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

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2419

Implementation of the Administrative False Claims Act

AGENCY: Federal Labor Relations Authority.

ACTION: Final rule.

SUMMARY: This final rule establishes procedural regulations for the Administrative False Claims Act (AFCA) at the Federal Labor Relations Authority (FLRA). The AFCA is at 31 U.S.C. 3801 through 3812. The AFCA requires the promulgation of rules and regulations necessary to implement the AFCA.

DATES: This rule is effective May 26, 2026.

FOR FURTHER INFORMATION CONTACT: Thomas Tso, Solicitor and Federal Register Liaison, (771) 444–5779, *SolMail@flra.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Congress originally enacted the Program Fraud Civil Remedies Act (PFCRA) in 1986. The purpose of the PFCRA was twofold: (1) to provide agencies that were the victims of false claims and statements an administrative remedy; and (2) to provide due process for all parties subject to that remedy. Public Law 99–509, sec. 6102 (October 21, 1986) (findings and purposes at 31 U.S.C. 3801 note).

On December 23, 2024, the Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 amended the PFCRA. Among other things, the amendments changed the PFCRA's name to the Administrative False Claims Act (AFCA). Public Law 118–159, sec. 5203(a). In that legislation, Congress also mandated that agencies promulgate regulations and procedures to carry out the AFCA within 180 days of enactment. Public Law 118–159, sec. 5203(j). This final rule includes the regulations required by that provision. The intent of this final rule is to cite the controlling statute when possible, repeating statutory provisions in the regulation only where necessary for the convenience of the regulated public.

Initial Inflation Adjustment of Penalties

The Bipartisan Budget Act of 2015 included the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Inflation Adjustment Act). Public Law 114–74, sec. 701 (November 2, 2015). The 2015 Inflation Adjustment Act amended a previous statutory scheme in order to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. Among other things, the 2015 Inflation Adjustment Act mandated an initial catch-up inflation adjustment for certain civil penalties by August 1, 2016, to be followed by annual inflation adjustments each year thereafter. 28 U.S.C. 2461 note. The statute capped the initial inflation increase at 150% of the original penalty.

The FLRA did not have regulations for the Program Fraud Civil Remedies Act, the previous name of the AFCA, in 2015. The FLRA, therefore, could not adjust penalties under the 2015 Inflation Adjustment Act contemporaneously with the first adjustment period. With the promulgation of this final rule, the FLRA can adjust any penalties imposed under the AFCA consistent with the 2015 Inflation Adjustment Act. That adjustment remains constrained by the initial inflation adjustment cap.

Accordingly, we are adjusting the penalty amount for the AFCA from the statutory $5,000 to $12,500. We arrived at this figure by determining the maximum increase permitted by the 2015 Inflation Adjustment Act—150 percent of $5,000, or $7,500—and adding that amount to the base $5,000 penalty to yield a $12,500 adjusted penalty amount. This adjustment resulted in a lower increase than a full Consumer Price Index adjustment comparing October 1984 with February 2026 on the publicly available Bureau of Labor Statistics website at *https://www.bls.gov/data/inflation_calculator.htm* (last accessed March 12, 2026).

II. Overview of Comments Received

On July 8, 2025, the FLRA published a proposed rule in the **Federal Register** that proposed a new part 2419 in 5 CFR chapter XIV containing the regulations required to implement the AFCA at the FLRA. The FLRA received three comment letters on the proposed rule.

One commenter expressed concern that the proposed rule could be used to sanction litigants in proceedings before the FLRA if the Government disputes the factual accuracy of litigants' submissions. To address their concern, the commenter proposed modifying the rule to state that the rule is inapplicable to the proceedings of litigants in litigation matters before the FLRA.

Another commenter similarly recommended clarification regarding the individuals and types of actions that could be subject to the rule, as well as how an investigation could be initiated. The commenter also recommended stating in the rule that an AFCA complaint is a ''proceeding'' for purposes of Title VII of the Civil Service Reform Act of 1978, Public Law 95–454, to permit use of official time by Federal employee witnesses, representatives, and defendants. The commenter further recommended that the failure to answer a complaint not result in maximum penalties under proposed 5 CFR 2419.4(e), but rather the provisions at proposed 5 CFR 2419.5(b) should apply when there is a failure to answer a complaint. Finally, the commenter made several recommendations regarding the representation of a defendant, including clarification that the representative is not limited to an attorney and the representation is not in contravention of the conflict-of-interest statute at 18 U.S.C. 205.

The final commenter, in applying a recent U.S. Supreme Court decision to the proposed rule, expressed the view that the proposed rule is unconstitutional because it does not afford defendants a jury trial in an Article III court before a civil penalty may be imposed on defendants. The commenter recommended revising the rule to state that a defendant must consent to the agency proceedings and final decision, thereby waiving the right to a jury trial in an Article III court. The commenter also expressed concern that the proposed rule does not state who has the burden of proof.

III. Final Rule and Discussion of Comments

The FLRA carefully considered all comments received and is finalizing the rule generally as proposed.

A. Application to Certain Types of Actions

The terms ''claim'', ''person'', and ''statement'' are defined by statute. 31 U.S.C. 3801. The FLRA does not read these definitions under the AFCA to encompass the representations and advocacy that may occur during proceedings before the FLRA under Title VII of the Civil Service Reform Act of 1978, Pubic Law 95–454, 5 U.S.C. 7101–7135. Therefore, the FLRA is not adding further definition to these terms or other related specification in the final rule.

B. Receipt and Assessment of Information by the Inspector General

The ''investigating official'' is defined as the Inspector General by statute. 31 U.S.C. 3801(4)(A)(i). Anyone may submit or refer a complaint or information to the Inspector General of the FLRA through the Inspector General's public Hotline, which is maintained in accordance with the Inspector General Act, as amended. The FLRA Office of Inspector General (OIG) assesses complaints and information it receives in accordance with the professional standards established under the Inspector General Act. 5 U.S.C. 424(c)(2). Given the general standards of the OIG, the FLRA is not adding further criteria to the final rule.

C. Relationship to Title VII of the Civil Service Reform Act of 1978

An administrative proceeding by the FLRA under the AFCA is distinct from a proceeding before the FLRA under Title VII of the Civil Service Reform Act of 1978. The FLRA is not herein advising other agencies on managing their employees' time and attendance when participating in FLRA ACFA proceedings. Thus, the FLRA is not adding provisions regarding Federal employee official time to the final rule.

D. Representation

The FLRA concurs with the comment that a party could elect to be represented by an individual who is not an attorney and the FLRA has clarified this point by adding a definition of ''representative'' to the final rule at 5 CFR 2419.2(e). The FLRA does not concur that a proceeding under the AFCA is a ''personnel administration proceeding'' under 18 U.S.C. 205(d)(1)(A) because the AFCA does not distinguish or otherwise reference Federal employee and non-Federal employee defendants. Therefore, the FLRA is not adding reference to the conflict-of-interest statute in the final rule.

E. Default Upon Failure To File an Answer

The FLRA does not concur with the comment that the analysis under proposed 5 CFR 2419.5(b) can substitute for the default penalty at proposed 5 CFR 2419.4(e) because the detailed analysis at 5 CFR 2419.5(b) requires a record that would not exist if the defendant does not respond. Therefore, the FLRA is not removing the provisions regarding the default penalty.

F. Lawfulness Under Supreme Court Case

As indicated in the preamble to the proposed rule, the FLRA considered the lawfulness of the proposed rule, including the proposed rule's relationship to the case discussed by a commenter, *SEC* v. *Jarkesy,* 603 U.S. 109 (2024). While the FLRA understands the commenter's extension of *Jarkesy* to the AFCA and the constitutional concerns raised, the FLRA cannot conclude at this time that either the AFCA or the proposed rule is facially unlawful under *Jarkesy.* Congress debated whether the AFCA's predecessor statute, the Program Fraud Civil Remedies Act of 1986 (PFCRA), violated the Seventh Amendment when it enacted the PFCRA. See 132 Cong. Rec. S13007–13 (daily ed. Sept. 19, 1986). When the PFCRA was amended in 2024 and renamed the AFCA, *Jarkesy* had been decided, and the FLRA assumes that Congress understood the constitutional question. AFCA regulations are required pursuant to a statutory mandate from Congress, and the determination of whether a statute is facially unconstitutional for structural challenges ordinarily rests with the courts, not with agencies. See, *e.g., Thunder Basin Coal Co.* v. *Reich,* 510 U.S. 200, 215 (1994) (quoting *Johnson* v. *Robison,* 415 U.S. 361, 368 (1974) (''Adjudication of the constitutionality of congressional enactments has generally been thought beyond the jurisdiction of administrative agencies'')). Therefore, the FLRA is not modifying the final rule in response to the comment.

G. Burden of Proof

The FLRA identifies the AFCA itself as establishing which party has the burden of proof at each stage of the process. 31 U.S.C. 3803. Therefore, the FLRA is not adding further provisions regarding burden of proof to the final rule.

IV. Findings and Certifications

Regulatory Planning and Review: Executive Orders 12866, 13563, 14215, and 14192 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This final rule has not been designated a ''significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, this final rule has not been reviewed by the Office of Management and Budget as a significant regulatory action.

This regulatory action determination is based on the limited scope of the final rule and the FLRA's statutory mission. The regulations are required by the AFCA and would only affect an entity suspected of making a false claim or statement related to the FLRA. Furthermore, claims and statements subject to the AFCA are capped at $1 million.

Legality and National Interest: Executive Order 14219 directs agencies to evaluate potential new regulations under factors related to legality and the national interest. The FLRA has determined the final rule is lawful and in the national interest as the final rule is narrowly tailored to comply with the AFCA and will provide a tool for the FLRA to recover misappropriated taxpayer funds and deter misconduct.

Regulatory Flexibility Analysis: Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the FLRA has determined that this final rule will not have a significant impact on a substantial number of small entities. The AFCA only affects entities suspected of making false claims or statements and, except in proceedings arising from such suspected false claims or statements, imposes no duties or obligations on small entities.

Unfunded Mandates Reform Act of 1995: This final rule change will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996: This action is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This final rule will not result in an annual effect on the

economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act: The final rule contains no additional information collection or record-keeping requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

Federalism: A rule has federalism implications under Executive Order 13132 if it has 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. The FLRA has analyzed this final rule under that Order and determined that this rule does not have federalism implications.

Civil Justice Reform (Plain Language): This final rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988.

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

List of Subjects in 5 CFR Part 2419

Administrative practice and procedure.

For the reasons stated in the preamble, the FLRA amends 5 CFR chapter XIV by adding part 2419 to read as follows:

PART 2419—THE ADMINISTRATIVE FALSE CLAIMS ACT

Sec.

2419.1 Background
2419.2 Definitions.
2419.3 Pre-Complaint Procedures.
2419.4 Complaint and Prehearing Procedures.
2419.5 Hearing Procedures.
2419.6 Post-hearing Procedures.

Authority: 31 U.S.C. 3803(g), 3809; Sec. 5203(j), Pub. L. 118–159, 138 Stat. 2440.

§ 2419.1 Background.

(a) *Legal authority.* This subpart implements the Administrative False Claims Act, codified at 31 U.S.C. 3801 through 3812. Section 3809 of that Act requires each authority head to promulgate regulations necessary to implement the provisions of the statute. Administrative False Claims Act liability is identified at 31 U.S.C. 3802. Liability for false claims can include an assessment of up to twice the amount of the false claim and a civil penalty. Liability for a false statement is a civil penalty. The civil penalty for a false claim or false statement actionable under that section is $12,500.

(b) *Limitations.* A notice to a person alleged to be liable under the Administrative False Claims Act referenced in 31 U.S.C. 3803(d)(1) must be mailed or delivered by the timeframes noted in 31 U.S.C. 3808(a). Those timeframes are the later of: 6 years after the date on which the violation of 31 U.S.C. 3802 is committed; or 3 years after the date on which facts material to the action are known or reasonably should have been known by the authority head, but in no event more than 10 years after the date on which the violation is committed. A civil action to recover a penalty or assessment must be commenced within the 3-year timeframe noted in 31 U.S.C. 3808(b).

(c) *Computation of time.* In computing any period of time under this part or in an order issued thereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless the last day is a Saturday, Sunday, or legal holiday observed by the Federal Government, in which event the period includes the next business day.

(1) When the period of time allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays observed by the Federal Government shall be excluded from the computation.

(2) Where a document has been served or issued by placing it in the mail, an additional 5 days will be added to the time permitted for any response.

(d) *Stays ordered by the Department of Justice.* If, at any time, the Attorney General or an Assistant Attorney General designated by the Attorney General transmits to the authority head a written finding that continuation of the administrative process described in this part with respect to a claim or statement may adversely aflect any pending or potential criminal or civil action related to such claim or statement, the authority head shall stay the process immediately. The authority head may order the process resumed only upon receipt of the written authorization of the Attorney General, the Assistant Attorney General who ordered the stay, or other appropriate Department of Justice Official.

(e) *Additional referrals.* Federal agencies that receive or discover any specific information regarding bribery, gratuities, conflict of interest, or other corruption or similar activity in relation to a false claim or statement, must immediately report that information consistent with the requirements of 31 U.S.C. 3808(c) to the Attorney General and agency Inspector General as appropriate.

(f) *Board of contract appeals.* If a Federal agency uses a presiding officer who is a member of a board of contract appeals as permitted by 31 U.S.C. 3801(a)(7)(C) for a matter, the procedural rules implemented by that board of contract appeals will control the litigation of that matter to the extent there is an inconsistency between the board's procedural rules and the procedural rules of this part.

§ 2419.2 Definitions.

(a) *Definitions from the statute.* The definitions of ''authority,'' ''claim,'' ''investigating official,'' ''knows or has reason to know,'' ''person,'' ''presiding officer,'' ''reviewing official,'' ''statement,'' ''material,'' and ''obligation'' are found in 31 U.S.C. 3801. The investigating official at the Federal Labor Relations Authority is identified as the Federal Labor Relations Authority's Inspector General, and the Federal Labor Relations Authority's Solicitor is designated to be the reviewing official by the authority head at the Federal Labor Relations Authority.

(b) *Complaint* means the administrative complaint served by the reviewing official on the defendant under § 2419.4(b).

(c) *Defendant* means any person alleged in a complaint under § 2419.4(a) to be liable for a civil penalty or assessment under § 2419.1.

(d) *Authority Head* means the Chairman of the Federal Labor Relations Authority.

(e) *Representative* means a party's attorney or other duly qualified representative.

§ 2419.3 Pre-Complaint Procedures.

(a) *Investigating Official.* The investigating official may elect to investigate matters potentially resulting in an Administrative False Claims Act action using the subpoena authority at 31 U.S.C. 3804, or any other authority granted to the investigating official, such as the authority of the Inspector General Act at 5 United States Code, Chapter 4.

(1) If the investigating official concludes that an action under the Administrative False Claims Act may be

warranted, the investigating official shall submit a report containing the findings and conclusions of such investigation to the reviewing official.

(2) Nothing in this section shall preclude or limit the investigating official's discretion to refer allegations directly to the Department of Justice for suit under the False Claims Act (31 U.S.C. 3729–3733) or other civil relief, or to defer or postpone a report or referral to the reviewing official to avoid interference with a criminal investigation or prosecution.

(3) Nothing in this section modifies any responsibility of the investigating official to report violations of criminal law to the Attorney General.

(b) *Reviewing Official.* The procedures for the reviewing official are as follows:

(1) *Determination.* If, based on the report of the investigating official under § 2419.3(a)(2), the reviewing official determines that there is adequate evidence to believe that a person is liable under the Administrative False Claims Act, and there is a reasonable prospect of collecting an appropriate amount of penalties and assessments, the reviewing official shall transmit to the Attorney General a written notice of the reviewing official's intention to have a complaint issued under § 2419.4(a).

(2) *Written notice.* A written notice of the reviewing official's intention to have a complaint issued under § 2419.4(a) shall include:

(i) A statement of the reviewing official's reasons for issuing a complaint;

(ii) A statement specifying the evidence that supports the allegations of liability;

(iii) A description of the claims or statements upon which the allegations of liability are based;

(iv) An estimate of the amount of money, or the value of property, services, or other benefits, requested or demanded in violation of the Administrative False Claims Act;

(v) A statement of any exculpatory or mitigating circumstances that may relate to the claims or statements known by the reviewing official or the investigating official; and

(vi) A statement that there is a reasonable prospect of collecting an appropriate amount of penalties and assessments.

(c) *Request for authorization from the Department of Justice.* The reviewing official may issue a complaint under § 2419.4(a) only if:

(1) The Department of Justice approves the issuance of a complaint in a written statement described in 31 U.S.C. 3803(b)(1), and

(2) In the case of allegations of liability under 31 U.S.C. 3802(a)(1) with respect to a claim, the reviewing official determines that, with respect to such claim or a group of related claims submitted at the same time such claim is submitted, the amount of money, or the value of property or services, demanded or requested in violation of section 3802(a)(1) does not exceed $1,000,000.

(3) For the purposes of this section, a related group of claims submitted at the same time shall include only those claims arising from the same transaction (*e.g.,* grant, loan, application, or contract) that are submitted simultaneously as part of a single request, demand, or submission.

(4) Nothing in this section shall be construed to limit the reviewing official's authority to join in a single complaint against a person, claims that are unrelated or were not submitted simultaneously, regardless of the amount of money, or the value of property or services, demanded or requested.

(d) *Written notifications.* The reviewing official shall make all appropriate written notifications required by section 3803(j)(2) of title 31 of the United States Code.

§ 2419.4 Complaint and Pre-Hearing Procedures.

(a) *Complaint.* The reviewing official will identify the allegations of liability in a complaint. The complaint must identify the following:

(1) The allegations of liability against the defendant, including the statutory basis for liability, an identification of the claims or statements that are the basis for the alleged liability, and the reasons why liability allegedly arises from such claims or statements;

(2) The maximum amount of penalties and assessments for which the defendant may be held liable;

(3) Instructions for filing an answer, including a specific statement of the defendant's right to request a hearing and to be represented by a representative;

(4) Identification and contact information for the governmental employee representing the reviewing official in the matter if the reviewing official is not handling the matter personally; and

(5) The fact that failure to file an answer within 30 days of service of the complaint will result in the imposition of the maximum amount of penalties and assessments without right to appeal, as provided in § 2419.4(d).

(6) At the same time the reviewing official serves the complaint, he or she shall serve the defendant with a copy of these regulations or identify a free online resource where the defendant can access these regulations.

(b) *Service of the complaint.* The Federal Labor Relations Authority must mail or deliver the complaint to the person alleged to be liable in accordance with 31 U.S.C. 3803(d)(1) within the time limitations identified at 31 U.S.C. 3808(a).

