hearing; and (3) provide a reference for the ALJ to discuss the claimant's work history. The ALJ makes the completed Form HA–4633 part of the documentary evidence of record. The respondents are claimants for disability benefits under Title II or Title XVI who requested a hearing before an ALJ after SSA denied their application for disability payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
HA–4633 (paper)	48,450	1	20	16,150	* $14.27	** $230,461
Electronic Records Express Submissions	236,550	1	20	78,850	* 32.66	** 275,241
Totals	285,000			142,500		*** 505,702

* We based these figures on average DI hourly wages based on SSA's current FY 2026 SSI data (Effect of COLA on Average Social Security Benefits*), and on* average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

4. *Disability Update Report—20 CFR 404.1589–404.1595 and 416.988–416.996—09600511.* As part of our statutory requirements, SSA periodically uses Form SSA–455, the Disability Update Report, to evaluate current Title II disability beneficiaries' and Title XVI disability payment recipients' continued eligibility for Social Security disability payments. Specifically, SSA uses the form to determine if: (1) there is enough evidence to warrant referring the respondent for a full medical Continuing Disability Review (CDR); (2) the respondent's impairments are still present and indicative of no medical improvement, precluding the need for a CDR; or (3) the respondent has unresolved work related issues. SSA mails Form SSA–455 to specific

disability recipients, whom we select as possibly qualifying for the CDR process. SSA pre-fills the form with data specific to the disability recipient, except for the sections we ask the recipients to complete. When SSA receives the completed form, we scan it into SSA's system. This allows us to gather information electronically and enables SSA to process the returned forms through automated decision logic to decide the proper course of action to take. The respondents are recipients of Title II and Title XVI Social Security disability payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in teleservice center (minutes) **	Total annual opportunity cost (dollars) ***
SSA–455 (mail-in) ..	1,049,176	1	15	262,294	* $14.27	.....	*** $3,684,818
SSA–455 (electronic online process)	89,104	1	15	22,276	* 14.27	.....	*** 317,879
Telephone Interview Process	100	1	15	25	* 14.27	** 52	*** 1,598
Totals	1,138,380	.....	.....	284,595	.....	.....	*** 4,004,295

* We based this figure on average DI payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits).

** We based this figure on the average FY 2026 wait times for teleservice centers (52 minutes which includes the average speed of answer of 11 minutes as well as the average 41-minute wait time for a call back from an SSA technician), based on SSA's current management information data. This figure reflects both data from our systems and the data posted on our public facing website (800 number performance | SSA) on the date we drafted this notice. As the figures fluctuate daily, the wait times may be different on the publication date of this notice.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

5. *Incorporation by Reference of Oral Findings of Fact and Rationale in Wholly Favorable Written Decisions (Bench Decision Regulation)—20 CFR 404.953 and 416.1453—0960–0694.* If an administrative law judge (ALJ) makes a wholly favorable oral decision, including all the findings and rationale for the decision for a claimant of Title II or Title XVI payments, at an administrative appeals hearing, the ALJ sends a Notice of Decision (Form HA–82), as the records from the oral hearing preclude the need for a written decision. We call this the incorporation-by-reference process. In addition, the regulations for this process state that if the involved parties want a record of the oral decision, they may submit a written request for these records. SSA collects identifying information under Sections 20 CFR 404.953 and 416.1453 of the Code of Federal Regulations to determine how to send interested individuals written records of a favorable incorporation-by-reference oral decision made at an administrative review hearing. Since there is no prescribed form to request a written record of the decision, the involved parties send SSA their contact information and reference the hearing for which they would like a record. The respondents are applicants for Disability Insurance Benefits and SSI payments, or their representatives, to whom SSA gave a wholly favorable oral decision under the regulations cited above.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
HA–82	622	1	5	52	* $14.27	** $742

* We based this figure on the average DI payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

6. *Help America Vote Act—0960–0706.* Public Law 107–252, the Help America Vote Act of 2002, mandates that States verify the identities of newly registered voters. When newly registered voters do not have driver's licenses or State-issued ID cards, they must supply the last four digits of their Social Security number to their local State election agencies for verification. The election agencies forward this information to their State Motor Vehicle Administration (MVA), and the State MVA inputs the data into the American Association of MVAs (AAMVA), a central consolidation system that routes the voter data to SSA's Help America Vote Verification (HAVV) system. SSA's HAVV system returns the result (a ''match'' or ''no match'' of name, DOB, and last four digits of an SSN) to the AAMVA hub, which then routes the information back to the state MVA. The respondents are State MVAs seeking to confirm voter identities.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
HAVV	+ 45	121,01345	5,445,585	2	181,520	* $24.14	** $4,381,893