(c) *Answer.* The defendant may file an answer to the complaint within 30 days of service of the complaint by mail or facsimile to the reviewing official (current mailing address and facsimile numbers posted at *https://www.flra.gov/components-offices/offices/office-solicitor*).

(1) In the answer, the defendant:

(i) Shall admit or deny each of the allegations of liability made in the complaint;

(ii) Shall state any defense on which the defendant intends to rely;

(iii) May state any reasons why the defendant contends that the penalties and assessments should be less than the statutory maximum; and

(iv) Shall state the name, postal address, electronic mail address, and telephone number of the person authorized by the defendant to act as defendant's representative, if any.

(2) *Hearing.* The defendant may request a hearing with the presiding officer within 30 days of service of the complaint. Upon receipt of an answer, the reviewing official shall file the complaint and answer with the presiding officer.

(3) *General answer.* If the defendant is unable to file an answer meeting the requirements of paragraph (c)(1) of this section within the time provided, the defendant may, before the expiration of 30 days from service of the complaint, file with the reviewing official a general answer denying liability and requesting a hearing, and a request for an extension of time within which to file an answer meeting the requirements of paragraph (c)(1) of this section. The reviewing official shall file promptly with the presiding officer the complaint, the general answer denying liability, and the request for an extension of time as provided in paragraph (d) of this section. For good cause shown, the presiding officer may grant the defendant up to 30 additional days within which to file an answer meeting the requirements of paragraph (c)(1) of this section. The presiding officer shall decide expeditiously whether the defendant shall be granted the additional period of time to file such answer.

(d) *Default upon failure to file an answer.* If the defendant does not file an answer within the time prescribed in this section, the reviewing official must refer the complaint to the presiding officer within a reasonable time.

(1) Upon the referral of the complaint, the presiding officer shall promptly serve on the defendant in the manner prescribed in paragraph (b) of this section, a notice that an initial decision will be issued under this section.

(2) The presiding officer shall assume the facts alleged in the complaint to be true and, if such facts establish liability under 31 U.S.C. 3802, the presiding officer shall issue an initial decision imposing the maximum amount of penalties and assessments allowed under the statute.

(3) Except as otherwise provided in this section, by failing to file a timely answer the defendant waives any right to further review of the penalties and assessments imposed under paragraph (d)(2) of this section and the initial decision shall become final and binding upon the parties 30 days after it is issued.

(4) If, before such an initial decision becomes final, the defendant files a motion with the presiding officer seeking to reopen on the grounds that extraordinary circumstances prevented the defendant from filing an answer, the initial decision shall be stayed pending the presiding officer's decision on the motion.

(5) If, on such motion, the defendant can demonstrate extraordinary circumstances excusing the failure to file a timely answer, the presiding officer shall withdraw the initial decision in paragraph (d)(2) of this section, if such a decision has been issued, and shall grant the defendant an opportunity to answer the complaint.

(6) A decision of the presiding officer denying a defendant's motion under paragraph (d)(4) of this section is not subject to reconsideration under § 2419.6(d).

(7) The defendant may appeal to the authority head the decision denying a motion to reopen by filing a notice of appeal with the authority head within 15 days after the presiding officer denies the motion. The timely filing of a notice of appeal shall stay the initial decision until the authority head decides the issue.

(8) If the defendant files a timely notice of appeal with the authority head, the presiding officer shall forward the record of the proceeding to the authority head.

(9) The authority head shall decide expeditiously whether extraordinary circumstances excuse the defendant's failure to file a timely answer based solely on the record before the presiding officer.

(10) If the authority head decides that extraordinary circumstances excused the defendant's failure to file a timely answer, the authority head shall remand the case to the presiding officer with instructions to grant the defendant an opportunity to answer.

(11) If the authority head decides that the defendant's failure to file a timely answer is not excused, the authority head shall reinstate the initial decision of the presiding officer, which shall become final and binding upon the parties 30 days after the authority head issues such decision.

(e) *Presiding officer disqualification and authorities.* A presiding officer may be removed from a case on the presiding officer's own initiative or on motion by the parties for disqualification of the presiding officer.

(1) *Motion and affidavit.* The motion shall be accompanied by an affidavit alleging personal bias or other reason for disqualification.

(i) Such motion and affidavit shall be filed promptly with the presiding officer upon the party's discovery of reasons requiring disqualification, or such objections shall be deemed waived.

(ii) Such affidavit shall state specific facts that support the party's belief that personal bias or other reason for disqualification exists and the time and circumstances of the party's discovery of such facts. It shall be accompanied by a certificate of the representative of record that it is made in good faith.

(iii) Upon the filing of such a motion and affidavit, the presiding officer shall proceed no further in the case until the presiding officer resolves the matter of disqualification in accordance with this section.

(2) *Authority of the presiding officer.* The presiding officer shall conduct a fair and impartial hearing, avoid delay, maintain order, and assure that a record of the proceeding is made. The presiding officer has the authority to:

(i) Set and change the date, time, and place of the hearing upon reasonable notice to the parties;

(ii) Continue or recess the hearing in whole or in part for a reasonable period of time;

(iii) Hold conferences to identify or simplify the issues, or to consider other matters that may aid in the expeditious disposition of the proceeding;

(iv) Administer oaths and affirmations;

(v) For the purpose of conducting a hearing, the presiding officer may issue subpoenas requiring the attendance and testimony of witnesses as well as the production of information as set forth in 31 U.S.C. 3804(b)(2);

(vi) Rule on motions and other procedural matters;

(vii) Regulate the requirements regarding motions including requiring any oral motion to be reduced to writing and establishing the time within which a response to any written motion will be due if the motion will not be due within 15 days after the written motion is served;

(viii) Regulate the scope and timing of discovery;

(ix) Regulate the course of the hearing and the conduct of representatives and parties to include imposing sanctions such as drawing adverse inferences, striking pleadings, deeming items admitted, restricting use of evidence, dismissing an action, or issuing an initial decision—that reasonably relate to the severity and nature of the failure or misconduct;

(x) Examine witnesses;

(xi) Receive, rule on, exclude, or limit evidence;

(xii) Upon motion of a party, take official notice of facts;

(xiii) Upon motion of a party, decide cases, in whole or in part, by summary judgment where there is no disputed issue of material fact;

(xiv) Conduct any conference, argument, or hearing on motions in person or by telephone, videoconference, or other virtual method; and

(xv) Exercise such other authority as is necessary to carry out the responsibilities of the presiding officer under this part.

(xvi) Irrespective of any implications of the above, the presiding officer does not have the authority to find Federal statutes or regulations invalid.

(xvii) Additionally, the presiding officer shall not, except to the extent required for the disposition of ex parte matters as authorized by law:

(A) Consult a person or party on a fact in issue, unless on notice and opportunity for all parties to the hearing to participate; or

(B) Be responsible to or subject to the supervision or direction of the investigating official or the reviewing official.

(f) *Prehearing.* The prehearing procedures are as follows:

(1) *Entitlement to review and obtain information.* Defendants receiving notice of the hearing from the presiding officer under 31 U.S.C. 3803(d)(2)(B) are entitled to information identified in 31 U.S.C. 3803(e), including a copy of all relevant and material documents, transcripts, records, and other materials, which relate to the allegations and upon

which the findings and conclusions of the investigating official are based. Defendants should request any such information from the reviewing official's point of contact identified in the complaint. The reviewing official will provide all requested information expeditiously. Information subject to payment of a fee will be expeditiously provided upon payment of any applicable reasonable duplication fee.

(2) *Discovery.* Unless mutually agreed to by the parties, discovery is available only as ordered by the presiding officer.

(i) The presiding officer may order the following types of discovery:

(A) Requests for production of documents for inspection and copying;

(B) Requests for admissions of the authenticity of any relevant document or of the truth of any relevant fact;

(C) Written interrogatories; and

(D) Depositions.

(ii) A party seeking discovery must file a motion with the presiding officer. Such a motion shall be accompanied by a copy of the requested discovery, or in the case of depositions, a summary of the scope of the proposed deposition. Within 10 days of service, a party may file an opposition to the motion and/or a motion for protective order as provided in § 2419.4(f)(3). The presiding officer may grant a motion for discovery only if he or she finds that the discovery sought:

(A) Is necessary for the expeditious, fair, and reasonable consideration of the issues;

(B) Is not unduly costly or burdensome;

(C) Will not unduly delay the proceeding; and

(D) Does not seek privileged information.

(iii) The burden of showing that discovery should be allowed is on the party seeking discovery.

(iv) The presiding officer shall regulate the timing of discovery.

(3) *Protective orders.* A party or a prospective witness or deponent may file a motion for a protective order with respect to discovery sought by an opposing party or with respect to the hearing, seeking to limit the availability or disclosure of evidence. The presiding officer may issue any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(i) That the discovery not be had;

(ii) That the discovery may be had only on specified terms and conditions, including a designation of the time or place;

(iii) That the discovery may be had only through a method of discovery other than that requested;

(iv) That certain matters not be the subject of inquiry, or that the scope of discovery be limited to certain matters;

(v) That discovery be conducted with no one present except persons designated by the presiding officer;

(vi) That the contents of discovery or evidence be sealed;

(vii) That a sealed deposition be opened only by order of the presiding officer;

(viii) That a trade secret or other confidential research, development, commercial information, or facts pertaining to any criminal investigation, proceeding, or other administrative investigation not be disclosed or be disclosed only in a designated way; or

(ix) That the parties simultaneously file specified documents.

(4) *Prehearing orders.* The presiding officer shall issue scheduling orders the presiding officer deems appropriate to ensure a fair and impartial hearing, avoid delay, maintain order, and assure that a record of the proceeding is made. At a minimum, the presiding officer must issue an order that:

(i) Sets the hearing in a location permissible under 31 U.S.C. 3803(g)(4);

(ii) Provides the written notice required by 31 U.S.C. 3803(g)(2)(A);

(iii) Governs the exchange of witness lists, statements, and exhibits;

(iv) Ensures the defendant has an opportunity to present their case, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts; and

(v) Includes in any written notice of a hearing to a defendant a description of the procedures for the conduct of the hearing.

§ 2419.5 Hearing.

(a) *Determinations.* The presiding officer will conduct the hearing consistent with that officer's authority to make the determinations identified in 31 U.S.C. 3803(f) by a preponderance of the evidence.

(b) *Determining the amount of penalties and assessments.* In determining an appropriate amount of civil penalties and assessments, the presiding officer and the authority head, upon appeal, should evaluate any circumstances that mitigate or aggravate the violation and should articulate in their opinions the reasons that support the penalties and assessments they impose. Because of the intangible costs of fraud, the expense of investigating such conduct, and the need to deter others who might be similarly tempted, double damages and a significant civil penalty ordinarily should be imposed. Although not exhaustive, the following factors are among those that may influence the presiding officer and the authority head in determining the amount of penalties and assessments to impose with respect to the misconduct (*i.e.,* the false, fictitious, or fraudulent claims or statements) charged in the complaint:

(1) The number of false, fictitious or fraudulent claims or statements;

(2) The time period over which such claims or statements were made;

(3) The degree of the defendant's culpability with respect to the misconduct;

(4) The amount of money or the value of the property, services, or benefit falsely claimed;

(5) The cost of the United States Government's actual loss as a result of the misconduct, including foreseeable consequential damages and the costs of investigation;

(6) The relationship of the amount imposed as civil penalties to the amount of the United States Government's loss;

(7) The potential or actual impact of the misconduct upon public confidence in the management of United States Government programs and operations;

(8) Whether the defendant has engaged in a pattern of the same or similar misconduct;

(9) Whether the defendant attempted to conceal the misconduct;

(10) The degree to which the defendant has involved others in the misconduct or in concealing it;

(11) Where the misconduct of employees or agents is imputed to the defendant, the extent to which the defendant's practices fostered or attempted to preclude such misconduct;

(12) Whether the defendant cooperated in or obstructed an investigation of the misconduct;

(13) Whether the defendant assisted in identifying and prosecuting other wrongdoers;

(14) The complexity of the program or transaction, and the degree of the defendant's sophistication with respect to it, including the extent of the defendant's prior participation in the program or in similar transactions;

(15) Whether the defendant has been found, in any criminal, civil, or administrative proceeding to have engaged in similar misconduct or to have dealt dishonestly with the United States Government or of a state, directly or indirectly;

(16) The need to deter the defendant and others from engaging in the same or similar misconduct; and

(17) The potential impact of the misconduct on the rights of others.

(c) *Other factors.* Nothing in this section shall be construed to limit the presiding officer or the authority head from considering any other factors that in any given case may mitigate or aggravate the offense for which penalties and assessments are imposed.

(d) *The Record.* The hearing shall be recorded and transcribed.

(1) Transcripts shall be available following the hearing at a cost not to exceed the actual cost of duplication and any court reporter's reasonable fee.

(2) The transcript of testimony, exhibits and other evidence admitted at the hearing, and all documents filed in the proceeding constitute the record for the decision by the presiding officer and the authority head.

(3) The record may be inspected and copied by anyone upon payment of a reasonable fee, unless otherwise ordered by the presiding officer.

§ 2419.6 Post-Hearing Procedures.

(a) *Post-hearing motions.* The presiding officer may decide any post-hearing motions.

(b) *Post-hearing briefs.* Any party may file a post-hearing brief. The presiding officer shall fix the time for filing such briefs, not to exceed 60 days from the date the parties receive the transcript of the hearing or, if applicable, the stipulated record. Such briefs may be accompanied by proposed findings of fact and conclusions of law. The presiding officer may permit the parties to file reply briefs.

(c) *Decision.* Except for good cause, the presiding officer shall issue a written decision required by 31 U.S.C. 3803(h) within 90 days after the time for submission of post-hearing briefs and reply briefs, if permitted, has expired.

(d) *Appeal to the authority head.* Parties may not appeal interlocutory rulings by the presiding officer to the authority head.

(1) Except in case of default, if the defendant is determined in the decision to be liable for a civil penalty or assessment, the defendant may appeal such decision to the authority head by filing a notice of appeal with the authority head in accordance with this section. A notice of appeal shall be accompanied by a written brief specifying exceptions to the decision and reasons supporting the exceptions.

(i) A notice of appeal may be filed at any time within 30 days after the presiding officer issues the decision.

(ii) The authority head may extend the initial 30-day period for an additional 30 days if the defendant files with the authority head a request for an extension within the initial 30-day period and shows good cause.

(2) The reviewing official's representative or other designated agency official may file a brief in opposition to the notice of appeal within 30 days of receiving the notice of appeal and accompanying brief.

(3) The authority head's review will occur within the limitations noted in 31 U.S.C. 3803(i)(2)(B) and (C). There is no right to appear personally before the authority head.

(e) *Judicial review.* Section 3805 of title 31, United States Code, authorizes judicial review by an appropriate United States District Court of a final decision of the authority head imposing penalties and/or assessments under this part and specifies the procedures for such review.

(f) *Collection.* Sections 3806 and 3808(b) of title 31, United States Code, authorize actions for collection of civil penalties and assessments imposed under this part and specify the procedures for such actions.

Thomas Tso,

Solicitor, Federal Labor Relations Authority.

[FR Doc. 2026–07877 Filed 4–22–26; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 54

[NRC–2024–0218]

RIN 3150–AL32

Exceptions From Foreign Ownership, Control, or Domination

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations on foreign ownership, control, or domination (FOCD) of utilization facilities to comply with section 301 of the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024. The statute has designated certain exceptions from the FOCD provision set forth in the Atomic Energy Act of 1954, as amended. This direct final rule affects applicants and licensees of utilization facilities that are owned, controlled, or dominated by a foreign entity.

DATES: The final rule is effective July 7, 2026, unless significant adverse comments are received by May 26, 2026. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

ADDRESSES: Please refer to Docket ID NRC–2024–0218 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0218. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: *Helen.Chang@nrc.gov*. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Irene Wu, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1951, email: *Irene.Wu@nrc.gov* and Shawn Harwell, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1309, email: *Shawn.Harwell@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: This rulemaking is separate from NRC's comprehensive review and reform of its regulations in accordance with Executive Order (E.O.) 14300, ''Ordering the Reform of the Nuclear Regulatory Commission'' (90 FR 22587; May 29, 2025). The rulemakings associated with

that effort will comprehensively reexamine NRC requirements. While there could be additional revisions as a result of these future rulemakings, the NRC is moving forward with publication of this direct final rule at this time because it is a deregulatory action of high interest for stakeholders that was mandated by statute and in progress before the issuance of E.O. 14300.

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0218 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0218.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

Comments must be submitted electronically using *https://www.regulations.gov* no later than midnight Eastern Time on May 26, 2026. Please include Docket ID NRC–2024–0218 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

Because the NRC considers this action to be non-controversial, the NRC is using the ''direct final rule procedure'' for this rule. This amendment is effective on July 7, 2026. However, if the NRC receives significant adverse comments on this direct final rule by May 26, 2026, then the NRC will publish a document that withdraws this action and will address the comments received in a subsequent final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**. Absent significant modifications to the revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule.

For detailed instructions on filing comments, please see the **ADDRESSES** section of this document.

III. Background

In July 2024, the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act) was signed into law. It requires the NRC to take a number of actions, particularly regarding licensing new reactors and fuels, while maintaining the NRC's core safety and security mission.

Section 301 of the ADVANCE Act designated certain exceptions from the foreign ownership, control, or domination (FOCD) provision set forth in the Atomic Energy Act of 1954, as amended (AEA). Sections 103 and 104 of the AEA prohibit the issuance of a license for utilization or production facilities (*e.g.,* a commercial nuclear power reactor) to an applicant that the Commission knows or has reason to believe is owned, controlled, or dominated by a foreign entity. Specifically, section 301 of the ADVANCE Act states that if the Commission determines that the issuance of the applicable license to that entity is not inimical to the common defense and security or public health and safety, then the FOCD restriction for utilization facility licenses shall not apply to an entity that is owned, controlled, or dominated by (1) the government of a country that is a member of the Organisation for Economic Co-operation and Development (OECD), or the Republic of India on the date of the issuance of the ADVANCE Act, (2) a corporation that is incorporated in one of those countries, or (3) a citizen or national of one of those countries, subject to some additional exclusions in section 301(b)(2).

The additional exclusions in section 301(b)(2) are based on whether any government bodies or persons of the

excepted countries were subject to certain sanctions under section 231 of the Countering America's Adversaries Through Sanctions Act (CAATSA) of 2017 (22 U.S.C. 9525) or included on the List of Specially Designated Nationals and Blocked Persons maintained by the Office of Foreign Assets Control of the Department of Treasury pursuant to section 231 of the CAATSA of 2017 (22 U.S.C. 9525) on the ADVANCE Act's date of enactment of July 9, 2024. The NRC has reviewed those lists and determined that Turkey falls within the exclusion in section 301(b)(2) because, as of that date, the Republic of Turkey's Presidency of Defense Industries was subject to sanctions under section 231 of CAATSA. The NRC's implementing regulation for the FOCD restrictions is section 50.38 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Ineligibility of certain applicants.'' The NRC will continue to review sanctions lists as part of the agency's inimicality determination, which determines whether a proposed ownership structure would be inimical to the common defense and security of the United States. That determination remains a precondition for the new FOCD exception.

IV. Discussion

The NRC determined that rulemaking was necessary because the ADVANCE Act's exceptions to the AEA's FOCD restrictions are not reflected in the applicable NRC regulations and could not be achieved through issuing guidance, as guidance documents are not legally binding and cannot be used to amend regulations. This rulemaking is narrowly tailored to address the requirements specifically set forth in section 301 of the ADVANCE Act. The NRC determined that a direct final rule is appropriate because the amendments strictly implement statutory language, are non-controversial, and unlikely to involve public comment resulting in a significant change to the NRC's action.

This direct final rule amends 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities,'' and 10 CFR part 54, ''Requirements for Renewal of Operating Licenses for Nuclear Power Plants,'' to implement the following changes consistent with section 301 of the ADVANCE Act:

- *Preserve the existing § 50.38, ''Ineligibility of Certain Applicants,'' as applicable to production facilities and add language to address the changes to the FOCD restrictions for utilization facilities.*

The NRC is revising § 50.38 to explicitly include the list of 37 countries that section 301 of the ADVANCE Act excepts from the AEA provision prohibiting the issuance of a license for a utilization facility to an applicant that is foreign owned, controlled, or dominated. The list is comprised of the 36 members of the OECD and the Republic of India without qualifying entities subject to the listed sanctions on July 9, 2024. At least one qualifying entity from the Republic of Turkey is subject to sanctions under Section 231 of CAATSA on July 9, 2024, and therefore Turkey is excluded from the list of countries qualifying for the FOCD exception. This exception would apply to corporations that are incorporated in these countries or citizens or nationals residing within these countries. The NRC is also revising § 50.38 to include a provision that the exception only applies if the Commission determines that issuance of the applicable license to that entity is not inimical to the common defense and security or public health and safety. Reviews of sanctions lists will continue to be a part of the NRC's inimicality determination, which remains a precondition for the new FOCD exception.

- *Revise the corresponding regulation in § 54.17, ''Filing of application,'' for the renewal of operating licenses for nuclear power plants.*

The NRC is revising § 54.17(b) to point to the exclusions in § 50.38. The NRC has previously developed two draft guidance documents, ''Draft Standard Review Plan on Foreign Ownership, Control, or Domination, Revision 1'' and ''Regulatory Guide X.XX: Foreign Ownership, Control, or Domination of Nuclear Power, and Non-Power Production or Utilization Facility, Draft,'' that describe the methodology used by applicants, licensees, and the NRC staff to determine whether an applicant for or licensee of a nuclear facility licensed under sections 103 or 104 of the AEA is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. The NRC will update these draft guidance documents consistent with this rule.

V. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NRC certifies that this rule does not have a significant economic impact on a substantial number of small entities. This direct final rule affects applicants and licensees of utilization facilities that are owned, controlled, or dominated by a foreign entity. The companies that own these plants do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

VI. Regulatory Analysis

This direct final rule implements regulations to comply with section 301 of the ADVANCE Act by revising regulations in 10 CFR 50.38 and 10 CFR 54.17(b). This regulatory action codifies the new exclusions from the Atomic Energy Act provision prohibiting the issuance of a license for a utilization facility to an applicant that is foreign owned, controlled, or dominated. This rulemaking does not change the applicant's process in preparing a new license application or a renewal application for a license for a utilization facility; nor does it change NRC's process for reviewing those applications. These amendments will neither impose new safety requirements nor relax existing ones.

This rule incorporates the FOCD requirements established by section 301 of the ADVANCE Act and applies a pre-statutory baseline. The rule mainly provides qualitative benefits by aligning NRC regulations with section 301 of the ADVANCE Act and improving clarity for applicants and the public regarding how the statutory FOCD exceptions are applied. The potential benefits of this rule are increased accessibility to foreign investment in the U.S. commercial nuclear power sector, improved predictability for applicants and potential investors, and greater clarity in the FOCD review process. Increased foreign investment in the U.S. nuclear sector will yield opportunities to bolster U.S. economic and energy security through the expansion of the U.S. commercial nuclear reactor fleet with existing and emerging advanced reactor technologies, while ensuring the national security with the inimicality review process.

The NRC expects the costs of this rule to be minimal. The NRC will update its documents that reference FOCD, and, as precondition for the new FOCD exception, the reviewed applicable sanctions lists. The updates to draft guidance documents, though minimal, will incorporate the new policy position, rule language, and the inclusion of the sanctions list review for excepted countries. Otherwise, the review process and resulting negation action criteria remain unchanged for non-excepted foreign entities. On the industry side, applicants seeking to rely on these statutory exceptions will continue to provide the information required under the NRC regulations for eligibility. Implementation of the rule does not require additional information

from an applicant. The rule codifies statutory FOCD exceptions and does not reduce or modify the scope of the NRC's inimicality review process which ensures that there are no national security concerns. Any additional information deemed necessary to evaluate FOCD or inimicality would be requested on a case-by-case basis during the application review process, consistent with current NRC policy.

Because these benefits outweigh the costs, the NRC expects this direct final rule to provide a net qualitative benefit without affecting safety.

VII. Backfitting and Issue Finality

The NRC has determined that the regulations in 10 CFR 50.109, ''Backfitting,'' do not apply to this direct final rule. This direct final rule modifies the NRC regulations to implement the requirements of section 301 of the ADVANCE Act. Therefore, changes to rules designating certain exceptions from the FOCD provision set forth in the AEA do not constitute backfitting under § 50.109(a)(1) or otherwise represent an inconsistency with the issue finality provisions applicable to combined licenses in 10 CFR part 52. Accordingly, the NRC has not prepared a backfit analysis for this direct final rule.

VIII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885).

IX. Environmental Assessment and Final Finding of No Significant Environmental Impact

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. This direct final rule amends NRC's regulations in 10 CFR parts 50 and 54. These amendments are necessary to comply with section 301 of the ADVANCE Act, which enacts certain exceptions to the FOCD provision set forth in the AEA. Specifically, section 301 states that if the Commission determines that issuance of the applicable license to that entity is not inimical to the common defense and security or public health and safety, then the FOCD restriction shall not apply to an entity that is owned, controlled, or dominated by (1) the government of a country that is a member of the OECD or the Republic of India, (2) a corporation that is incorporated in one of those countries, or (3) a citizen or national of one of those countries, subject to some additional exclusions in section 301(b)(2).

The NRC has prepared this environmental assessment to determine the environmental effects of the agency action (*i.e.,* a rulemaking to update NRC regulations). The rule is primarily administrative or procedural in nature and thus would not have any physical environmental effect. The NRC has determined the rule will continue to provide reasonable assurance of adequate protection of public health and safety and will result in no new or different environmental effects. Therefore, the NRC concludes that the regulatory changes will not have a significant effect on the quality of the human environment. Based on this conclusion, the NRC has determined there is no need to prepare an environmental impact statement. Accordingly, the NRC finds the agency action will have no significant environmental impact. This environmental assessment and finding of no significant impact can be tracked with identification number NEPA ID EAXX–429–00–000–1744703877.

X. Paperwork Reduction Act

This direct final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget, approval numbers 3150–0011 and 3150–0155.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XI. Executive Orders

The following are Executive orders that are related to this rule:

A. Executive Order 12866: Regulatory Planning and Review (as Amended by Executive Order 14215, Ensuring Accountability for All Agencies)

The Office of Information and Regulatory Affairs (OIRA) has determined that this direct final rule is a significant regulatory action. Accordingly, the NRC submitted this direct final rule to OIRA for review. The NRC is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. More can be found in Section VI, of this document, ''Regulatory Analysis.''

B. Executive Order 14154: Unleashing American Energy

The NRC has examined this direct final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154.

C. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is a deregulatory action as defined by E.O. 14192. Details on the estimated cost savings of this direct final rule can be found in Section VI of this document, ''Regulatory Analysis.''

D. Executive Order 14270: Zero-Based Regulatory Budgeting To Unleash American Energy

E.O. 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy,'' requires the NRC to insert a conditional sunset date into all new or amended NRC regulations provided the regulations are (1) promulgated under the AEA, the Energy Reorganization Act of 1974, as amended (ERA), or the Nuclear Waste Policy Act of 1982, as amended (NWPA); (2) not statutorily required; and (3) not part of the NRC's permitting regime. The NRC determined that the regulatory changes in this rule are required for statutory compliance. Therefore, the NRC views this rulemaking to be outside the scope of E.O. 14270 and did not insert conditional sunset dates for the regulatory changes in this direct final rule.

XII. Congressional Review Act

This direct final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

XIII. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No./web link/ **Federal Register** citation
"Draft Standard Review Plan on Foreign Ownership, Control, or Domination," Revision 1, April 2016	ML16048A025
"Regulatory Guide X.XX: Foreign Ownership, Control, or Domination of Nuclear Power, and Non-Power Production or Utilization Facility, Draft," May 2016.	ML16137A520
Executive Order 12866, "Regulatory Planning and Review," October 4, 1993	58 FR 51735
Executive Order 14154, "Unleashing American Energy," January 29, 2025	90 FR 8353
Executive Order 14192, "Unleashing Prosperity Through Deregulation," February 6, 2025	90 FR 9065
Executive Order 14215, "Ensuring Accountability for All Agencies," February 24, 2025	90 FR 10447
Executive Order 14267, "Reducing Anti-Competitive Regulatory Barriers," April 15, 2025	90 FR 15629
Executive Order 14270, "Zero-Based Regulatory Budgeting to Unleash American Energy," April 15, 2025	90 FR 15643
Executive Order 14300, "Ordering the Reform of the Nuclear Regulatory Commission," May 29, 2025	90 FR 22587
Presidential Memorandum, "Plain Language in Government Writing," June 10, 1998	63 FR 31885

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2024–0218. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2024–0218); (2) click the ''Subscribe'' button; and (3) enter an email address and click on the ''Subscribe'' button.

List of Subjects

10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Emergency planning, Fire prevention, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 54

Administrative practice and procedure, Age-related degradation, Backfitting, Classified information, Criminal penalties, Environmental protection, Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 50 and 54:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 1. The authority citation for part 50 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; ADVANCE Act of 2024, sec. 301 (42 U.S.C. 2133 note).

■ 2. Revise § 50.38 to read as follows:

§ 50.38 Ineligibility of certain applicants.

(a) Any person who is a citizen, national, or agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to believe is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government shall be ineligible to apply for and obtain a license for a utilization facility unless—

(1) The Commission determines that issuance of the applicable license to the entity is not inimical to the common defense and security or the health and safety of the public; and

(2) The entity is an alien, corporation, or other entity that is owned, controlled, or dominated by the government of, a corporation that is incorporated in, or an alien who is a citizen or national of Australia, Austria, Belgium, Canada, Chile, Colombia, Costa Rica, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, or the United Kingdom;

(b) Any person who is a citizen, national, or agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to believe is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government, shall be ineligible to apply for and obtain a license for a production facility.

PART—54 REQUIREMENTS FOR RENEWAL OF OPERATING LICENSES FOR NUCLEAR POWER PLANTS

■ 3. The authority citation for part 54 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 102, 103, 104, 161, 181, 182, 183, 186, 189, 223, 234 (42 U.S.C. 2132, 2133, 2134, 2136, 2137, 2201, 2231, 2232, 2233, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846); 44 U.S.C. 3504 note. Section 54.17 also issued under E.O. 12829, 58 FR 3479, 3 CFR, 1993 Comp., p. 570; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391; ADVANCE Act of 2024, sec. 301 (42 U.S.C. 2133 note).

■ 4. In § 54.17, revise paragraph (b) to read as follows:

§ 54.17 Filing of application.

* * * * *

(b) Any person, except one excluded by 10 CFR 50.38, may file an application for a renewed license under this subpart with the Director, Office of Nuclear Reactor Regulation.

* * * * *

Dated: April 6, 2026.

For the Nuclear Regulatory Commission.

Michael King,

Executive Director for Operations.

[FR Doc. 2026–07917 Filed 4–22–26; 8:45 am]

BILLING CODE 7590–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2025–3161; FRL–13099–02–R7]

Air Plan Approval; Missouri; Construction Permits Required

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Missouri State Implementation Plan (SIP) received on March 19, 2025, that contain updates to the construction permit requirement regulations for stationary and portable air sources in Missouri that help ensure ambient air quality standards are met. The revisions to this rule include updating the fees for facilities applying for and receiving construction permits for air pollution sources; removing a subsection from the state rule that was never approved in the SIP; and making administrative wording changes. The EPA is correcting the state effective date in table C from the original proposal. These revisions do not interfere with the State's ability to attain or maintain the National Ambient Air Quality Standards (NAAQS), reasonable further progress (RFP) or other Clean Air Act (CAA) requirements. The EPA's final approval of this rule revision is being done in accordance with the requirements of the CAA.

DATES: This final rule is effective on May 26, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2025–3161. 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) 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 information.

FOR FURTHER INFORMATION CONTACT: Steven Brown, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7718; email address: *brown.steven@epa.gov.*

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

Table of Contents

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II. Have the requirements for approval of a sip revision been met?
III. The EPA's Response to Comments
IV. What action is the EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is approving revisions to the Missouri SIP, 10–6.060 ''Construction Permits Required,'' submitted to the EPA on March 19, 2025. The purpose of the state regulation is to define sources required to obtain permits to construct, and to establish requirements to be met prior to construction or modification of any sources, including procedures for the permitting authority to issue general permits, fees, and public notice requirements. The March 19, 2025, revisions to this rule include updates to the fees for facilities applying for and receiving construction permits for air pollution sources; the removal of subsection (1)(B) from the state rule, which provided the ability for facilities to apply for and receive voluntary permits but was never approved in the SIP; and various wording changes that are administrative in nature. The EPA is correcting the state effective date in table C from the original proposal. The state effective date is February 28, 2025. The EPA finds that these revisions meet the requirements of the CAA and do not impact the State's ability to attain or maintain the National Ambient Air Quality Standards. The full text of the rule revisions can be found in the red-line strikeout section of the state submittal included in this docket.

II. Have the requirements for approval of a SIP revision been met?

The State's submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from July 15, 2024, to September 5, 2024, and held a public hearing on August 29, 2024. The State of Missouri received one supportive comment during the public comment period on 10 CSR 10–6.060. The revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. The EPA's Response to Comments

The public comment period on the EPA's proposed rule opened January 8, 2026, the date of its publication in the **Federal Register** and closed on February 9, 2026 (91 FR 652). During this period, the EPA received no comments.

IV. What action is the EPA taking?

The EPA is taking final action to amend the Missouri SIP by approving the State's revisions to Title 10, Division 10 of the Code of State Regulations (CSR), 10 CSR 10–6.060 ''Construction Permits Required.'' This final action approves these amendments as part of the SIP. The EPA has determined that these changes meet the requirements of the CAA and will not adversely impact air quality or interfere with the State's ability to maintain the National Ambient Air Quality Standards, reasonable further progress, or other CAA requirements.

V. Incorporation by Reference

In this document, 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 Missouri rule 10 CSR 10–6.060 discussed in section I. of this preamble and as set forth below in the amendments to 40 CFR part 52. The purpose of the state regulation is to define sources required to obtain permits to construct and to establish requirements to be met prior to construction or modification of any sources, including procedures for the permitting authority to issue general permits, fees, and public notice requirements. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 7 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 CAA as of the effective date of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the

[1] 62 FR 27968, May 22, 1997.

CAA 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 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 June 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 10, 2026.

James Macy,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

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 AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–6.060'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.060	Construction Permits Required	2/28/2025	4/23/2026, 91 FR [insert **Federal Register** page where the document begins].	Section 9, pertaining to hazardous air pollutants, is not SIP approved.
*	*	*	*	*

* * * * *

[FR Doc. 2026–07884 Filed 4–22–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2025–0225; FRL–12836–02–R3]

Air Plan Approval; Virginia; Revision to the Regulatory Definition of Volatile Organic Compound

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision (Revision A23) submitted by the Commonwealth of Virginia. This revision amends the definition of volatile organic compound (VOC) in the Virginia Administrative Code (VAC) to align with the EPA's regulatory definition of VOC. The EPA is approving this revision to update the definition of VOC in the Virginia SIP.

DATES: This final rule is effective on May 26, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2025–0225. All documents in the docket are listed on the *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 *www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Sarah McCabe, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5786. Ms. McCabe can also be reached via electronic mail at *mccabe.sarah@epa.gov.*

SUPPLEMENTARY INFORMATION: On December 20, 2024, the Commonwealth of Virginia, through the Virginia Department of Environmental Quality (VADEQ), submitted a revision to its SIP (Revision A23). Revision A23 updates the definition of VOC in the Virginia SIP (9 VAC 5–10–20 (General Definitions)). Specifically, this amendment adds trans-1,1,1,4,4,4-hexafluorobut-2-ene (also known as and hereafter referred to as HFO–1336mzz(E); Chemical Abstracts Service [CAS] number: 66711–86–2) as a compound excluded from the regulatory definition of VOC to align with the EPA's February 8, 2023 final rule updating the EPA's regulatory definition of VOC in 40 CFR 51.100(s) (88 FR 8226). The EPA's rulemaking added HFO–1336mzz(E) to the list of compounds excluded from the EPA's regulatory definition of VOC.

I. Background

On September 25, 2025, the EPA published a notice of proposed rulemaking (NPRM) proposing approval of Revision A23 into Virginia's SIP.[1] Revision A23 amends the definition of VOC in the VAC to align with the EPA's regulatory definition of VOC in 40 CFR 51.100(s) by adding HFO–1336mzz(E) to the list of compounds excluded from the regulatory definition of VOC. The Virginia State Air Pollution Control Board adopted the revision on September 13, 2023, the revision was published in the Virginia Register of Regulations on February 26, 2024, and the revision became effective on April 11, 2024. For additional background information on this action, please refer to the NPRM.

II. Summary of SIP Revision and EPA Analysis

In this action, the EPA is approving Virginia's amendment to the definition of VOC in 9 VAC 5–10–20. Revision A23 aligns with the EPA's regulatory changes to the definition of VOC in 40 CFR 51.100(s) and is therefore approvable for the Virginia SIP in accordance with CAA section 110. On February 8, 2023, the EPA made the determination that HFO–1336mzz(E) is of negligible reactivity and therefore has low contributions to tropospheric ozone as well as a low likelihood of risk to public health or the environment.[2] The addition of HFO–1336mzz(E) to the list of compounds excluded from the regulatory definition of VOC is in accordance with CAA section 110(l).