+ The 45 respondents here represent the number of states participating in HAVV. SSA has agreements with forty-four states and one territory (Puerto Rico) for the use of HAVV to support their states' voter registration process. Five States (*i.e.,* New Mexico, Kentucky, South Carolina, Tennessee, and Virginia) are permitted to use the 9-digit SSN on applications for voter registration; therefore, these States do not obtain SSN verifications from SSA through HAVV for voter registration (which requires states to use on the last four digits of the SSN for verification). North Dakota has no voter registration requirement and, therefore, does not use the HAVV system.

* We based this figure on the average Information and Record Clerks, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Cost Burden: Per our current management information data, the 45 state MVAs participating in HAVA each pay an annual maintenance cost of $1,344.88. Additionally, states pay .30 per verification request. Therefore, the total annual cost to respondents is $60,520.

7. *Advance Designation of Representative Payee—0960–0814.* On April 13, 2018, the President signed into law The Strengthening Protections for Social Security Beneficiaries Act of 2018, also known as Public Law (Pub. L.) 115–165. Section 201 of the law allows SSA beneficiaries and applicants under Title II, Title VIII and Title XVI, of the Act to designate individuals to serve as a representative payee should the need arise in the future. Section 201(j)(2) of Public Law 115–165 provides the requirements for selecting a qualified representative payee. SSA only offers the option to advance designate to capable adults and emancipated minors. Beneficiaries who have an assigned representative payee, or have a representative application in process, cannot advance designate. SSA uses Form SSA–4547, Advance Designation of Representative Payee, or the electronic modalities for this form [the internet i4547 (available through both iClaim and an individual's mySocial Security account), and Intranet SSI Claim System, Modernized Claim System (MCS), and iMain System screens] to allow beneficiaries or applicants the option to designate individuals in order of priority, to serve as a representative. Beneficiaries or applicants can update or change the advance designee order of priority at any time. SSA uses the information on Form SSA–4547 or its equivalent modalities to select a qualified representative payee in order of priority. If the selected representative payee is unable or unwilling to serve, or does not meet SSA requirements, SSA selects another representative payee to serve in the beneficiaries and applicant's best interest. SSA notifies beneficiaries annually of the individuals they chose in advance to be their representative payee. The respondents are SSA beneficiaries and claimants who want to designate individuals to serve as a representative payee should the need arise in the future.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time for a field office or teleservice center (minutes) **	Total annual opportunity cost (dollars) ***
Submission of Advance Designation							
Intranet version (Paper Form SSA–4547, SSI Claims System, MCS, iMain)	+ 693,339	1	6	69,334	* $23.47	** 38	*** $11,933,298
Internet version (mySocial Security)	304,471	1	6	30,447	* 23.47	.....	*** 714,591
Internet version (iClaim)	898,233	1	6	89,823	* 23.47	.....	*** 2,108,146
Totals	1,896,043	.....	.....	189,604	.....	.....	*** 14,756,035
Waiver of Advance Designation							
Intranet version (Paper Form SSA–4547, SSI Claims System, MCS, iMain)	1,507,403	1	2	50,247	* 23.47	** 38	*** 23,585,848
Internet version (mySSA)	1,442	1	2	48	* 23.47	.....	*** 1,127
Internet version (iClaim)	1,498,363	1	2	49,945	* 23.47	.....	*** 1,172,209

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time for a field office or teleservice center (minutes) **	Total annual opportunity cost (dollars) ***
Totals	3,007,208			100,240			*** 24,759,184
Grand Totals							
Totals	4,903,251			289,844			*** 39,515,219

+ SSA enters advance designation information we receive on the paper Form SSA–4547 in the advanced designation representative payee system using one of the Intranet applications. Accordingly, we have included the paper form responses in this figure for Intranet responses.

* We based this figure by averaging both the average DI payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this figure on the average combined FY 2026 wait times for field offices (23 minutes) and for teleservice centers (52 minutes which includes the average speed of answer of 11 minutes as well as the average 41-minute wait time for a call back from an SSA technician), based on SSA's current management information data. This figure reflects both data from our systems and the data posted on our public facing website (Social Security performance √ SSA) on the date we drafted this document. As the figures fluctuate daily, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data on call back times to ensure we report updated figures when possible.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

8. *Electronic Consent Based Social Security Number Verification—20 CFR 400.100—0960–0817.* The electronic Consent Based Social Security Number Verification (eCBSV) is a fee-based Social Security Number (SSN) verification service that allows permitted entities (a financial institution as defined by Section 509 of the Gramm-Leach-Bliley Act. 42 U.S.C. 405b(b)(4), Public Law 115–174, Title II, 215(b)(4), or service provider, subsidiary, affiliate, agent, subcontractor, or assignee of a financial institution), to verify that an individual's name, date of birth (DOB), and SSN match our records based on the SSN holder's signed—including electronic—consent in connection with a credit transaction or any circumstance described in section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b).

Background

We created this service due to section 215 of the Economic Growth, Regulatory Relief, and Consumer Protection Act of 2018 (Banking Bill), Public Law 115–174. Permitted entities are able to submit an SSN, name, and DOB of the number holder in connection with a credit transaction or any circumstances described in Section 604 of the Fair Credit Reporting Act to SSA for verification via an application programming interface. The purpose of the information collection is for SSA to verify for the permitted entity (PE) that the submitted SSN, name and DOB matches, or does not match, the data contained in our records. After obtaining number holders' consents, a PE submits the names, DOBs, and SSNs of number holders to the eCBSV service. SSA matches the information against our Master File, using SSN, name, and DOB. The eCBSV service responds in real time with an indication as to whether there is a match with a ''yes'' or ''no'' response, along with details specifying which data element(s) do not align with SSA records. Additionally, if applicable, the SSN verification result indicates the status of the individual's death based on data in SSA's records. The verification does not authenticate the identity of the number holders or conclusively prove the number holders we verify are who they claim to be. Respondents can find up-to-date information on the service, eligibility, fees, enrollment, technical specifications, and guides to written consent on the eCBSV website.

Consent Requirements

Under the eCBSV process, the PE does not submit the number holder's consent forms to SSA. SSA requires each PE to retain a valid consent for each SSN verification request submitted for a period of 5 years. The agency permits the PE to retain the consent in an electronic format.

SSA requires a wet or electronic signature on the consent. A PE may request verification of a number holder's SSN on behalf of a financial institution pursuant to the terms of the Banking Bill, the user agreement between SSA and the PE, and the SSN Holder's consent. In this case, the PE ensures that the financial institution agrees to the terms in the user agreement, which require the PE use the SSN verification only for the purpose stated in the consent, and to mark their own records as ''verified'' or ''unverified,'' and prohibits entities from further using or disclosing the SSN verification. This relationship is subject to the terms in the user agreement between SSA and the PE.

Compliance Review

SSA requires each PE to undergo compliance reviews. An SSA approved certified public accountant (CPA) conducts the compliance reviews. SSA designed the compliance reviews to ensure that the permitted entities meet all terms and conditions of the user agreement, including that the permitted entities obtain valid consent from number holders. The PE pays all compliance review costs through the eCBSV fees. In general, every permitted entity is subject to an initial audit then once within five (5) years based on compliance. The CPA follows review standards established by the American Institute of Certified Public Accountants and contained in the Generally Accepted Government Auditing Standards (GAGAS). eCBSV is available to all interested permitted entities, as defined in section 215 of the Banking Bill with an estimated annual 58,000,000 requests. The respondents to the eCBSV information collection are the permitted entities; members of the public who consent to SSN verifications; and CPAs who provide compliance review services.

Note: Per OMB's Terms of Clearance, SSA is allowing for public comment on several minor changes to the User Agreement which OMB approved via Change Request. These minor changes enhance the match/no match data we provide to include which elements do not align with our records; minor

language changes to update language which discusses the match/no match data process; revisions to the agreement period and tier levels to allow for greater flexibility in costs and utilization; and to update language for clarity purposes.

Type of Request: Revision of an OMB-approved information collection.