Other specific requirements of Revision A23 and the rationale for the EPA's proposed action are explained in the NPRM and will not be restated here. A summary of the comments received, as well as the EPA's response, are in section III of this rulemaking.

[1] 90 FR 46121 (September 25, 2025).

[2] 88 FR 8226 (February 8, 2023).

III. EPA's Response to Comments Received

The EPA's September 25, 2025 NPRM opened a thirty-day comment period, which closed on October 27, 2025.[3] The EPA received comments from one commenter. All comments received have been placed in the docket for this action.

A summary of the relevant comments and the EPA's response thereto are listed below.

Comment 1: The commenter accused the EPA of not adhering to the following statutory requirements: the Unfunded Mandates Reform Act (UMRA) and the Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act (RFA/SBREFA).

Response 1: With regard to the UMRA, the EPA complied because this action does not contain any unfunded mandate nor significantly or uniquely affect small governments, as described in UMRA. This rule will not result in expenditures of $100M+, and therefore the Agency does not need to complete a statement under 2 U.S.C. 1532. The regulatory analysis provisions of the RFA/SBREFA are only triggered by a threshold determination by the Agency that this rule will have a significant economic impact on a substantial number of small entities. The Agency has certified that this rule will not have a significant economic impact on a substantial number of small entities, therefore section 603 and 604 of the RFA do not apply to this rulemaking. 5 U.S.C. 605(b).

Comment 2: The record lacks a Clean Air Act section 110(l) noninterference analysis tailored to Virginia's ozone areas and $PM_{2.5}$ areas through secondary organic aerosol (SOA) formation.

Response 2: The EPA disagrees with the comment. The EPA's finding of negligible contribution means this action will not interfere with attainment. Additional information supporting the EPA's CAA section 110(l) analysis can be found in the docket for the EPA's February 8, 2023 rulemaking. *See* docket ID EPA–HQ–OAR–2021–0420.

This action aligns the regulatory definition of VOC in the VAC to the EPA's regulatory definition of VOC in 40 CFR 51.100(s) to exclude HFO–1336mzz(E). On February 8, 2023 the EPA finalized the determination that this compound makes a negligible contribution to tropospheric ozone formation (88 FR 8226). As such, the exclusion of this compound in the VAC is in accordance with CAA section 110(l).

[3] 90 FR 46121 (September 25, 2025).

Additionally, as stated in the EPA's 2023 exemption determination, the EPA has recognized that there are existing regulatory or non-regulatory programs that are specifically designed to address $PM_{2.5}$ formation, and the EPA continues to recognize in general that the impacts of VOC exemptions on environmental endpoints other than ozone formation can be adequately addressed by these programs. The VOC exemption policy is intended to facilitate attainment of the ozone NAAQS and VOC exemption decisions will continue to be based primarily on consideration of a compound's contribution to ozone formation. However, if the EPA determines that a particular VOC exemption is likely to result in a significant increase in the use of a compound and that the increased use would pose a significant risk to human health or the environment that would not be addressed adequately by existing programs or policies, then the EPA may exercise its judgment accordingly in deciding whether to grant an exemption.

Comment 3: The commenter asks the EPA to identify the VAC provisions being incorporated by reference, including citation, title, and state effective date, and confirm reasonable availability consistent with 1 CFR 51.5. The commenter asks the EPA to include the following in the docket: the Virginia regulatory text as adopted by the state with effective date(s), a side-by-side comparison against the SIP-approved version to show what is changing, and confirmation of public availability.

Response 3: The EPA acknowledges the requirements addressed by this comment and notes that the required documentation was previously provided in the docket, and the EPA continues to make the materials available online.

In accordance with the requirements of 1 CFR 51.5, all the requested documentation was provided at the time of proposal. *See* docket ID EPA–R03–OAR–2025–0225. Additionally, the EPA is incorporating by reference the revisions to Virginia Administrative Code 9 VAC 5–10–20 as described in the NPRM and section II of this document. The EPA has made, and will continue to make, these materials generally available through *www.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).

IV. Final Action

The EPA is approving Revision A23, submitted on December 20, 2024 by VADEQ, as a revision to the Virginia SIP, because the submission meets the requirements of CAA section 110. Revision A23 adds HFO–1336mzz(E) to the list of compounds excluded from the regulatory definition of VOC in 9 VAC 5–10–20.

V. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, the EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because the EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, the EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

VI. 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 revisions to the definition of VOC in 9 VAC 5–10–20 as discussed in section II of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.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). 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.[4]

VII. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, 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 an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant 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 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 June 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, Reporting and recordkeeping requirements, Volatile organic compounds.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

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 VV—Virginia

■ 2. In § 52.2420, the table in paragraph (c) is amended by adding the entry ''Section 5–10–20'' after the entry for ''Section 5–10–20'' (with the state effective day of 5/19/17) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

EPA—APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
9 VAC 5, Chapter 10 General Definitions [Part I]				
*	*	*	*	* * *
5–10–20	Terms Defined ..	04/11/24	4/23/2026, 90 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	Definition of ''volatile organic compound'' is revised by adding trans-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO–1336mzz(E)) to the list of compounds excluded from the regulatory definition of VOC.
*	*	*	*	* * *

* * * * *

[FR Doc. 2026–07885 Filed 4–22–26; 8:45 am]

BILLING CODE 6560–50–P

[4] 62 FR 27968 (May 22, 1997).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R01–OAR–2024–0325; FRL–13014–02–R1]

Finding of Failure To Attain and Reclassification of Tribal Portions of the Greater Connecticut Ozone Nonattainment Area as Serious for the 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing its finding that the tribal portions of the Greater Connecticut area (the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe) did not attain the 2015 ozone National Ambient Air Quality Standards (NAAQS) by the attainment date and a reclassification of those portions of the area to Serious nonattainment for the 2015 ozone NAAQS. Additionally, the EPA is taking final action on an exceptional events request submitted by CT DEEP on July 1, 2024, and the EPA's July 22, 2024 concurrence and nonconcurrence with CT DEEP's request. This final action fulfills the EPA's statutory obligation to determine whether the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe's portions of the Greater Connecticut area attained the NAAQS by the attainment date. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on May 26, 2026.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2024–0325. 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: Patrick Lillis, Air and Radiation Division (Mail Code 5–MI), U.S. Environmental Protection Agency, Region 1 5 Post Office Square, Suite 100, Boston, Massachusetts 02109–3912; telephone number: (617)–918–1067, or email address: *lillis.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background
II. Response to Comments
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background

On November 20, 2025 (90 FR 52297), EPA published a Notice of Proposed Rulemaking (NPRM) that proposed to find that the tribal portions of the Greater Connecticut area did not attain the standards by the attainment date. Consequently, in that NPRM, we proposed to reclassify the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe to Serious nonattainment for the 2015 ozone NAAQS. The statutory authority for these determinations is provided by the CAA, as amended (42 U.S.C. 7401 *et seq.*). The NPRM also solicited public comment on EPA's prior action on CT DEEP's July 1, 2024 request to exclude event-influenced air quality monitoring data from regulatory decisions. Please see the NPRM for more information regarding EPA's July 22, 2024 concurrence and nonconcurrence with CT DEEP's request. Relevant portions of the CAA include, but are not necessarily limited to, sections 181 and 182. Other specific requirements and EPA's rationale of this reclassification are explained in the NPRM and will not be restated here.

II. Response to Comments

EPA received one comment during the comment period, which is available in the docket of this rulemaking action. This commenter claimed that the EPA did not adhere to the following statutory requirements based on the four arguments below.

Comment 1: The reclassification to Serious for the 2015 ozone NAAQS ''lowers major NSR [New Source Review] applicability thresholds for VOC/NO_X . . . increases offset ratios . . . [and] tightens applicability for federal minor NSR,'' thereby imposing ''significant costs'' on small entities. EPA must comply with the Regulatory Flexibility Act (RFA) either by providing a reasoned certification with a factual basis showing no significant economic impact or by preparing an initial regulatory flexibility analysis.

Response: The RFA is inapplicable to this rulemaking because the EPA has certified that 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 this rule will have a significant economic impact on a substantial number of small entities. Because the Agency has certified this rule will not have a significant economic impact, section 603 and 604 of the RFA do not apply to this rulemaking. 5 U.S.C. 605(b). As noted in the NPRM, ''[t]he determination of failure to attain the 2015 ozone standards (and resulting reclassifications), do not in and of themselves create any new requirements beyond what is mandated by the CAA,'' 90 FR 52297 at 52302 (November 20, 2025), which the comment does not contest. Furthermore, the premise of the comment—that reclassification will impose costs on small entities—is flawed. As the EPA stated in the NPRM, ''Areas such as the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe that were already classified as Serious for a previous ozone NAAQS . . . are already subject to these lower thresholds and higher offset ratios, so a reclassification to Serious for the 2015 ozone NAAQS would have no effect on the NNSR permitting requirements for the tribal lands in those areas.'' 90 FR at 52302 & n.17.

Comment 2: EPA's reliance on the Administrative Procedure Act's (APA) ''good cause'' exceptions to bypass notice and comment and the 30-day effective date is improper for discretionary elements of this action.

Response: The EPA disagrees with the commenter. This claim is based on commenter's mistaken assertion that the EPA issued a final rule with the November 20, 2025, action. The EPA published a notice of proposed rulemaking on November 20, 2025. The EPA included a 30-day public comment period that closed on December 22, 2025, which the commenter availed itself of. In this action we are finalizing the November 20, 2025, proposed action. Based on these facts, the proposed rule was not a final action for the commenter to petition the EPA for a stay or delay of a yet-to-be-established effective date. Finally, the EPA is not relying on APA 553(b) in this action.

Comment 3: The action has clear tribal implications in that ''it changes permitting thresholds and offset ratios that affect economic development, and it may trigger federal planning measures

in the absence of a Tribal Implementation Plan.'' EPA must document meaningful consultation under Executive Order (E.O.) 13175 and reconcile its statements with E.O. 12866 analysis.

Response: As noted in the proposal, the EPA complied with E.O. 13175 by engaging in meaningful and timely input with Tribal officials regarding this reclassification to Serious nonattainment. Relevant communications are in the docket for this action. As also noted in the proposal, a Tribe that is part of an area that is reclassified from Moderate to Serious nonattainment is not required to submit a Tribal Implementation Plan (TIP) revision to address new Serious area requirements. And, as explained in an earlier response above and in the proposal, the NNSR major source threshold and offset requirements will not change for stationary sources seeking preconstruction permits in the tribal portions of this nonattainment area, because they are already subject to these higher offset ratios and lower thresholds. Nor does the reclassification impose substantial direct compliance costs on Indian tribal governments or preempt tribal law. Accordingly, a tribal summary impact statement under E.O. 13175 is not required. Lastly, the Agency complied with E.O. 12866 by determining that this rulemaking is not a significant regulatory action as defined in E.O. 12866.

Comment 4: The Unfunded Mandates Reform Act (UMRA) analysis is incomplete as to private sector effects.

Response: The EPA has complied with the UMRA by making its own determination that this rule will not result in expenditures of $100M+, and therefore the Agency does not need to complete a statement under 2 U.S.C. 1532.

III. Final Action

For the reasons described in our November 20, 2025, notice of proposed rulemaking,[1] EPA is taking final action to reclassify the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe portions of the Greater Connecticut nonattainment to Serious nonattainment for the 2015 ozone NAAQS. Additionally, the EPA is taking final action on an exceptional events request submitted by CT DEEP on July 1, 2024, and the EPA's July 22, 2024 concurrence and nonconcurrence with CT DEEP's request.

[1] 90 FR 52297.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review, and Executive Order 14094: Modernizing Regulatory Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Order 14094 (88 FR 21879, April 11, 2023).

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because determinations of attainment by the attainment date under the CAA are exempt from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This rule does not impose an information collection burden under the provisions of the PRA of 1995 (44 U.S.C. 3501 *et seq.*). This action does not contain any information collection activities and serves only to finalize determinations that the tribal portions of the Greater Connecticut nonattainment area failed to attain the 2015 ozone standards by the August 3, 2024, attainment date where such areas will be reclassified as Serious nonattainment for the 2015 ozone standards.

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 RFA (5 U.S.C. 601 *et seq.*). This action will not impose any requirements on small entities. The determination of failure to attain the 2015 ozone standards (and resulting reclassifications), do not in and of themselves 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 the states, or on the distribution of power and responsibilities among the various levels of government. The division of responsibility between the Federal government and the states for purposes of implementing the NAAQS is established under the CAA.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.'' This action has Tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. As noted in the proposed rule, a Tribe that is part of an area that is reclassified from Moderate to Serious nonattainment is not required to submit a TIP revision to address new Serious area requirements. However, the EPA is finalizing the determinations of failure to attain in this action. Ordinarily, the NNSR major source threshold and offset requirements will change for stationary sources seeking preconstruction permits in any nonattainment areas newly classified as Serious, including on tribal lands. Areas that are already classified as Serious for a previous ozone NAAQS, however, are already subject to these higher offset ratios and lower thresholds, so a reclassification to Serious for the 2015 ozone NAAQS would have no effect on the NNSR permitting requirements for the tribal lands in those areas.

The EPA has communicated with the affected Tribes located within the boundaries of the nonattainment area addressed in this final rule.

H. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern environmental health or safety risks that 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 establish an environmental standard intended to mitigate health or safety risks.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or 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 (NTTAA)

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

K. Congressional Review Act (CRA)

This rule is exempt from the CRA because it is a rule of particular applicability. The rule makes factual determinations for identified entities (Mashantucket Pequot Indian Nation and Mohegan Indian Tribe), based on facts and circumstances specific to each entity. The determinations of attainment and failure to attain the 2015 ozone NAAQS do not in themselves create any new requirements beyond what is mandated by the CAA.

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 June 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 81

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 15, 2026.

Mark Sanborn,

Regional Administrator, EPA Region 1.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 81 of Chapter I, title 40 of the CFR to read as follows:

PART 81—DESIGNATION FOR AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

■ 2. In § 81.307 the table entitled ''Connecticut—2015 8-Hour Ozone NAAQS'' is amended to read as follows:

§ 81.307 Connecticut.

* * * * *

CONNECTICUT—2015 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Greater Connecticut, CT		Nonattainment	7/29/2024	Serious.
Hartford County.				
Litchfield County.				
New London County.				
Tolland County.				
Windham County.				
Mashantucket Pequot			5/26/2026	Serious.
Tribal Nation			5/26/2026	
Mohegan Indian Tribe.				
New York-N New Jersey-Long Island, NY-NJ-CT		Nonattainment.		
Fairfield County				Serious.
Middlesex County				Serious.
New Haven County.				

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is August 3, 2018, unless otherwise noted.

* * * * *

[FR Doc. 2026–07889 Filed 4–22–26; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register

Vol. 91, No. 78

Thursday, April 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 54

[NRC–2024–0218]

RIN 3150–AL32

Exceptions From Foreign Ownership, Control or Domination

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations on foreign ownership, control, or domination (FOCD) of utilization facilities to comply with section 301 of the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024. The statute has designated certain exceptions from the FOCD provision set forth in the Atomic Energy Act of 1954, as amended. The proposed rule would affect applicants and licensees of utilization facilities that are owned, controlled, or dominated by a foreign entity.

DATES: Comments must be submitted electronically using *https://www.regulations.gov* no later than midnight Eastern Time on May 26, 2026.

ADDRESSES: Submit your comments, identified by Docket ID NRC–2024–0218, at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on *https://www.regulations.gov* to view public comments.

You can read a plain language description of this proposed rule at *https://www.regulations.gov/docket/NRC-2024-0218.* For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Irene Wu, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1951, email: *Irene.Wu@nrc.gov* and Shawn Harwell, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1309, email: *Shawn.Harwell@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: This rulemaking is separate from NRC's comprehensive review and reform of its regulations in accordance with Executive Order (E.O.) 14300, ''Ordering the Reform of the Nuclear Regulatory Commission'' (90 FR 22587; May 29, 2025). The rulemakings associated with that effort will comprehensively reexamine NRC requirements. While there could be additional revisions as a result of these future rulemakings, the NRC is moving forward with publication of this proposed rule at this time because it is a deregulatory action of high interest for stakeholders that was mandated by statute and in progress before the issuance of E.O. 14300.

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0218 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0218.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

Comments must be submitted electronically using *https://www.regulations.gov* no later than midnight Eastern Time on May 26, 2026. Please include Docket ID NRC–2024–0218 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

Because the NRC considers this action to be non-controversial, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. The direct final rule will become effective on July 7, 2026. However, if the NRC receives significant adverse comments by May 26, 2026, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments in a subsequent final rule or as otherwise appropriate. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule.

For procedural information and the regulatory analysis, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

III. Background

In July 2024, the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act) was signed into law. It requires the NRC to take a number of actions, particularly regarding licensing new reactors and fuels, while maintaining the NRC's core safety and security mission.

Section 301 of the ADVANCE Act designated certain exceptions from the foreign ownership, control, or domination (FOCD) provision set forth in the Atomic Energy Act of 1954, as amended (AEA). Sections 103 and 104 of the AEA prohibit the issuance of a license for utilization or production facilities (*e.g.,* a commercial nuclear power reactor) to an applicant that the Commission knows or has reason to believe is owned, controlled, or dominated by a foreign entity. Specifically, section 301 of the ADVANCE Act states that if the Commission determines that the issuance of the applicable license to that entity is not inimical to the common defense and security or public health and safety, then the FOCD restriction for utilization facility licenses shall not apply to an entity that is owned, controlled, or dominated by (1) the government of a country that is a member of the Organisation for Economic Co-operation and Development (OECD) or the Republic of India on the date of issuance of the ADVANCE Act, (2) a corporation that is incorporated in one of those countries, or (3) a citizen or national of one of those countries, subject to some additional exclusions in section 301(b)(2).

The additional exclusions in section 301(b)(2) are based on whether any government bodies or persons of the excepted countries were subject to certain sanctions under section 231 of the Countering America's Adversaries Through Sanctions Act (CAATSA) of 2017 (22 U.S.C. 9525) or included on the List of Specially Designated Nationals and Blocked Persons maintained by the Office of Foreign Assets Control of the Department of Treasury pursuant to section 231 of the CAATSA of 2017 (22 U.S.C. 9525) on the ADVANCE Act's date of enactment of July 9, 2024. The NRC has reviewed those lists and determined that Turkey falls within the exclusion in section 301(b)(2) because, as of that date, the Republic of Turkey's Presidency of Defense Industries was subject to sanctions under section 231 of CAATSA. The NRC's implementing regulation for the FOCD restrictions is section 50.38 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Ineligibility of certain applicants.'' The NRC will continue to review sanctions lists as part of the agency's inimicality determination, which determines whether a proposed ownership structure would be inimical to the common defense and security of the United States. That determination remains a precondition for the new FOCD exception.