TIME BURDEN

Requirement	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
a) People whose SSNs SSA will verify—Reading and Signing	58,000,000	1	3	2,900,000	* $14.27	** $41,383,000
a) Sending in the verification request, calling our system, getting a response	58,000,000	1	1	966,667	* 45.04	** 43,538,682
c) CPA Compliance Review and Report ***	21	1	4,800	1,680	* 44.96	** 75,533
Totals	116,000,021			3,868,347		** 84,997,215

* We based these figures on average Business and Financial operations occupations (Occupational Employment and Wage Statistics), and Accountants and Auditors hourly salaries as reported by Bureau of Labor Statistics data, and average 2026 DI payments, as reported in SSA's disability insurance payment data (Effect of COLA on Average Social Security Benefits).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

*** The enrollment process occurs automatically through the eCBSV Customer Connection, and entails providing consent for SSA to verify the EIN; electronically signing the eCBSV User Agreement, and the permitted entities certification; selecting their annual tier level; and linking to pay.gov to make payment for services.

**** SSA uses one CPA firm (an SSA-approved contractor) to conduct compliance reviews and prepare written reports of findings on the permitted entities.

Cost Burden

The public cost burden depends on the number of PEs using the service and the annual transaction volume. We based the current tier fee schedule below on 21 participating PEs in fiscal year (FY) 2024 submitting an anticipated annual volume of 58 million transactions. For FY 2026, we are maintaining the current tier structure, based on our analysis, which estimated 21 participating PEs with an anticipated annual volume of 68 million. The total cost for developing and operating the service is $66.3 million through FY 2024. Of this amount, $25.5 million remains unrecovered/unreimbursed. The current subscription tier structure and associated fees are intended to recover these costs over a three-year period, assuming projected enrollments and transaction volumes meet these projections. SSA uses the fee to allocate forecasted systems and operational expenses; agency oversight; and overhead necessary to sustain the service.

eCBSV TIER FEE SCHEDULE

Tier	Annual transaction threshold	Annual fee
1	Up to 10,000 (1–10,000)	$5,100
2	Up to 75,000 (10,001–75,000)	37,125
3	Up to 200,000 (75,001–200,000)	98,000
4	Up to 500,000 (200,001–500,000)	240,000
5	Up to 1 million (500,001–1 million)	470,000
6	Up to 2.5 million (1,000,001–2.5 million)	907,500
7	Up to 5 million (2,500,001–5 million)	1,765,500
8	Up to 10 million (5,000,001–10 million)	3,206,250
9	Up to 15 million (10,000,001–15 million)	3,562,500
10	Up to 20 million (15,000,001–20 million)	4,453,125
11	Up to 25 million (20,000,001–25 million)	5,165,625
12	Up to 200 million (25,000,001–200 million)	5,878,125

SSA calculates fees based on forecasted systems and operational expenses, agency oversight, overhead, and Certified Public Accountant audit contract costs. Section 215(h)(1)(B) of the Banking Bill requires that the Commissioner shall ''periodically adjust'' the price paid by users to ensure that amounts collected are sufficient to fully offset the costs of administering the eCBSV system. On at least an annual basis, SSA monitors costs incurred to provide eCBSV services and revises the tier fee schedule accordingly. SSA notifies permitted entities of the tier fee schedule in effect at the renewal of eCBSV user agreements, when a permitted entity begins a new 365-day agreement period, and via notice in the **Federal Register**. Permitted entity renewals are governed by the tier in effect at the time of renewal.

Mark Steffensen,

General Counsel, Chief of Law and Policy, Social Security Administration.

[FR Doc. 2026–05600 Filed 3–20–26; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 12974]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Epic of the Northwest Himalayas: Pahari Paintings From the ''Shangri'' Ramayana'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Epic of the Northwest Himalayas: Pahari Paintings from the ''Shangri'' Ramayana'' at The Cleveland Museum of Art, Cleveland, Ohio, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Sherry C. Keneson-Hall,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–05631 Filed 3–20–26; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Delegation of Authority No. 619]

Delegation of Authority to the Assistant Secretary for Disaster and Humanitarian Response

By virtue of the authority vested in the Secretary of State by the laws of the United States, including the State Department Basic Authorities Act (22 U.S.C. 2651a(a)(4)), I hereby delegate to the Assistant Secretary for Disaster and Humanitarian Response, to the extent authorized by law, all functions authorities now vested or which in the future may be vested in the Secretary of State related to international disaster assistance, global food security, and humanitarian response, by any act, order, determination, delegation of authority, regulation, appointment, or executive order, now or hereafter issued, including functions and authorities under section 2(b) of the Migration and Refugee Assistance Act (MRAA) of 1962 to the extent related to international disaster assistance, global food security, and humanitarian response.