IV. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885).

V. Paperwork Reduction Act

This proposed rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget, approval numbers 3150–0011 and 3150–0155.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

VI. Executive Orders

The following are Executive orders that are related to this proposed rule:

A. Executive Order 12866: Regulatory Planning and Review (as Amended by Executive Order 14215, Ensuring Accountability for All Agencies)

The Office of Information and Regulatory Affairs (OIRA) has determined that this proposed rule is a significant regulatory action. Accordingly, the NRC submitted this proposed rule to OIRA for review. The NRC is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of E.O. 12866. However, NRC expects the costs of this rule to be minimal.

B. Executive Order 14154: Unleashing American Energy

The NRC has examined this proposed rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154.

C. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is a deregulatory action as defined by E.O. 14192.

D. Executive Order 14270: Zero-Based Regulatory Budgeting To Unleash American Energy

E.O. 14270, ''Zero-Based Regulatory Budgeting to Unleash American

Energy,'' requires the NRC to insert a conditional sunset date into all new or amended NRC regulations provided the regulations are (1) promulgated under the AEA, the Energy Reorganization Act of 1974, as amended (ERA), or the Nuclear Waste Policy Act of 1982, as amended (NWPA); (2) not statutorily required; and (3) not part of the NRC's permitting regime. The NRC determined that the regulatory changes proposed in this rule are required for statutory compliance. Therefore, the NRC views this rulemaking to be outside the scope of E.O. 14270 and did not insert conditional sunset dates for the regulatory changes in this proposed rule.

VII. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No./web link/**Federal Register** citation
''Draft Standard Review Plan on Foreign Ownership, Control, or Domination,'' Revision 1, April 2016	ML16048A025
''Regulatory Guide X.XX: Foreign Ownership, Control, or Domination of Nuclear Power, and Non-Power Production or Utilization Facility, Draft,'' May 2016.	ML16137A520
Executive Order 12866, ''Regulatory Planning and Review,'' October 4, 1993	58 FR 51735
Executive Order 14154, ''Unleashing American Energy,'' January 29, 2025	90 FR 8353
Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' February 6, 2025	90 FR 9065
Executive Order 14215, ''Ensuring Accountability for All Agencies,'' February 24, 2025	90 FR 10447
Executive Order 14267, ''Reducing Anti-Competitive Regulatory Barriers,'' April 15, 2025	90 FR 15629
Executive Order 14270, ''Zero-Based Regulatory Budgeting to Unleash American Energy,'' April 15, 2025	90 FR 15643
Executive Order 14300, ''Ordering the Reform of the Nuclear Regulatory Commission,'' May 29, 2025	90 FR 22587
Presidential Memorandum, ''Plain Language in Government Writing,'' June 10, 1998	63 FR 31885

Dated: April 6, 2026.

For the Nuclear Regulatory Commission.

Michael King,

Executive Director for Operations.

[FR Doc. 2026–07918 Filed 4–22–26; 8:45 am]

BILLING CODE 7590–01–P

FARM CREDIT ADMINISTRATION

12 CFR Part 607

RIN 3052–AD66

Assessment and Apportionment of Administrative Expenses

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration (FCA, we, or Agency) seeks comments on this proposed rule to amend the regulations that implement provisions of the Act relating to assessments. The Farm Credit Act of 1971, as amended (Act) requires FCA to apportion the amount of the assessments among the System institutions on a basis that the agency determines to be equitable. We propose to revise the assessment formula to account for the size and structure of the System as it exists today and to bring the assessment formula closer to the degree of proportionality that existed when the rule became effective. The proposed changes would reapportion the total assessment among individual System banks and associations to further support cooperative and System principles. The proposed changes impact FCA's current assessment of System banks and associations and do not impact FCA's assessment of other System and non-System entities outlined in Part 607. The proposed changes also do not impact FCA's annual administrative expenses or budget.

DATES: Comments on this proposed rule must be submitted on or before June 22, 2026.

ADDRESSES: For accuracy and efficiency, please submit comments by email or through FCA's website. We do not accept comments submitted by fax because faxes are difficult to process. Also, please do not submit comments multiple times; submit your comment only once, using one of the following methods:

- *Send an email to reg-comm@fca.gov.*
- *Use the public comment form on our website:*
  1. Go to *https://www.fca.gov.*
  2. Click inside the ''I want to . . .'' field near the top of the page.
  3. Select ''comment on a pending regulation'' from the dropdown menu.
  4. Click ''Go.'' This takes you to the comment form.
- *Send the comment by mail to the following:* Autumn R. Agans, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

We post all comments on the FCA website. We will show your comments as submitted, including any supporting information; however, for technical reasons, we may omit items such as logos and special characters. Personal information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce internet spam.

To review comments on our website, go to *https://www.fca.gov* and follow these steps:

1. Click inside the ''I want to . . .'' field near the top of the page.
2. Select ''find comments on a pending regulation'' from the dropdown menu.
3. Click ''Go.'' This will take you to a list of regulatory projects.
4. Select the project in which you're interested. If we have received comments on that project, you will see a list of links to the individual comments.

You may also review comments at the FCA office in McLean, Virginia. Please call us at (703) 883–4056 or email us at *reg-comm@fca.gov* to make an appointment.

FOR FURTHER INFORMATION CONTACT:

Technical information: J. Dawn Johnson, Senior Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (720) 213–0919, TTY (703) 883–4056.

Legal information: Jackie Baker, Attorney Advisor, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 967–9098, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION:

I. Summary of Proposed Objectives and Amendments

The objective of this proposed rule (the ''Proposed Rule'') is to address the apportionment of assessments among System banks and associations to account for the size and structure of the System as it exists today, including updating the example formula. Additionally, we propose two technical

revisions to remove two references to entities that no longer exist.

The amendments in the Proposed Rule include changes to the regulations set forth in 12 CFR part 607 that:

- Revise the definition in § 607.2 for Non-System entities to remove the reference to the National Cooperative Bank Development Corporation from the regulation given this entity no longer exists.
- Revise the definition in § 607.2 for Other System entities to remove the reference to the Farm Credit Finance Corporation of Puerto Rico from the regulation given this entity no longer exists.
- In § 607.3(b)(1), increase from thirty (30) percent to seventy-five (75) percent the amount of the assessment apportioned to each bank, association, and designated other System entities on the basis of each institution's pro rata share of the total average risk-adjusted asset base.
- In § 607.3(b)(2):
  - Decrease from seventy (70) percent to twenty-five (25) percent the amount of the assessment apportioned to each bank, association, and designated other System entity based upon the amounts of the institution's average risk-adjusted assets that fall within the tiers contained in the table in § 607.3(b)(2).
  - Adjust the average risk-adjusted asset size range (in millions) set forth in the table:
    - from over ''0 to $25'' to over ''$0 to $900.''
    - from over ''$25 to $50'' to over ''$900 to $1,825.''
    - from over ''$50 to $100'' to over ''$1,825 to $4,050.''
    - from over ''$100 to $500'' to over ''$4,050 to $13,500.''
    - from over ''$500 to $1,000'' to over ''$13,500 to $19,800.''
    - from over ''$1,000 to $7,000'' to over ''$19,800 to $85,000.''
    - from over ''$7,000 to $10,000'' to over ''$85,000 to $120,000.''
    - from over ''$10,000'' to over ''$120,000.''
  - Update the example set forth in § 607.3(b)(2) to reflect the proposed changes.

FCA does not propose any changes to the regulations set forth in 12 CFR 607.1, covering the purpose and scope of Part 607. Furthermore, FCA does not propose any changes to the regulations set forth in 12 CFR 607.4 through 607.11, covering assessment of other System entities, processes for notice and payment of assessments, late-payment charges, reimbursements for services to non-System entities, reimbursable billings, adjustments for overpayment or underpayment of assessments, and report of assessments and expenses.

Background

A. Law and Regulation

FCA's original assessment regulation, which was located at 12 CFR 618.8230, was promulgated in 1972 before Congress enacted the Agricultural Credit Act of 1987 (1987 Act). As explained in the 1993 preamble, the structural and regulatory changes brought about by the 1987 Act, which are described below, led FCA to evaluate its process to determine whether the assessment regulation remained equitable.[1] Based on this evaluation, FCA concluded the original assessment formula should be revised.[2] In 1992, FCA concluded that negotiated rulemaking might provide a creative means to achieve an equitable assessment formula. In 1993, based on the negotiated rulemaking committee's consensus recommendations, FCA promulgated the current regulation, 12 CFR part 607 and rescinded the original regulation.[3]

Section 5.15(a)(2)(A) of the Act requires FCA to apportion the amount of the assessments among the System institutions on a basis that the agency determines to be equitable. This Proposed Rule, if adopted, would update the regulation to address the current composition of System banks and associations. Over time, the overall number of System banks and associations has significantly decreased; however, the size and complexity of the existing banks and associations has increased since 1993. The changes outlined in this Proposed Rule do not impact the overall total assessment to the System.[4] The Proposed Rule would reapportion assessments among the individual System banks and associations.

B. Definitions Used in the Preamble

Financial Institution Rating System. FIRS is the rating system adopted by the FCA Board in 2011 and used by the FCA examiners for evaluating and categorizing the safety and soundness of System institutions on an ongoing, uniform and comprehensive basis.

Average risk-adjusted asset base. This term is defined in § 607.2 (b). After the implementation of the revised capital framework in 2017, the original metric of risk-adjusted assets used in the assessment apportionment was replaced with risk-weighted assets (RWA).[5] Within this preamble, we use the term ''risk-adjusted assets'' for information presented prior to 2017 and the term ''risk-weighted assets'' for information presented beginning 2017 and thereafter.

System institutions. This term is defined in § 607.2(k). While Part 607 defines assessment requirements for System and non-System entities, this Proposed Rule would impact only System banks and associations. Therefore, this preamble's references to System institutions include only System banks and associations.

C. Change in the Composition of System Institutions Since 1993

Over thirty years ago, as of June 30, 1993, there were 259 System institutions. The average risk-adjusted assets ranged from approximately $137,000 to $8.8 billion.[6] As of June 30, 2025, there were 59 System institutions. The average risk-weighted assets for these institutions ranged from $175 million to $103 billion.

From June 30, 1993, to June 30, 2025, the number of institutions declined from 259 to 59 and the average risk-adjusted assets of these institutions increased. However, since 1993, not all institutions experienced risk-adjusted asset growth at similar rates. As a result of the changes to the System, the average risk-weighted assets are assessed, in accordance with the methodology in the existing assessment regulations, at different proportional rates than when the regulations were enacted approximately 30 years ago. Our Proposed Rule would adjust the proportionality based on the current levels of average risk-weighted assets to bring the assessments closer to proportional levels experienced when the rule became effective.

In our analysis as of June 30, 2025, we grouped institutions into three primary groups by average risk-weighted asset size: (1) greater than $10 billion, (2) $1 to $10 billion, and (3) less than $1 billion. For group one, 13 institutions (including all four banks and nine associations) reported average risk-weighted assets greater than $10 billion. This group of institutions held 81.7 percent of the total average risk-weighted assets for all institutions.

[1] 58 FR 10942 (February 23, 1993).

[2] 58 FR 10942 (February 23, 1993).

[3] See 58 FR 10942. The negotiated rulemaking committee's assessment formula included the concepts of risk and economies of scale.

[4] The total assessment to the System is based on FCA's annual administrative expenses and budget for System oversight and supervision.

[5] On January 8, 2026, FCA approved a proposed rule that would amend its capital regulations. The proposed rule, if finalized, would amend §§ 607.2(b) and 607.3(b) by replacing ''average risk-adjusted asset base'' with ''average assets'' for consistency with other proposed changes to the capital regulations. 91 FR 9760 (February 27, 2026).

[6] As of June 30, 1993, average risk-adjusted assets were approximated based upon the March 31, 1993, and June 30, 1993, quarter-ends.

However, despite holding over 80 percent of the overall total average risk-weighted assets, this group of institutions was only assessed 68.6 percent of the total assessment for all institutions under the existing regulation.

The second group included 32 institutions and included only associations, which reported average risk-weighted assets between $1 and $10 billion. This group held 16.6 percent of total average risk-weighted assets. However, this second group of institutions was assessed 27.6 percent of the total assessment for all institutions.

The third group included 14 associations that reported average risk-weighted assets of less than $1 billion. This third group held 1.7 percent of the total average risk-weighted assets However, these institutions were assessed 3.8 percent of the total assessment for all institutions.

The institutions reporting lower levels of average risk-adjusted assets remain key institutions to the System in serving eligible farmer and producer borrowers in their chartered territories. The boards and management teams for these associations have indicated to FCA the challenges facing their associations, including concerns of experiencing an increased proportional assessment of the total assessment for institutions.

In addition to reviewing System structural changes, we analyzed the change in assessment apportionment ratios from June 30, 1993 (assessment year 1994), to June 30, 2025 (assessment year 2026). We define the assessment apportionment ratio as the ratio of the percentage of assessments for a System institution or group of institutions to the percentage of total average risk-adjusted assets reported by that same institution or group of institutions, where a ratio of 1.0 indicates an institution or group of institutions is assessed at the same exact percentage of its percentage of total average risk-adjusted assets for institutions.

For example, for the group of institutions with less than $1 billion in average risk-adjusted assets, we identified an assessment apportionment ratio of 1.26 in 1993. In 2025 for this group, we identified an assessment apportionment ratio of 2.24, which indicated this group of associations was assessed at over two times the proportionality of their combined share of risk-weighted assets.

For the group of institutions with average risk-adjusted assets of $1 to $10 billion, we identified a ratio of 0.80 in 1993, compared to a ratio of 1.66 in 2025. This difference in assessment apportionment ratio indicates this group of institutions was approximately assessed at over two times the proportionality of their combined share of risk-weighted assets in 2025 than in 1993.

In 2025, for the group of institutions reporting average risk-weighted assets greater than $10 billion, we identified an assessment apportionment ratio of 0.84 which indicates this group was assessed less than their proportional share of combined risk-adjusted assets.[7]

Based on our historical review of the regulation, we propose to maintain the current assessment methodology while continuing to recognize the importance of the economies of scale concept in FCA's oversight and supervision of institutions. Additionally, FCA believes it is important to retain the risk premium concept based on a composite FIRS rating. Based on System changes since 1993 and our analysis of the current assessment formula, we propose changes to two parts of the assessment calculation. First, we propose to revise § 607.3(b)(1) and (2) to increase the portion of the assessment formula that is based on each institution's pro rata share of the total average risk-adjusted asset base. Second, we propose changes to the tier thresholds in the table in § 607.3(b)(2) to adjust the distribution of assessment apportionment among institutions.

Our analysis indicates our Proposed Rule results in assessment apportionment ratios of: 0.97 for the group of institutions that exceed $10 billion in average risk-weighted assets (compared to 0.84 in 2025); 1.12 for those associations that report between $1 and $10 billion in average risk-weighted assets (compared to 0.80 in 1993, and 1.66 in 2025); and 1.20 for the group of associations that report less than $1 billion in average risk-weighted assets (compared to 1.25 in 1993, and 2.24 in 2025). Our Proposed Rule adjusts proportionalities for all institutions and retains the current principles of the formula methodology.

We considered revising only the average risk-adjusted asset size ranges outlined in § 607.3(b)(2); however, the results from revising only the tier ranges were insufficient to bring the proportionality of individual assessments for associations with less than $1 billion in average risk-weighted assets closer to levels of proportionality in 1993. Additionally, although we also considered pro rata amounts of less than 75 percent, these amounts were also insufficient to bring proportionality ratios closer to 1993 levels. Based on our analysis, we believe that a proposed increase to 75 percent for the pro rata calculation of the formula is the most reasonable option.

We also considered a 100 percent pro rata approach, which would result in an exact proportional ratio of 1.0 for each institution and ensure each bank and association is assessed exactly as the percentage of total System average risk-weighted assets held. However, a 100 percent pro rata formula that includes a FIRS risk premium adjustment would allow anyone to determine an institution's assessment exceeds the 100 percent pro rata formula and included a premium based on an adverse composite FIRS rating. Therefore, we determined this type of formula would no longer maintain continued confidentiality in the composite FIRS rating. Additionally, this approach is inconsistent with our intent to continue to account for economies of scale. We believe the proposed methodology provides the most equitable results and maintains the intentions of the original negotiated rulemaking committee.

We specifically propose an increase, from 30 percent to 75 percent, of the portion of the assessment formula that bases the assessment on each institution's pro rata share of the total average risk-adjusted asset base. This change would result in a corresponding decrease in the apportionment calculation outlined in 607.3(b)(2) from 70 percent to 25 percent. We determined a proposed 75 percent pro rata minimum change is necessary to sufficiently adjust the proportionality of assessments for those associations with average risk-weighted assets of less than $1 billion in upholding cooperative principles. Within the calculation outlined in 607.3(b)(2), we also propose an increase in the average risk-adjusted asset tier thresholds to approximate the share of risk-adjusted assets as distributed in each tier in 1993. We propose amending the dollar thresholds to mirror the share of bank and association risk-adjusted assets in each tier for 1993. As a result of the above proposed changes, the ratio of the percentage of assessments to the percentage of average risk-adjusted assets moves each group closer to the proportionality of assessment amounts when the rule was finalized in 1994.

FCA concluded any change in the apportionment of the assessment methodology impacts each individual bank and association differently. However, we strove to ensure any proposed changes to the formula recognized the differences in all institutions, kept the spirit of the 1992 negotiated rulemaking committee's

[7] In 1993, no System institutions reported average risk-adjusted assets over $10 billion.

consensus recommendations, and did not place any undue burden on some institutions over others. We recognize these changes increase or decrease the individual assessment for each System bank and association. Based on average risk-weighted assets as of June 30, 2025, if the proposed formula became effective, most institutions' assessments decrease compared to their fiscal year 2026 assessments. However, for institutions reporting average risk-weighted assets of more than $25 billion as of June 30, 2025, assessments increase compared to their fiscal year 2026 assessments.[8]

Finally, we considered adding a premium based on certain criteria to address institutions with increased complexity; however, we determined the criteria to support such a premium would be difficult to quantify.

D. Improve the Equitability of the Assessment Across System Institutions by Bringing the Proportionality of Assessments Closer to Levels Experienced When the Rule Became Effective

FCA proposes revisions to significantly improve the assessment equitability by adjusting the proportionality of assessments in relation to the level of risk-adjusted assets across all institutions.

These revisions would:

○ Increase the pro rata percentage of assessment to 75 percent allocated to each institution to account for the growth and the reduced number of institutions and adjust the proportionality of an individual institution's assessment in relation to the level of risk-adjusted assets held.

○ Preserve the economies of scale concept by continuing to apportion a minimum 25 percent of each individual institution's holding of risk-adjusted assets assessment through a declining rate formula.

○ Revise the average risk-adjusted asset tier thresholds to allocate the average risk-adjusted assets at System institutions in tiers, consistent with the distribution of average risk-adjusted assets across the tiers established when the rule was finalized in 1994.

○ Retain the risk concept through the composite FIRS rating premium.

○ Keep the current formula to maintain the confidentiality of the composite FIRS rating in the calculation of any risk premium for those institutions assigned composite FIRS ratings of 3, 4, or 5.

III. Proposed Rule

A. Amendments to § 607.2

FCA proposes amendments to § 607.2 to update the calculation of assessments on System banks, associations, and other System entities, update the example calculation, and eliminate references to the National Cooperative Bank Development Corporation and the Farm Credit Finance Corporation of Puerto Rico that no longer in existence.

B. Amendments to § 607.3

FCA proposes amendments to § 607.3 (b)(1) and (2) to update the formula and example for the calculation of assessments.

IV. Regulatory Matters

A. Determination Under Executive Order 12866 and Expected Determination Under Executive Order 14192

The Office of Management and Budget's Office of Information and Regulatory Affairs has determined that this proposed rule is not a ''significant regulatory action'' as defined by Section 3(f) of Executive Order 12866, made applicable to FCA by Executive Order 14215. This action, if finalized as proposed, is expected to be neither an Executive Order 14192 deregulatory action nor an Executive Order 14192 regulatory action.

B. Regulatory Flexibility Act

Pursuant to § 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), FCA hereby certifies that the Proposed Rule will not have a significant economic impact on a substantial number of small entities. Each of the banks in the Farm Credit System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them as small entities. Therefore, Farm Credit System institutions are not ''small entities'' as defined in the Regulatory Flexibility Act.

C. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 requires a notice of proposed rulemaking to include the internet address of a posted summary of the proposed rule, in plain language and less than 100 words. Public commenters may access the summary for this rulemaking under RIN 3052–AD66 at *https://ww3.fca.gov/news/Lists/News%20Releases/Attachments/738/NR-26-03-3-12-26%20.pdf.*

List of Subjects

12 CFR 607

Assessment and Apportionment of Administrative Expenses.

For the reasons stated in the preamble, the Farm Credit Administration proposes to amend parts 607 of chapter VI, title 12 of the Code of Federal Regulations as follows:

Section 607 Assessment and Apportionment of Administrative Expenses.

■ 1. The authority citation for part 607 continues to read as follows:

Authority: Secs. 5.15, 5.17 of the Farm Credit Act (12 U.S.C. 2250, 2252); and 12 U.S.C. 3025.

Section 607.2 [Amended]

■ 2. Amend § 607.2 by removing ''the National Cooperative Bank Development Corporation'' in paragraph (h).

■ 3. Amend § 607.2 by removing ''the Farm Credit Finance Corporation of Puerto Rico'' in paragraph (j).

■ 4. Amend § 607.3(b)(1) by replacing ''Thirty (30) percent'' with ''Seventy-five (75) percent''.

■ 5. Amend § 607.3(b)(2) by replacing ''Seventy (70) percent'' with ''Twenty-five percent''.

■ 6. Amend the table in § 607.3(b)(2) as follows:

From:

Average risk-adjusted asset size range (in millions)		Assessment rate
Over	To	
$0	$25	X_1
25	50	$.85X_1$
50	100	$.75X_1$
100	500	$.60X_1$

[8] Future calculations may differ because the formula is dependent on the size and distribution of reported average risk-weighted assets for individual institutions.

Average risk-adjusted asset size range (in millions)		Assessment rate
Over	To	
500	1,000	$.50X_1$
1,000	7,000	$.35X_1$
7,000	10,000	$.20X_1$
10,000	.....	$.10X_1$

To:

Average risk-adjusted asset size range (in millions)		Assessment rate
Over	To	
$0	$900	X_1
900	1,825	$.85X_1$
1,825	4,050	$.75X_1$
4,050	13,500	$.60X_1$
13,500	19,800	$.50X_1$
19,800	85,000	$.35X_1$
85,000	120,000	$.20X_1$
120,000	.....	$.10X_1$

■ 11. Amend the example set forth in § 607.3(b)(2) from the existing example to reflect the revisions detailed above as follows:

Example: XYZ association has a composite FIRS rating of 2 and average risk-adjusted assets of $2 billion. The value of X_1 has been determined to be .0000837, based on an FCA budget of $100.4 million.

X_1 = .0000837 therefore $900,000,000 × .00837%	=	$75,320
$.85X_1$ = .0000711 therefore $925,000,000 × .00711%	=	65,801
$.75X_1$ = .0000628 therefore $175,000,000 × .00628%	=	10,984
Total Assessment under § 607.3(b)(2)	=	152,105

Ashley Waldron,

Secretary to the Board, Farm Credit Administration.

[FR Doc. 2026–07903 Filed 4–22–26; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–3863; Project Identifier AD–2024–00567–R]

RIN 2120–AA64

Airworthiness Directives; Various Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020–02–17, which applies to certain Sikorsky Aircraft Corporation (Sikorsky) Model S–70, S–70A, S–70C, S–70C(M), and S–70C(M1) helicopters. AD 2020–02–17 requires recurring visual and tap inspections of the tail rotor blade (TRB) and, depending on the results, replacing the TRB. Since the FAA issued AD 2020–02–17, it was determined additional helicopter models are affected by the unsafe condition. The manufacturer has developed a split pitch horn modification and a safety enhancement modification kit for the TRB. This proposed AD would continue to require the actions of AD 2020–02–17, would expand the applicability, and would require modifying and re-identifying the TRB. This proposed AD would also require revising the airworthiness limitations section (ALS) of the existing helicopter maintenance manual or instructions for continued airworthiness and the existing approved maintenance or inspection program, as applicable, to incorporate recurring inspections of the TRB disbond indicator. 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 June 8, 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–2026–3863; 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 Sikorsky material identified in this proposed AD, contact your local Sikorsky Field Representative or Sikorsky's Service Engineering Group at Sikorsky Aircraft Corporation, 124

Quarry Road, Trumbull, CT 06611; phone: (800) Winged-S or (203) 416–4299; email: *wcs_cust_service_eng.gr-sik@lmco.com.* Operators may also log on to the Sikorsky 360 website at *sikorsky360.com.*

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–3863.

FOR FURTHER INFORMATION CONTACT: Isabel Saltzman, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (781) 238–7649; email: *ECB-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2026–3863; Project Identifier AD–2024–00567–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 revise 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 Isabel Saltzman, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337. 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 2020–02–17, Amendment 39–21025 (85 FR 7191, February 7, 2020) (AD 2020–02–17), for Sikorsky Model S–70, S–70A, S–70C, S–70C(M), and S–70C(M1) helicopters with a TRB part number 70101–31000 (all dash numbers) with a serial number up to and including A009–08915. AD 2020–02–17 was prompted by four incidents of disbonding between the TRB pitch horn and the torque tube. AD 2020–02–17 requires recurring visual and tap inspections of the TRB and, depending on the results, replacing the TRB. The agency issued AD 2020–02–17 to detect disbonding. The unsafe condition, if not addressed, could result in increased tail rotor vibrations, physical failure of the torque tube, and consequent loss of control of the helicopter.

Actions Since AD 2020–02–17 Was Issued

Since the FAA issued AD 2020–02–17, a determination was made that Sikorsky Model S–70M helicopters and restricted category military surplus Models EH–60A, HH–60L, UH–60A, and UH–60L helicopters are also affected by the unsafe condition defined in AD 2020–02–17. Sikorsky has developed a split pitch horn modification for certain TRBs and a safety enhancement modification kit for certain TRBs, which consists of a disbond indicator (three white stripes applied to both upper and lower airfoil blade surfaces). Sikorsky has also issued a temporary revision to the maintenance manual to specify procedures for recurring inspections of the disbond indicator for TRBs modified with the safety enhancement modification kit. In addition, Sikorsky updated the service information into two separate bulletins based on the TRB manufactured date. A manufacturing improvement was implemented between 2006 and 2007, and the service bulletin reflects this difference.

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 Sikorsky Aircraft Model S–70A Blackhawk Derivatives Maintenance Manual Temporary Revision No. 82, dated June 27, 2023. This material specifies procedures for the visual, tap test, and borescope inspections of the modified TRBs with the disbond indicator. This material also provides instructions for maintaining the disbond indicator.

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 continue to require the actions of AD 2020–02–17. This proposed AD would require modifying and re-identifying the TRB. This proposed AD would also require revising the ALS of the existing helicopter maintenance manual or instructions for continued airworthiness and the existing approved maintenance or inspection program, as applicable, to incorporate recurring inspections of the TRB disbond indicator. This proposed AD would also expand the applicability by adding helicopter models.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 96 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
Inspect and tap test TRBs (retained from AD 2020–02–17).	1 work-hour × $85 per hour = $85.	$0	$85 per inspection cycle.	$8,160 per inspection cycle.

ESTIMATED COSTS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install split pitch horn modification (for certain TRBs).	6 work-hours × $85 per hour = $510.	50,000	50,510	Up to $4,848,960.
Install safety enhancement modification kit (for certain TRBs).	6 work-hours × $85 per hour = $510.	300,000	300,510	Up to $28,848,960.
Revise ALS	1 work-hour × $85 per hour = $85.	0	85	$8,160.

The FAA estimates the following costs to do any on-condition actions that would be required based on the results of the proposed inspection. The agency has no way of determining the number of helicopters that might need these on-condition actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Perform tap test or borescope inspection	1 work-hour × $85 per hour = $85	$0	$85
Replace TRBs (set of two—unmodified)	6 work-hours × $85 per hour = $510	192,304	192,814

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 2020–02–17, Amendment 39–21025 (85 FR 7191, February 7, 2020); and

■ b. Adding the following new airworthiness directive:

Various Helicopters: Docket No. FAA–2026–3863; Project Identifier AD–2024–00567–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 8, 2026.

(b) Affected ADs

This AD replaces AD 2020–02–17, Amendment 39–21025 (85 FR 7191, February 7, 2020) (AD 2020–02–17).

(c) Applicability

This AD applies to the helicopters listed in paragraphs (c)(1) through (5) of this AD, certificated in any category, with a tail rotor blade (TRB) part number (P/N) 70101–31000 (all dash numbers) installed.

(1) Model EH–60A helicopters; type certificate holders include, but are not limited to, Delta Enterprise, LLC; Heliqwest International Inc.; Pickering Aviation, Inc.; and Sixtyhawk TC, LLC.

(2) Model HH–60L helicopters; type certificate holders include, but are not limited to, Capitol Helicopters Inc.; Central Copters Inc.; and Sixtyhawk TC, LLC.

(3) Sikorsky Aircraft Corporation Model S–70, S–70A, S–70C, S–70C(M), S–70C(M1), and S–70M helicopters.

(4) Model UH–60A helicopters; type certificate holders include, but are not limited to, ACE Aeronautics, LLC.; Air Resources Helicopters Inc.; Billings Flying Service Inc.; Blackhawk Mission Equipment; Capitol Helicopters Inc.; Carson Helicopters, Inc.; Delta Enterprise, LLC; H–60, LLC; Hallux Aerospace, LLC.; Heliqwest International Inc.; High Performance Helicopters Corp.; Northwest Rotorcraft LLC; Pickering Aviation, Inc.; PJ Helicopters Inc.; Reeder Flying Service Inc.; Sixtyhawk TC, LLC; Skydance Blackhawk Operations, LLC; Timberline Helicopters, Inc.; and Unical Air Inc.

(5) Model UH–60L helicopters; type certificate holders include, but are not limited to, ACE Aeronautics, LLC.; Air Resources Helicopters Inc.; Delta Enterprise, LLC; H–60, LLC.; Hallux Aerospace, LLC.; Pickering Aviation, Inc.; and Timberline Helicopters, Inc.

(d) Subject

Joint Aircraft System Component (JASC) Code 6400, Tail Rotor System.

(e) Unsafe Condition

This AD was prompted by four incidents of disbonding between the TRB pitch horn

and the torque tube. The FAA is issuing this AD to detect and address disbonding. The unsafe condition, if not addressed, could result in increased tail rotor vibrations, physical failure of the torque tube, and consequent loss of control of the helicopter.

(f) Compliance

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

(g) TRB Inspection With Applicable Corrective Actions

For helicopters with TRB P/N 70101–31000 (all dash numbers), before the first flight of each day:

(1) Visually inspect each TRB for a crack, leading edge erosion, and trailing edge skin disbonding and separation, paying particular attention to the area from the midspan to the pitch control horn. If there is a crack, any leading edge erosion, trailing edge disbonding, or trailing edge separation, before further flight, remove the TRB from service and replace with a serviceable part.

(2) Tap test inspect each TRB for disbonding in the pitch horn to torque tube bond area. If there is any disbonding, before further flight remove the TRB from service and replace with a serviceable part.

(h) TRB Modification and Applicable Re-Identification

(1) For helicopters with TRB P/N 70101–31000–043, P/N 70101–31000–048, P/N 70101–31000–050, P/N 70101–31000–051, or P/N 70101–31000–052 without a split pitch horn installed, accomplish the safety enhancement modification kit. This action must be accomplished by an authorized Sikorsky Aircraft overhaul facility, or by a method approved by the Manager, East Certification Branch, FAA, within the compliance time specified in paragraph (h)(1)(i) or (ii) of this AD.

Note 1 to the introductory text of paragraph (h)(1): Upon completion of the safety enhancement modification kit, the TRB is marked with P/N 70070–10052–041.

Note 2 to the introductory text of paragraph (h)(1): Information on the safety enhancement modification kit is in Sikorsky Aircraft Corporation (Sikorsky) Alert Service Bulletin 70–05–52, Revision B, dated March 27, 2025, and Sikorsky Alert Service Bulletin 70–05–58, Revision A, dated July 10, 2025.

(i) TRBs manufactured on or before December 31, 2007: within 12 months after the effective date of this AD.

(ii) TRBs manufactured on or after January 1, 2008: within 48 months after the effective date of this AD.

(2) For helicopters with TRB P/N 70101–31000–046 without a split pitch horn installed, accomplish the split pitch horn modification. This action must be accomplished by an authorized Sikorsky Aircraft overhaul facility or by a method approved by the Manager, East Certification Branch, FAA, within the compliance time specified in paragraph (h)(2)(i) or (ii) of this AD.

Note 3 to the introductory text of paragraph (h)(2): Upon completion of the split pitch horn modification, the TRB is marked with P/N 70070–15005–042.

Note 4 to the introductory text of paragraph (h)(2): Information on the split pitch horn modification is in Sikorsky Alert Service Bulletin 70–05–52, Revision B, dated March 27, 2025, and Sikorsky Alert Service Bulletin 70–05–58, Revision A, dated July 10, 2025.

(i) TRBs manufactured on or before December 31, 2007: within 12 months after the effective date of this AD.

(ii) TRBs manufactured on or after January 1, 2008: within 48 months after the effective date of this AD.

(i) Revise Maintenance Procedures Manual

Upon completion of the modification required by paragraph (h)(1) of this AD (when the TRB P/N is changed to P/N 70070–10052–041), revise the airworthiness limitation section of the existing helicopter maintenance manual or instructions for continued airworthiness and the existing approved maintenance or inspection program, as applicable, by incorporating Sikorsky Aircraft Model S–70A Blackhawk Derivatives Maintenance Manual Temporary Revision No. 82, dated June 27, 2023.

(j) Provisions for Alternative Actions and Intervals

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

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Additional Information

(1) For more information about this AD, contact Isabel Saltzman, Aviation Safety Engineer, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (781) 238–7649; email: *ECB-COS@faa.gov*.

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

(m) 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) Sikorsky Aircraft Corporation Model S–70A Blackhawk Derivatives Maintenance Manual Temporary Revision No. 82, dated June 27, 2023.

(ii) [Reserved]

(3) For Sikorsky Aircraft Corporation material identified in this AD, contact your local Sikorsky Field Representative or Sikorsky's Service Engineering Group at Sikorsky Aircraft Corporation, 124 Quarry Road, Trumbull, CT 06611; phone 1–800-Winged-S or 203–416–4299; email *wcs_cust_service_eng.gr-sik@lmco.com*. Operators may also log on to the Sikorsky 360 website at *sikorsky360.com*.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, 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 April 20, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–07937 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–3866; Project Identifier MCAI–2025–01200–R]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited Helicopters

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 Bell Textron Canada Limited Model 505 helicopters. This proposed AD was prompted by a report of a quality escape in the production installation of a washer installed on the tail rotor pitch link assembly (pitch link assembly). This proposed AD would require a one-time visual inspection for proper installation of the washer installed on the pitch link assembly and, depending on the results of the inspection, corrective actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by June 8, 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–2026–3866; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, Canada; phone: (888) 663–3639; email: *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca*. You may find the Transport Canada material on the Transport Canada website at *tc.canada.ca/en/aviation*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: David Enns, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4147; email: *david.enns@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–2026–3866; Project Identifier MCAI–2025–01200–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 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 David Enns, 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

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2025–34, dated July 3, 2025 (Transport Canada AD CF–2025–34) (also referred to as the MCAI), to correct an unsafe condition on certain Bell Textron Canada Limited Model 505 helicopters. The MCAI states Bell Textron Canada Limited has discovered a quality escape in the production installation of the pitch link assemblies where a washer was installed in the wrong location. The MCAI further states this incorrect installation could cause fracture of the pitch horn stud due to fatigue or when the rotor blade exceeds the travel during certain control inputs and blade flapping angles. The MCAI requires a one-time inspection of the pitch link assembly for proper installation of washer, part number 206–010–795–105, and depending on the inspection results, reassembling the pitch link assembly and washer or replacing the pitch link assembly, tail rotor blade pitch horn, packings, and conical washer. The unsafe condition, if not addressed, could result in fracture of the pitch horn stud due to fatigue or when the rotor blade exceeds the travel during certain control inputs and blade flapping angles and loss of directional control of the helicopter.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–3866.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2025–34, which specifies procedures for a one-time visual inspection for proper installation of the pitch link assembly and, depending on the results of the inspection, reassembling the pitch link assembly and washer or removing and replacing the pitch link assembly, tail rotor pitch horn, packings, and conical washer.

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, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD 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 accomplishing the actions specified in Transport Canada AD CF–2025–34, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2025–34 by

reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2025–34 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2025–34 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–3866 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 10 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
Inspect pitch link assembly	1 work-hour × $85 per hour = $85	$0	$85	$850

The FAA estimates the following costs to do any replacements that would be required based on the results of the proposed inspection. The agency has no way of determining the number of helicopters that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace pitch link assembly, tail rotor pitch horn, packings, and conical washer.	4 work-hours × $85 per hour = $340 (per assembly).	$4,396 (per assembly)	Up to $9,472.
Remove and reassemble pitch link assembly	1 work-hour × $85 per hour = $85	$0	$85.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some 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:

Bell Textron Canada Limited: Docket No. FAA–2026–3866; Project Identifier MCAI–2025–01200–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 8, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Canada Limited Model 505 helicopters, certificated in any category, as identified in Transport Canada AD CF–2025–34, dated July 3, 2025 (Transport Canada AD CF–2025–34).