The Secretary, Deputy Secretary, and Deputy Secretary for Management and Resources, and Under Secretary for Foreign Assistance, Humanitarian Affairs, and Religious Freedom may exercise any function or authority delegated herein. The authorities delegated herein may be re-delegated to an Officer of the United States, to the extent authorized by law. This delegation of authority does not modify any other delegation of authority currently in effect.

This delegation of authority shall be published in the **Federal Register**.

Dated: March 13, 2026.

Marco A. Rubio,

Secretary of State, U.S. Department of State.

[FR Doc. 2026–05632 Filed 3–20–26; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Delegation of Authority No. 597–1]

Delegation of Authority to the Under Secretary for Foreign Assistance, Humanitarian Affairs, and Religious Freedom

By virtue of the authority vested in the Secretary of State by the laws of the United States, including the State Department Basic Authorities Act (22 U.S.C. 2651a(a)(4)), I hereby delegate to the Under Secretary for Foreign Assistance, Humanitarian Affairs, and Religious Freedom, to the extent authorized by law, all authorities vested in or delegated to the Director of Foreign Assistance; the Assistant Secretary for Population, Refugees, and Migration; the Assistant Secretary for Democracy, Human Rights, and Labor; the Assistant Secretary for Disaster and Humanitarian Response; Coordinator of United States Government Activities to Combat HIV/AIDS Globally; the Ambassador-At-Large for Global Health Security and Diplomacy; and the Coordinator for Reconstruction and Stabilization by any act, order, determination, delegation of authority, regulation, appointment, or executive order, now or hereafter issued.

The Secretary, Deputy Secretary, and Deputy Secretary for Management and Resources, may exercise any function or authority delegated herein. The authorities delegated herein may be re-delegated to an Officer of the United States, to the extent authorized by law. This delegation of authority replaces Delegation of Authority 597, which is hereby revoked.

This delegation of authority shall be published in the **Federal Register**.

Dated: March 13, 2026.

Marco A. Rubio,

Secretary of State, U.S. Department of State.

[FR Doc. 2026–05628 Filed 3–20–26; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. XXXX–XXXX]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Application for Employment With the Federal Aviation Administration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public to make public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves an automated application process for employment with the Federal Aviation Administration by way of the Office of Personnel Management's (OPM) USAJOBS website: *www.usajobs.gov.* The Applicants begin the application process by building an account on USAJOBS website and thereafter, they

are passed into the FAA Automated Vacancy Information Access Tool for Online Referral (AVIATOR) to answer specific questions related to FAA job vacancy of interest. This pass through is a direct USAJOBS interface with AVIATOR and hence, there is no standalone link to be used by the applicants.

The information collected is necessary to determine basic eligibility for employment and potential eligibility for Veteran's Preference, Veteran's Readjustment Act, and People with Disability appointments. In addition, there are specific occupation questions that assist the FAA Office of Human Resource Management (AHR) in determining candidates' qualifications in order that the best-qualified candidates are hired for the many FAA occupations.

DATES: Written comments should be submitted by May 22, 2026.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Toni Main-Valentin, Federal Aviation Administration, AHF–002, 6500 S. MacArthur Blvd., Room 117, Oklahoma City, OK 73169.

FOR FURTHER INFORMATION CONTACT: Toni Main-Valentin by email at: *toni.main-valentin@faa.gov*.

SUPPLEMENTARY INFORMATION: *Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0597.

Title: Application for Employment with the Federal Aviation Administration.

Form Numbers: Not applicable.

Type of Review: Renewal of an information collection.

Background: Under the provisions of Public Law 104–50, the Federal Aviation Administration (FAA) was given the authority and the responsibility for developing and implementing its own personnel system without regard to most of the provisions of Title 5, United States Code, exceptions being those concerning veteran's preference and various benefits.

The OPM developed a suite of forms for use in automated employment processes: all under a single OMB approval. The FAA AHR has the same OMB approval for its automated application for employment. By automating processes for employment application and the evaluation of candidates, AHR has markedly improved the service it provides to the public as well as its ability to locate and hire the best-qualified applicants. Lastly, via this process, applicants are provided with on-line results immediately upon submitting their application questionnaires.

The Agency is requesting certain information necessary to determine basic eligibility for employment and potential eligibility for Veteran's Preference, Veteran's Readjustment Act, and People with Disability appointments. In addition, occupation specific questions assist AHR in determining candidates' qualifications in order that the best-qualified candidates are hired for the many FAA occupations. The system currently in use for this collection is the Automated Vacancy Information Access Tool for Online Referral (AVIATOR). This system cannot be directly accessed. Applicants are transferred to the AVIATOR system from OPM's USAJOBS website during the application process.