(d) Subject

Joint Aircraft System Component (JASC) Code 6400, Tail rotor system

(e) Unsafe Condition

This AD was prompted by a report of a quality escape in the production installation of a washer installed on the tail rotor pitch link assembly (pitch link assembly). The FAA is issuing this AD to detect proper installation. The unsafe condition, if not addressed, could result in fracture of the pitch horn stud due to fatigue or when the rotor blade exceeds the travel during certain control inputs and blade flapping angles and loss of directional control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2025–34.

(h) Exceptions to Transport Canada AD CF–2025–34

(1) Where Transport Canada AD CF–2025–34 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2025–34 requires compliance in terms of air time, this AD requires using hours time-in-service.

(3) Where paragraph (1) of Transport Canada AD CF–2025–34 specifies ''Perform a one-time inspection of the tail rotor pitch link assembly installation'', this AD requires replacing that text with ''Perform a one-time inspection of the pitch link assembly installation and, if applicable, remove and reassemble the pitch link assembly and washer''.

(4) Where the material referenced in Transport Canada AD CF–2025–34 specifies to discard certain parts, this AD requires removing those parts from service.

(i) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are not allowed.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact David Enns, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4147; email: *david.enns@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2025–34, dated July 3, 2025.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, 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 April 20, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–07935 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–3865; Project Identifier AD–2025–01395–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 supersede Airworthiness Directive (AD) 2021–02–13, which applies to certain The Boeing Company Model 737–600, –700, –700C, –800, and –900 series airplanes. AD 2021–02–13 requires inspections of the fuselage skin and bear strap at the forward galley door between certain stations for cracks, and applicable on-condition actions. Since the FAA issued AD 2021–02–13, a report was received of cracking outside the required inspection area, and it has been determined that additional airplanes may be subject to the identified unsafe condition. This proposed AD would continue to require the actions of AD 2021–02–13 and would add airplanes to the applicability. This proposed AD would also add inspections for an extended inspection area. 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 June 8, 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–2026–3865; 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–2026–3865.

FOR FURTHER INFORMATION CONTACT: Luis Cortez-Muniz, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3958; email: *luis.a.cortez-muniz@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–2026–3865; Project Identifier AD–2025–01395–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 Luis Cortez-Muniz, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3958; email: *luis.a.cortez-muniz@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2021–02–13, Amendment 39–21396 (86 FR 10776, February 23, 2021) (AD 2021–02–13), for certain The Boeing Company Model 737–600, –700, –700C, –800, and –900 series airplanes. AD 2021–02–13 was prompted by reports of cracks in the bear strap from station (STA) 290 to STA 296, and between stringers S–8R and S–9R, sometimes common to fasteners in the gap cover and emanating from rough sanding marks found on the surface of the bear strap. AD 2021–02–13 requires inspections of the fuselage skin and bear strap at the forward galley door between certain stations for cracks, and applicable on-condition actions. The agency issued AD 2021–02–13 to address cracking of the bear strap, which could result in severing of the bear strap, possibly leading to uncontrolled decompression and loss of structural integrity of the airplane.

Actions Since AD 2021–02–13 Was Issued

Since the FAA issued AD 2021–02–13, the FAA received a report that during routine maintenance, a crack was found on the forward galley door bear strap of a Model 737–900ER series airplane, which is not included in the applicability of AD 2021–02–13. In addition, cracks were found in the bear strap between stringers S–7R and S–9R, and the FAA determined that inspections of the surrounding stub frame for cracking are necessary. The FAA has determined that these additional areas require inspections, and Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes having line numbers 1763 and subsequent are subject to the same unsafe condition.

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 737–53A1383 RB, Revision 3, dated July 30, 2025. This material specifies the following procedures including options, depending on configuration, and applicable on-condition actions:

- Internal general visual inspection of the bear strap and external general visual inspection of the fuselage skin and gap cover for any repair.
- External general visual inspection of the fuselage skin and gap cover for any external repair.
- Internal general visual inspection of the forward galley door cutout stub frame for any repair.

On-condition actions include obtaining and following alternative inspection instructions and doing the inspections if repairs are found, repetitive HFEC inspections for cracks, low frequency eddy current (LFEC) inspections for cracks, and replacement or repair.

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

Although this proposed AD does not explicitly restate the requirements of AD 2021–02–13, this proposed AD would retain all of the requirements of AD 2021–02–13. Those requirements are referenced in the material identified previously, which, in turn, is referenced in paragraph (g) of this proposed AD.

This proposed AD would revise the applicability to add Model 737–900ER series airplanes and would add inspections for an extended inspection area. This proposed AD would also 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–2026–3865.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,965 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (retained action from AD 2021–02–13).	Up to 28 work-hours × $85 per hour = $2,380.	$0	Up to $2,380	Up to $4,676,700.
Inspection of the stub frame (new proposed action).	Up to 25 work-hours × $85 per hour = $2,125.	0	Up to 2,125	Up to 4,175,625.

The FAA estimates the following costs to do any necessary on-condition action 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 this on-condition action:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
External HFEC and LFEC inspection for cracks	Up to 28 work-hours × $85 per hour = $2,380	$0	Up to $2,380.
HFEC inspection for cracks	Up to 27 work-hours per inspection cycle	$0	Up to $2,295 per inspection cycle.
Stub frame replacement	35 work-hours × $85 per hour = $2,975	$1,400	$4,375.

The FAA has received no definitive data on which to base the cost estimates for the bear strap replacement and other on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2021–02–13, Amendment 39–21396 (86 FR 10776, February 23, 2021), and

■ b. Adding the following new AD:

The Boeing Company: Docket No. FAA–2026–3865; Project Identifier AD–2025–01395–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 8, 2026.

(b) Affected ADs

This AD replaces AD 2021–02–13, Amendment 39–21396 (86 FR 10776, February 23, 2021) (AD 2021–02–13).

(c) Applicability

This AD applies to all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of cracks in the bear strap from station (STA) 290 to STA 296, and between stringers S–7R and S–9R, sometimes common to fasteners in the gap cover and emanating from rough sanding marks found on the surface of the bear strap, and by a report of cracking outside the required inspection area. The FAA is issuing this AD to address cracking of the fuselage skin, bear strap, and stub frame. The unsafe condition, if not addressed, could result in severing of the bear strap, possibly leading to uncontrolled decompression and loss of structural integrity of the airplane.

(f) Compliance

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

(g) Inspections and Corrective Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–53A1383 RB, Revision 3, dated July 30, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–53A1383 RB, Revision 3, dated July 30, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–53A1383, Revision 3, dated July 30, 2025, which is referred to in Boeing Alert Requirements Bulletin 737–53A1383 RB, Revision 3, dated July 30, 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 737–53A1383 RB, Revision 3, dated July 30, 2025, refer to the Revision 2 issue date of Requirements Bulletin 737–53A1383 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 737–53A1383 RB, Revision 3, dated July 30, 2025, specifies contacting Boeing for alternative inspections: This AD requires doing the alternative inspections and applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, 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.

(3) AMOCs for repairs approved for AD 2021–02–13 are approved as AMOCs for the corresponding provisions of Boeing Alert Requirement Bulletin 737–53A1383, Revision 3, dated July 30, 2025, that are required by paragraph (g) of this AD, for the area covered by the repair only.

(j) Additional Information

For more information about this AD, contact Luis Cortez-Muniz, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3958; email: *luis.a.cortez-muniz@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 737–53A1383 RB, Revision 3, dated July 30, 2025.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*

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

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

Issued on April 21, 2026.

Victor Wicklund,

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

[FR Doc. 2026–07931 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–3864; Project Identifier MCAI–2022–01215–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier, Inc. Model BD–700–1A10, and BD–700–1A11 airplanes. This proposed AD was prompted by an in-service event where a main landing gear tire burst upon landing. This proposed AD would require an inspection to determine if an affected brake control unit (BCU) is installed and replacement of affected BCU. This proposed AD would also prohibit the installation of affected parts. 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 June 8, 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–2026–3864; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.* It is also available at *regulations.gov* under Docket No. FAA–2026–3864.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Elizabeth Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228 7300; email: *Elizabeth.M.Dowling@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–2026–3864; Project Identifier MCAI–2022–01215–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 Elizabeth Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228 7300; email: *Elizabeth.M.Dowling@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2022–53, dated September 22, 2022 (also referred to as the MCAI), to correct an unsafe condition for certain Bombardier, Inc. Model BD–700–1A10, BD–700–1A11 airplanes. The MCAI states an in-service event occurred where a main landing gear tire burst upon landing. The investigation into the event found that with the loss of a 5V power supply in the BCU wheel control card, a residual current may build within the brake control valve (BCV) driver circuit. This residual current may result in uncommanded brake pressure during landing. If not corrected, this can cause one or more tires to burst due to a dragging brake or a locked brake, unexpected deceleration, degraded braking performance, directional difficulties, or brake(s) overheating.

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

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–3864.

Material Incorporated by Reference Under 1 CFR Part 51

Transport Canada AD CF–2022–53 specifies procedures for an inspection to determine if BCUs with part number (P/N) GW415–7125–7 (Crane P/N 42–965–3) are installed, and replacement of affected parts with BCU P/N GW415–7125–9 (Crane P/N 42–965–4). Transport Canada also prohibits the installation of affected parts.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in Transport Canada AD CF–2022–53 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2022–53 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2022–53 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2022–53 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–3864 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 42 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
2 work-hours × $85 per hour = $170	$0	$170	$7,140.00

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
2 work-hours × $85 per hour = $170	Up to $430,089	Up to $430,259.

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the

States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2026–3864; Project Identifier MCAI–2022–01215–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 8, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–2022–53, dated September 22, 2022 (Transport Canada AD CF–2022–53).

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Unsafe Condition

This AD was prompted by an in-service event where a main landing gear tire burst upon landing. The investigation into the event found that with the loss of a 5V power supply in the brake control unit (BCU) wheel control card, a residual current may build within the brake control valve (BCV) driver circuit. This residual current may result in uncommanded brake pressure during landing. The unsafe condition, if not addressed, could result in one or more tires to burst due to a dragging brake or a locked brake, unexpected deceleration, degraded braking performance, directional difficulties, or brake(s) overheating.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2022–53.

(h) Exception to Transport Canada AD CF–2022–53

Where Transport Canada AD CF–2022–53 refers to its effective date, this AD requires using the effective date of this AD.

(i) No Reporting Requirement and No Return of Parts

Although the material referenced in Transport Canada AD CF–2022–53 specifies to submit certain information and return parts to the manufacturer, this AD does not include those requirements.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(k) Additional Information

For more information about this AD, contact Elizabeth Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228 7300; email: *Elizabeth.M.Dowling@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2022–53, dated September 22, 2022.

(ii) [Reserved]

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

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

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

Issued on April 20, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–07881 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–4008; Airspace Docket No. 26–ASW–2]

RIN 2120–AA66

Establishment of United States Area Navigation Routes T–583 and T–585 in Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish United States Area Navigation (RNAV) Routes T–583 and T–585 in Texas. The FAA is proposing this action in support of new air traffic procedures scheduled for implementation at Austin-Bergstrom International Airport (AUS).

DATES: Comments must be received on or before June 8, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–4008 and Airspace Docket No. 26–ASW–2 using any of the following methods:

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

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of

Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

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

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

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

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

FOR FURTHER INFORMATION CONTACT: Ashley Toth, 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 would amend the airway structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Central Service Center, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

Background

The FAA is proposing to establish: (1) RNAV Route T–583 that would extend between the Laredo (LRD), TX, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) and the Waco (ACT), TX, VORTAC; and (2) RNAV Route T–585 that would extend between the Corpus Christi (CRP), TX, VORTAC and the Waco, TX, VORTAC. RNAV Route T–583 would bypass Austin Terminal Radar Approach Control (TRACON) airspace on the west side, and RNAV Route T–585 would bypass Austin TRACON airspace on the east side. These routes would provide users a more direct and efficient route structure while reducing the volume of low altitude aircraft that routinely overfly the Austin Terminal area, creating potential conflicts with aircraft arriving and departing from AUS. The northern portion of both routes will assist with feeding arrival traffic into Austin TRACON airspace and will facilitate revised arrival procedures within the Austin Terminal area.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to establish RNAV Routes T–583 and T–585 in Texas.

T–583: T–583 would extend between the Laredo (LRD), TX VORTAC and the Waco (ACT), TX VORTAC.

T–585: T–585 would extend between the Corpus Christi (CRP), TX VORTAC and the Waco (ACT), TX VORTAC.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Order 2100.6B, ''Rulemaking and Guidance Procedure'' (March 10, 2025); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic

procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes

* * * * *

T–583 Laredo, TX (LRD) to Waco, TX (ACT) [NEW]		
Laredo, TX (LRD)	VORTAC	(lat. 27°28′43.45″ N, long. 099°25′03.64″ W)
Cotulla, TX (COT)	VORTAC	(lat. 28°27′43.26″ N, long. 099°07′06.76″ W)
MILET, TX	FIX	(lat. 28°43′49.68″ N, long. 098°47′52.53″ W)
San Antonio, TX (SAT)	VORTAC	(lat. 29°38′38.51″ N, long. 098°27′40.74″ W)
LICOR, TX	WP	(lat. 30°06′36.28″ N, long. 098°11′36.60″ W)
GAFAS, TX	WP	(lat. 30°43′08.19″ N, long. 098°02′32.52″ W)
VICCS, TX	WP	(lat. 31°08′19.57″ N, long. 097°22′34.43″ W)
Waco, TX (ACT)	VORTAC	(lat. 31°39′44.03″ N, long. 097°16′08.45″ W)
T–585 Corpus Christi, TX (CRP) to Waco, TX (ACT) [NEW]		
Corpus Christi, TX (CRP)	VORTAC	(lat. 27°54′13.56″ N, long. 097°26′41.57″ W)
SSUNN, TX	WP	(lat. 30°02′14.13″ N, long. 097°07′51.19″ W)
COAST, TX	WP	(lat. 30°29′38.73″ N, long. 097°07′55.99″ W)
DDARK, TX	WP	(lat. 30°39′52.93″ N, long. 097°12′53.36″ W)
VICCS, TX	WP	(lat. 31°08′19.57″ N, long. 097°22′34.43″ W)
Waco, TX (ACT)	VORTAC	(lat. 31°39′44.03″ N, long. 097°16′08.45″ W)

* * * * *

Issued in Washington, DC, on April 21, 2026.

Alex W. Nelson,

Manager, Rules and Regulations Group.

[FR Doc. 2026–07973 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2025–3822; FRL–13146–01–R7]

Air Plan Approval; Missouri; Control of Emissions During Petroleum Liquid Storage, Loading, and Transfer

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Missouri State Implementation Plan (SIP) related to the control of emissions during petroleum liquid storage, loading and transfer in the St. Louis area. The revisions to this rule include revising the tank size threshold applicability of the rule, adding incorporations by reference to other state rules, adding definitions specific to the rule, revising unnecessarily restrictive or duplicative language, adding a streamlined process for modifications to vapor recovery systems at gasoline dispensing facilities and thereby eliminating the associated permitting requirement, and clarifying rule language on testing and reporting. The revisions make this provision consistent with a similar rule that is applicable to the Kansas City area and regulates the same type of facilities. These revisions do not interfere with the State's ability to attain or maintain the National Ambient Air Quality Standards (NAAQS). The EPA's proposed approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: Comments must be received on or before May 26, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2025–3822 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will 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 ''Written Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Steven Brown, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7718; email address: *brown.steven@epa.gov*

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

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II. What is being addressed in this document?
III. Have the requirements for approval of a SIP revision been met?
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V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2025–3822, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia

submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. What is being addressed in this document?

The EPA is proposing to approve a SIP revision submitted by the State of Missouri on March 7, 2019, and supplemented on August 1, 2019. The revisions are to Title 10, Division 10 of the Code of State Regulations (CSR), 5.220 ''Control of Emissions During Petroleum Liquid Storage, Loading and Transfer''. The purpose of the state regulation is to restrict volatile organic compound (VOC) emissions from the handling of petroleum liquids to reduce hydrocarbon emissions in the St. Louis metropolitan area that contribute to the formation of ozone. Missouri made multiple revisions to the rule. These revisions change the applicability threshold of the smaller tank size subject to the rule from 500–1,000 gallon tanks to 550–1,000 gallon tanks, eliminate the permitting requirement by adding a streamlined procedural process for modifications to vapor recovery systems at gasoline dispensing facilities, clarify rule language on testing and reporting, update incorporations by reference to other state rules, add definitions specific to the rule, revise unnecessarily restrictive or duplicative language, and make administrative structure and wording changes. The EPA proposes to find that these revisions meet the requirements of the CAA and do not interfere with the State's ability to attain or maintain the NAAQS. The full text of the rule revisions as well as EPA's analysis of the revisions can be found in the technical support document (TSD) included in this docket.

III. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from August 1, 2018, to October 4, 2018, and held a public hearing on September 27, 2018. Missouri received twenty-nine (29) comments from seven sources during the comment period on 10 CSR 10–5.220. The EPA provided three comments. Missouri included additional clarification to EPA by submitting supplemental information on August 1, 2019, to clarify and answer questions EPA made during the comment period. Missouri responded to all comments and revised the rule based on some of the public comments made, as noted in the State submission included in the docket for this action. As explained above and in more detail in the technical support document, which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. What action is the EPA taking?

The EPA is proposing to amend the Missouri SIP by approving the State's request to revise 10 CSR 10–5.220 ''Control of Emissions During Petroleum Liquid Storage, Loading and Transfer.'' We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to finalize the incorporation by reference of the Missouri rule 10 CSR 10–5.220 discussed in section II. of this preamble and as set forth below in the proposed amendments to 40 CFR part 52. The purpose of this state regulation is to restrict VOC emissions from the handling of petroleum liquids to reduce hydrocarbon emissions in the St. Louis metropolitan area that contribute to the formation of ozone. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 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 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 EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 10, 2026.