Respondents: 78,713 US citizens identified as applicants for employment with the Federal Aviation Administration.

Frequency: On occasion/as interested.

Estimated Average Burden per Response: 1 Hour.

- 1 Hour—Average time for an applicant to complete the entire application process.
- 10 Minutes—Approximate time for an AHR huma resource specialist to review and validate applicant's application.
- 40 Minutes—Approximate time for the IT staff to generate ad-hoc data and reports for a vacancy announcement that an applicant has applied to.

Estimated Total Annual Burden: 78,713 hours (Applicant), 12,594 hours (FAA AHR Staff), and 23,614 hours (FAA IT Staff).

Issued in New Cumberland, PA on February 23, 2026.

Erik L. Chuba,

PMP, IT Project Manager/AVIATOR System Owner and PM [IT Project Manager, Office of Information and Technology (AIT), Mission Partnership Service (APS), APS–120, Partnerships and Project Management, Branch B.

[FR Doc. 2026–05656 Filed 3–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–5868]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Human Space Flight Requirements for Crew/Space Flight Participants

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public to make public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information for this collection is mandatory. The collection involves information demonstrating that a launch or reentry operation involving human participants will meet the risk criteria and requirement to ensure public safety. The FAA has established requirements for human space flight crew and space flight participants as required by the Commercial Space Launch Amendments Act of 2004. On December 15, 2006, the FAA published a final rule (71 FR 75616) which established requirements for crew qualifications, training and notification, and training and informed consent requirements for space flight participants. The requirements were designed to achieve public safety and to notify participants of the risks they face from launch or reentry.

DATES: Written comments should be submitted by May 22, 2026.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Charles Huet, 1200 New Jersey Avenue SE, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Charles Huet by email at: *charles.huet@faa.gov* or phone: (202) 267–7427

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0720.

Title: Human Space Flight Requirements for Crew/Space Flight Participants.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 26, 2023 (88 FR 66121). There were no comments. The FAA established requirements for human space flight and space flight participants required by the Commercial Launch Amendment of 2004. The information collected is used by the FAA, a licensee or permittee, a space flight participant.

Respondents: All commercial space entities that propose to conduct a launch or reentry with flight crew or space flight participants on board must comply with this collection.

Frequency: On occasion.

Estimated Average Burden per Response: 4 Hours.

Estimated Total Annual Burden: 808 Hours.

Issued in Washington, DC.

James A. Hatt,

Space Policy Division Manager, Office of Commercial Space Transportation.

[FR Doc. 2026–05638 Filed 3–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2024–0189]

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Unmanned Aircraft System (UAS) Integration at Airports and Necessary Planning, Design, and Physical Infrastructure Needs

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 2, 2024. The collection involves conducting research in the form of written responses or interviews with aviation stakeholders (*e.g.,* airport/droneport operators, private entities, original equipment manufacturers, unmanned aircraft system (UAS) industry vendors, academia, representatives of the military, aviation stakeholders, etc.) to catalog current and planned droneport planning, design, and infrastructure needs, as well as find out which airports are integrating UAS into the airport environment. During each interview, the FAA will ask the stakeholders a specific set of questions, and if necessary, fact-specific follow-up questions will be posed to clarify and enhance the respondent's answers to the specified set of questions. If preferred, stakeholders will be able to provide written responses in lieu of an interview. The information to be collected is necessary because it will allow the FAA to understand how aviation stakeholders are integrating UAS into existing airport design standards/infrastructure and standalone facilities also referred to as droneports. Currently, no formal FAA definition of droneport exists. Based on the results of this research effort, the FAA may develop a formal definition for a droneport. For the purposes of this research effort, a modified version of the 14 Code of Federal Regulations Part 1 definition of 'airport' is used to define droneport: 'an area of land or water that is used or intended to be used for the landing and takeoff of UAS aircraft, and includes its buildings and facilities, if any.' The information collected will also be used to help the FAA shape future droneport research efforts and possible standards and guidance material.

DATES: Written comments should be submitted by April 22, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Joseph Healey by email at: *Joseph.F.Healey@faa.gov;* phone: 609–485–6429.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–XXXX.

Title: Unmanned Aircraft System (UAS) Integration at Airports and Necessary Planning, Design, and Physical Infrastructure Needs.

Form Numbers: None.

Type of Review: New information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 2, 2024 (89 FR 7435). The aviation industry is experiencing expedited growth in new and innovative aircraft design and operation. One of these concepts has been unmanned aircraft systems (UAS), commonly referred to as 'drones'. The proliferation of interest in and use of UAS has led to significant policy and regulatory adaptations to safely integrate these platforms into the airport environment. As the technology and its use continues to mature, the FAA is committed to conducting research and providing policy and guidance to ensure the safe operation of UAS, whether autonomous or remotely piloted, in and around the airport environment. As more UAS Concept of Operations (CONOPS) propose operations involving the airport environment and droneports, there is a need to consider if unique requirements

or recommendations for the planning, design, and physical infrastructure needs are necessary.

As part of this research effort, the FAA will obtain responses from stakeholders, in the form of in-person or virtual interviews or written responses, with representatives from the following organizations: airports, droneports, private entities, original equipment manufacturers, UAS industry vendors, the military, international aviation community, and academia. The FAA will ask the stakeholders a specific set of questions, and if necessary, fact-specific follow-up questions will be posed to clarify and enhance the respondent's answers to the specified set of questions. The purpose of this outreach will be to catalog and inventory current and prospective droneports and gather key insights from these operators. In addition, the research team will document stakeholder's experiences/lessons learned with integrating or operating UAS at airports and independent droneport operations.

The results from this research effort will be summarized in a final report and will be used to shape the FAA's operational evaluations and possible development of standards and guidance documents pertaining to planning, design, and physical infrastructure needs, as well as safety standards, for fixed-wing and rotary operations. This effort will focus on both UAS with weights lower than 55 pounds (*i.e.,* small UAS) and UAS aircraft weighing 55 pounds or more (and include operational considerations for cargo transport). Both fixed wing and rotary operations will be considered to create a baseline understanding before establishing infrastructure design requirements and safety standards for existing and standalone facilities referred to as a droneport.

Respondents: Approximately 100 airport operators, droneport operators, original equipment manufacturers, private entities, UA industry vendors, representatives of the military, the international aviation community, and academia.

Frequency: Information will be collected one to two times annually.

Estimated Average Burden per Response: 2.5 hours

Estimated Total Annual Burden: 250 hours

Issued in Atlantic City, NJ, on March 19, 2026.

Joseph F. Healey,

Airport Research Specialist, FAA Aviation Research Division, Airport Emerging Technology R&D Section (ANG–E263).

[FR Doc. 2026–05603 Filed 3–20–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0556]

Agency Information Collection Activities; Renewal of an Approved Information Collection Request: Unified Registration System, FMCSA Registration/Updates

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. FMCSA requests approval to renew the previously approved ICR now titled ''Unified Registration System, FMCSA Registration/Updates,'' OMB Control No. 2126–0051. This ICR applies to new registrants seeking initial registration and operating authority registration from FMCSA. New registrants seeking to register with FMCSA must use online Form MCSA–1, accessible via the Unified Registration System (URS).

DATES: Comments on this notice must be received on or before April 22, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of publication of this notice to *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: Mr. Jeffrey Secrist, Office of Registration, Chief, Registration Division, DOT, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 385–2367; *jeff.secrist@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Unified Registration System, FMCSA Registration/Updates.

OMB Control Number: 2126–0051.

Type of Request: Renewal of a currently approved information collection.

Respondents: Carrier compliance officer or equivalent from transportation entities subject to FMCSA's licensing, registration, and certification regulations.

Estimated Number of Respondents: 549,782 (183,261 per year).

Estimated Time per Response: 1.34 hours.

Expiration Date: May 31, 2026.

Frequency of Response: One-time information collection.

Estimated Total Annual Burden: 736,708 hours (245,569 per year).

Background

FMCSA registers for-hire motor carriers of regulated commodities and of passengers, under 49 U.S.C. 13902(a); surface freight forwarders, under 49 U.S.C. 13903; property brokers, under 49 U.S.C. 13904; and certain Mexico-domiciled motor carriers, under 49 U.S.C. 13902(c). These motor carriers may conduct transportation services in the United States only if they are registered with FMCSA. Each registration is effective from the date specified and remains in effect for such period as the Secretary of Transportation determines by regulations.

The final rule titled ''Unified Registration System,'' (78 FR 52608) dated August 23, 2013, implemented statutory provisions for an online registration system for entities that are subject to FMCSA's licensing, registration, and certification regulations. URS streamlines the registration process and serves as a clearinghouse and repository of information on motor carriers, brokers, freight forwarders, intermodal equipment providers, hazardous materials safety permit applicants, and cargo tank facilities required to register with FMCSA. When developing URS, FMCSA planned that the OP–1 series of forms (except for OP–1(MX)) would ultimately be folded into one overarching form (MCSA–1), which would be used by all motor carriers seeking authority.

FMCSA began a phased rollout of URS in 2015. The first phase, which became effective on December 12, 2015, impacts only first-time applicants seeking an FMCSA-issued registration. FMCSA had planned subsequent rollout phases for existing registrants; however, these subsequent phases have not yet been finalized.

On January 17, 2017, FMCSA issued a final rule titled ''Unified Registration System; Suspension of Effectiveness,''

which indefinitely suspended URS effectiveness dates for existing registrants only (82 FR 5292). Pursuant to this final rule, FMCSA is still accepting forms OP–1, OP–1(P), OP–1(FF), and OP–1(NNA) for existing registrants wishing to apply for additional authorities. Separately, FMCSA requires Form OP–1(MX) for Mexico-domiciled carriers that wish to operate beyond the U.S. municipalities on the U.S.-Mexico border and their commercial zones.

As described above, only first-time applicants seeking an FMCSA-issued registration must apply via URS, using Form MCSA–1. Under URS, all forms described in the current ICR, except OP–1(MX), are folded into Form MCSA–1. Information collection activities associated with the OP–1 series of forms are covered under a different ICR, titled ''Licensing Applications for Motor Carrier Operating Authority,'' OMB Control No. 2126–0016.

Form MCSA–1 requests information to identify the applicant, the nature and scope of its proposed operations, safety-related details, and information regarding the drivers and vehicles it plans to use in U.S. operations. FMCSA and the States use registration information collected via Form MCSA–1 to track motor carriers, freight forwarders, brokers, and other entities they regulate. Registering motor carriers is essential to being able to identify carriers so that their safety performance can be tracked and evaluated. The data make it possible to link individual CMVs to the responsible motor carrier, thus implementing the mandate under 49 U.S.C. 31136(a)(1); that is, ensuring that CMVs are maintained and operated safely. In general, registration information collected via Form MCSA–1 informs prioritization of the Agency's activities and aids in assessing and statistically analyzing the safety outcomes of those activities.

The current information collection supports the DOT Strategic Goal of Safety. It streamlines registration processes and ensures that FMCSA can more efficiently track motor carriers, freight forwarders, brokers, and other entities regulated by the Agency.

On November 17, 2025, FMCSA published a **Federal Register** notice allowing for a 60-day comment period on this ICR (90 FR 51436). The comment period closed on January 16, 2026. There were no comments submitted in response to that notice.

Public Comments Invited

You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87.

David M. Sutula,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2026–05571 Filed 3–20–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0923]

Agency Information Collection Activity Under OMB Review: Request for Restoration of Entitlement Due to Facility Closure, Program of Training or Course Disapproval (Chapter 31 Veteran Readiness and Employment)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by April 22, 2026.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: *www.reginfo.gov/public/do/PRAMain,* select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–0923.''

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: VA Form 28–10281, Request for Restoration of Entitlement Due to Facility Closure, Program of Training or Course Disapproval (Chapter 31 Veteran Readiness and Employment).

OMB Control Number: 2900–0923 *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 28–10281 is used by a Service member or Veteran to request restoration of entitlement due to effects of a facility closure or program of training or course disapproval. The VR&E program subsequently uses the information on this form to determine if a Service member or Veteran qualifies for restoration of entitlement under 38 U.S.C 3699 (b)(1)(A). Without the information, restoration of entitlement under Chapter 31 could not be determined. Veterans and Service members are able to access and complete the VA Form 28–10281 by using the VA Forms external website ''Find a Form'' and submit the completed and signed form one of the following ways: by mail, email to their assigned Vocational Rehabilitation Counselor (VRC), in-person to a VA Regional Office, or VR&E out-based location. The Veteran or Service member receives a notification letter if their request for restoration of entitlement is granted or denied by their assigned VRC.

Affected Public: Individuals or Households.

Estimated Annual Burden: 24,105 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 144,630.

Authority: 44 U.S.C. 3501 *et seq.*

Shunda Willis,

Alternate, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–05594 Filed 3–20–26; 8:45 am]

BILLING CODE 8320–01–P

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