James Macy,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as set forth below:

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 AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–5.220'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area				
*	*	*	*	*
10–5.220	Control of Emissions During Petroleum Liquid Storage, Loading and Transfer.	3/30/2019	[Date of publication of the final rule in the **Federal Register**], 91 FR [**Federal Register** page where the document begins of the final rule].	
*	*	*	*	*

* * * * *

[FR Doc. 2026–07906 Filed 4–22–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 52

[EPA–R05–OAR–2024–0137; EPA–R05–OAR–2025–0235; FRL–13185–03–R5]

Air Plan Approval; Michigan; 2015 Ozone Moderate Reasonably Available Control Technology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is reopening the comment period for a proposed rule published February 27, 2026. Comments on the proposed rule were required to be received on or before March 30, 2026. In response to a request in a public comment, the EPA is reopening the comment period for the proposed action for 30 days.

DATES: The comment period for the proposed rule published in the **Federal Register** on February 27, 2026, at 91 FR 9793 is being reopened. Comments must be received on or before May 26, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2024–0137 (for VOC RACT) or EPA–R05–OAR–2025–0235 (for NO_X RACT) at *https://www.regulations.gov,* or via email to *arra.sarah@epa.gov.* Additional instructions to comment can be found in the notice of proposed rulemaking published February 27, 2026 (91 FR 9793).

FOR FURTHER INFORMATION CONTACT: Katie Caskey, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number: (312) 353–3490, email address: *caskey.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: On February 27, 2026 (91 FR 9793), the EPA proposed to approve revisions and additions to Michigan Air Pollution Control Rules (MAPCR) Parts 6 and 8 for inclusion in the Michigan State Implementation Plan (SIP). Michigan submitted these SIP revisions to meet the Moderate Volatile Organic Compound and Nitrogen Oxide Reasonably Available Control Technology (RACT) requirements for the Western Michigan nonattainment areas (Berrien, Western portion of Allegan, and Western portion of Muskegon counties) under the 2015 ozone National Ambient Air Quality Standard. The EPA also proposed to approve MAPCR Rules that limit VOC emissions from consumer products and architectural and industrial maintenance coatings, as SIP strengthening measures for the Western Michigan nonattainment areas under the 2015 ozone standard. In response to a request in a public comment, the EPA is reopening the comment period for 30 days.

Dated: April 13, 2026.

Anne Vogel,

Regional Administrator, Region 5.

[FR Doc. 2026–07905 Filed 4–22–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R08–OAR–2024–0001; FRL–13312–01–R8]

Utah; Uinta Basin; 2015 8-Hour Ozone National Ambient Air Quality Standard; Reconsideration and Repeal of Finding of Failure To Attain and Reclassification to a Moderate Nonattainment Area; Extension of the Attainment Date and Determination of Attainment by the Marginal Attainment Date

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reconsideration of final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is proposing to repeal the December 16, 2024 final rule in which we denied a request by the State of Utah (State) and

the Ute Indian Tribe of the Uintah and Ouray Reservation (Ute Indian Tribe or Tribe) for an extension of the attainment date for the Uinta Basin (UB), Utah Marginal nonattainment area (NAA) under the 2015 ozone National Ambient Air Quality Standard (NAAQS), determined that the area failed to attain the Clean Air Act (CAA) 2015 ozone NAAQS by the applicable Marginal attainment date of August 3, 2022, and reclassified the area by operation of law to a Moderate ozone NAA. The EPA is also reproposing to grant the second 1-year extension of the Marginal attainment date from August 3, 2022 to August 3, 2023 and to determine that the area attained the 2015 ozone NAAQS based on certified ozone monitoring data from 2020–2022. If we finalize this proposed action, the UB area would no longer be subject to the CAA requirements pertaining to reclassification upon failure to attain and therefore would remain classified as a Marginal NAA for the 2015 ozone NAAQS.

DATES: Written comments must be received on or before May 26, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2024–0001 to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *htttps://www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

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.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in *https://www.regulations.gov.* Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Amanda Brimmer, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–AQ–R, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number: (303) 312–6323, email address: *brimmer.amanda@epa.gov.*

SUPPLEMENTARY INFORMATION:

Organization of this document. Throughout this document the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. The information in this preamble is organized as follows:

Table of Contents

I. Background
II. Legal Authority
III. Proposed Action
IV. Tribal Consultation
V. Statutory and Executive Order Reviews

I. Background

Ground-level ozone pollution is formed from the reaction of volatile organic compounds (VOC) and nitrogen oxides (NO_X) in the presence of sunlight. These two pollutants, referred to as ozone precursors, are emitted by many types of sources, including on-road and non-road motor vehicles and engines, industrial facilities, and smaller area sources such as lawn and garden equipment and paints. Scientific evidence indicates that adverse public health effects occur following exposure to ground-level ozone pollution.[1] Exposure to ozone can harm the respiratory system (the upper airways and lungs), can aggravate asthma and other lung diseases, and is linked to premature death from respiratory causes. People most at risk from breathing air containing ozone include people with asthma, children, older adults, and people who are active outdoors, especially outdoor workers.[2]

Under CAA section 109, the EPA promulgates NAAQS (or ''standards'') for ''each air pollutant for which air quality criteria have been issued. . . .'', such as ozone.[3] The EPA has previously promulgated NAAQS for ozone in 1979, 1997, and 2008.[4] On October 26, 2015, the EPA revised the NAAQS for ozone to establish new 8-hour standards.[5] In that action, the EPA promulgated identical revised primary and secondary ozone standards designed to protect public health and welfare that specified an 8-hour ozone level of 0.070 parts per million (ppm).[6] Specifically, the standards require that the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration (*i.e.,* the design value (DV)) may not exceed 0.070 ppm.[7] Further, while the ozone NAAQS is expressed in units of ppm, ozone is also discussed in terms of parts per billion (ppb), with 0.001 ppm equaling 1 ppb.[8]

Section 107(d) of the CAA provides that when the EPA promulgates a new or revised NAAQS, the Agency must designate areas of the country as nonattainment, attainment, or unclassifiable based on whether an area is not meeting (or is contributing to air quality in a nearby area that is not meeting) the NAAQS, meeting the NAAQS, or cannot be classified as meeting or not meeting the NAAQS, respectively.[9] Subpart 2 of Part D of Title I of the CAA governs the classification, state planning, and emission control requirements for any

[1] 80 FR 65296 (October 26, 2015).

[2] EPA Fact Sheet—Ozone and Health, available at *https://www.epa.gov/sites/default/files/2016-04/documents/20151001healthfs.pdf* and in the docket for this action.

[3] 42 U.S.C. 7409.

[4] 44 FR 8202 (February 8, 1979), 62 FR 38856 (July 18, 1997), and 73 FR 16436 (March 27, 2008).

[5] *See* footnote 1 in this document.

[6] 40 CFR 50.19. Because the 2015 primary and secondary NAAQS for ozone are identical, for convenience, the EPA refers to them in the singular as ''the 2015 ozone NAAQS'' or as ''the standard.''

[7] A design value is a statistic used to compare data collected at an ambient air quality monitoring site to the applicable NAAQS to determine compliance with the standard. The design value for the 2015 ozone NAAQS is the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration. The design value is calculated for each air quality monitor in an area and the area's design value is the highest design value among the individual monitoring sites in the area. According to appendix U to 40 CFR part 50, ambient monitoring sites with a DV of 0.070 ppm or less must meet minimum data completeness requirements in order to be considered valid. These requirements are met for a 3-year period at a site if daily maximum 8-hour average ozone concentrations are available for at least 90% of the days within the ozone monitoring season, on average, for the 3-year period, with a minimum of at least 75% of the days within the ozone monitoring season in any 1-year. Ozone monitoring seasons are defined for each State in appendix D to 40 CFR part 58. DVs greater than 0.070 ppm are considered to be valid regardless of the data completeness.

[8] The data handling convention in 40 CFR part 50, appendix U dictates that concentrations shall be reported in ''ppm'' to the third decimal place, with additional digits to the right being truncated. Thus, a computed 3-year average ozone concentration of 0.071 ppm is greater than 0.070 ppm and would exceed the standard, but a design value of 0.0709 is truncated to 0.070 and attains the 2015 ozone NAAQS.

[9] 42 U.S.C. 7407(d).

areas designated as nonattainment for a revised primary ozone NAAQS. In particular, CAA section 181(a)(1) also requires the EPA to classify each ozone NAA at the time of designation, based on the extent of the ozone problem in the area (based on the area's DV).[10] Classifications for ozone NAAs range from Marginal to Extreme. CAA section 182 provides the specific attainment planning requirements that apply to each ozone NAA based on its classification.[11] CAA section 182, as interpreted in the EPA's implementation regulations at 40 Code of Federal Regulations (CFR) 51.1308 through 51.1317, sets for air agencies to submit and implement State Implementation Plan (SIP) revisions to satisfy the applicable attainment planning elements. These provisions also establish the timeframes by which NAAs must attain the 2015 ozone NAAQS.

Effective on August 3, 2018, the EPA designated 51 areas throughout the country, including the UB in Utah, as nonattainment for the 2015 ozone NAAQS.[12] In a separate action, the EPA set classification thresholds and attainment dates based on each NAAs ozone DV.[13] The EPA established the attainment date for Marginal, Moderate, and Serious NAAs as 3 years, 6 years, and 9 years, respectively, from the effective date of designations. Thus, the attainment date for the UB ozone NAA was August 3, 2021, which was to be calculated using monitored ozone data from 2018–2020.[14] Applicable SIP requirements for Marginal ozone NAAs are provided in table 1 of this document.[15]

TABLE 1—REQUIRED SIP ELEMENTS FOR MARGINAL NONATTAINMENT AREAS UNDER THE 2015 OZONE NAAQS

Marginal SIP elements	CAA section
Base year emissions inventory [1]	[172(c)(3); 182(a)(1); 40 CFR 51.1315(b)].
Certified Nonattainment New Source Review (NNSR) [2]	[172(c)(5); 182(a)(4); 40 CFR 51.1314].
Emissions Statement [2]	[182(a)(3)(B)].

[1] *See* 86 FR 35405 (July 6, 201).
[2] *See* 87 FR 24275 (April 25, 2022).

The UB ozone NAA, initially classified as Marginal for the 2015 ozone NAAQS, was granted a 1-year attainment date extension under CAA section 181(a)(5) in October 2022 which was requested by both the State and Tribe.[16] This extended the attainment date from August 3, 2021 to August 3, 2022. Because DVs are based on the three most recent, complete calendar years of data preceding the attainment date, attainment must occur no later than December 31 of the year before the attainment date (*i.e.,* December 31, 2021, in the case of the UB Marginal NAA for the 2015 ozone NAAQS).

On March 29, 2022 and December 20, 2022, respectively, the State and Tribe requested a second 1-year extension under CAA section 181(a)(5) of the Marginal attainment date which would have extended the Marginal attainment date from August 3, 2022 to August 3, 2023. In response to the State's and Tribe's requests, on April 10, 2024, the EPA published a notice of proposed rulemaking, based on certified ozone monitoring information through 2022, to grant the requests for a second 1-year Marginal attainment date extension and determine that the area attained by the new attainment date.[17] While the EPA concluded that the area did not attain the 2015 ozone NAAQS by the Marginal area attainment date of August 3, 2022, based on a final 2019–2021 DV of 0.078 ppm, and as required per CAA section 181(b)(2)(A), we did conclude in both our April 10, 2024 proposal and December 16, 2024 final rule that the eligibility criteria for a state to request an attainment date extension had been met, per 40 CFR 51.1307(a)(1).[18] Namely, these criteria include submitting all Marginal area SIP elements to the EPA and having certified ozone monitoring data for specific years that are all at or below the CAA established thresholds. This conclusion was based on a two-year average fourth highest daily maximum 8-hour concentration of 0.069 ppm for the years 2020 and 2021.[19] Additionally, certified data through December 31, 2022, showed that the three-year average for 2020–2022 was 0.067 ppm, which is attaining the 2015 ozone NAAQS (see table 2 of this document). Further, Utah certified that they complied with all requirements and commitments pertaining to this area in their approved implementation plan and monitoring data completeness.[20]

TABLE 2—OZONE MONITORING VALUES FOR DUCHESNE AND UINTAH COUNTIES, UTAH

County	AQS site ID	4th Highest daily max (ppm) [21]						
		2019	2020	2021	Average 2020–2021	Average 2019–2021	2022	Average 2020–2022
	Max 4th Max	0.098	[A] 0.066	0.072	[B] 0.069	0.078	0.066	[C] 0.067
Duchesne	490130002	0.087	0.063	0.072	.....	0.074	0.066	0.067
Duchesne	490137011	0.079	0.064	0.069	.....	0.070	0.066	0.066
Uintah	490471002	0.070	0.063	0.068	.....	0.067	0.063	0.064

[10] 42 U.S.C. 7511(a)(1).
[11] 42 U.S.C. 7511a.
[12] 83 FR 25776 (June 4, 2018).
[13] 83 FR 10376 (March 9, 2018).
[14] *See* footnote 12 in this document.
[15] *See, e.g.,* CAA sections 172(c) (42 U.S.C. 7502) and 182 (42 U.S.C. 7511a).
[16] *See* footnote 12 in this document. *See also* 87 FR 60897 (October 7, 2022).
[17] 89 FR 25223 (April 10, 2024).
[18] 89 FR 101483 (December 16, 2024). *See also* EPA's Response to Comments in the accompanying docket to the final rule.
[19] To request a second 1-year extension, an area's 4th highest daily maximum 8-hour value, averaged over both the original attainment year and the first extension year, must be 0.070 ppm or less (40 CFR 51.1307(a)(2)). As of July 18, 2022, the Uinta Basin area's certified 2020 and 2021 ozone data show that the maximum two-year average design value for 2020–2021 is 0.069 ppm. This is based on 2020 and 2021 ozone values at the two key monitors in the region (AQS Site 490472002 which had 4th highest daily maximum 8-hour value for 2020 at 0.066 ppm, and Air Quality System (AQS) Site 490472003 which had 4th highest daily maximum 8-hour value for 2021 at 0.072 ppm, which averaged is 0.069 ppm).
[20] *See* letter dated March 30, 2022, from UDEQ Executive Director Kim Shelley to U.S. EPA Region 8 Regional Administrator KC Becker.

TABLE 2—OZONE MONITORING VALUES FOR DUCHESNE AND UINTAH COUNTIES, UTAH—Continued

County	AQS site ID	4th Highest daily max (ppm) [21]						
		2019	2020	2021	Average 2020–2021	Average 2019–2021	2022	Average 2020–2022
Uintah	490471004	0.065	0.063	0.068		0.065	0.063	0.064
Uintah	490472002	0.074	0.066	0.071		0.070	0.062	0.066
Uintah	490472003	0.098	0.065	0.072		0.078	0.064	0.067
Uintah	490477022	0.067	0.065	0.068		0.066	0.062	0.065

[A] Basis for 1st 1-year extension (CAA section 181(a)(5) and 40 CFR 51.1307(a)(1)).
[B] Basis for 2nd 1-year extension (CAA section 181(a)(5) and 40 CFR 51.1307(a)(2)).
[C] Basis for Determination of Attainment by the Attainment Date (DAAD) (181(b)(2)(A) of the CAA and 40 CFR 51.1303).

As part of the December 2024 rulemaking, the EPA held a public comment period that closed on May 9, 2024. The EPA received comments from nine commenters, with two in support and seven in opposition.[22] Two themes dominated the opposing comments: high 2023 ozone values and environmental justice (EJ) concerns. Consequently, on December 16, 2024, the EPA published a final rule in the **Federal Register** using its discretionary authority under CAA section 181(a)(5) to deny the request for a second 1-year extension and determined that the UB ozone NAA failed to attain the 2015 ozone NAAQS by the August 3, 2022 attainment date.[23] As shown in table 2 of this document, two of the seven regulatory monitors in this area had a 2019–2021 DV greater than the standard of 0.070 ppm.[24] For that reason, the EPA reclassified the area to Moderate by operation of law with an effective date of January 15, 2025 and an attainment date of August 3, 2024, in the December 16, 2024 final rule. In that action, the EPA committed to addressing SIP revision and implementation deadlines for the UB in a separate rulemaking given the attainment date was in the past.

Following publication of the 2024 final rule, the EPA received requests for reconsideration from the State on February 14, 2025, the Tribe on January 14, 2025, UPA on February 14, 2025, and the Utah Congressional delegation on January 14, 2025.[25] Petitions to review the 2024 final rule were filed with the 10th Circuit Court of Appeals by the State on January 22, 2025, the Tribe on February 14, 2025, UPA on January 21, 2025, and Seven County Infrastructure Coalition on January 30, 2025. On February 25, 2025, the EPA granted the petitions for reconsideration and stated our intention to undergo a notice-and-comment rulemaking.[26] Petitioners also filed motions to stay the 2024 final rule. The EPA did not oppose the motions to stay the final rule. On May 22, 2025, the 10th Circuit Court of Appeals granted the Petitioners' stay pending the outcome of the administrative reconsideration.[27] The practical implication of the judicial stay is that the UB ozone NAA is currently classified as Marginal as of the date of this proposal. Petitions and related documents and correspondence are included in the docket for this rule (*see https://www.regulations.gov,* Docket No. EPA–R08–OAR–2024–0001).

After reconsidering the December 2024 final rule, the EPA now finds that Utah sufficiently met the statutory criteria for a second 1-year attainment date extension and the Agency is no longer exercising its discretion to deny the State's and Tribe's request, which would have imposed additional obstacles that Congress did not specifically require.

II. Legal Authority

The statutory authority for the actions in this proposed rule is provided by the CAA, as amended (42 U.S.C. 7401, *et seq.*). Relevant portions of the CAA include, but are not necessarily limited to, CAA section 181. Additionally, the EPA has authority to reconsider and revise, rescind, and repeal final actions to the extent permitted by law so long as it offers a reasonable basis for doing so and considers applicable reliance interests.[28] CAA section 181(b)(2)(A) provides that, within six months following the applicable attainment date, the EPA must determine whether an ozone NAA attained the ozone standard based on the area's DV as of that date. If an area fails to attain by its attainment date and does not receive a 1-year attainment date extension, CAA section 181(b)(2)(A) requires the EPA to determine that an ozone NAA failed to attain the ozone standard by the applicable attainment date, and requires the area to be reclassified by operation of law to the higher of (1) the next higher classification; or (2) the classification corresponding to its DV at the time of the determination. 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, which was February 3, 2023, for the UB ozone NAA.

Per CAA section 181(a)(5), the EPA has discretion (''the Administrator may'') to extend an area's applicable attainment date by one additional year upon application by any state if the state meets the two criteria under CAA section 181(a)(5). *See also* 40 CFR 51.1307. This section is intended to provide flexibility where an area is close to achieving attainment and can likely do so with additional time. Rather than require an area to attain the NAAQS by a first extended attainment date, the provision expressly allows for a maximum of two 1-year extensions for a single area.

[21] *See* footnote 8 of this document for explanation regarding truncation of ozone values.

[22] *See* EPA's response to comments for 2024 final rule, *https://www.regulations.gov/document/EPA-R08-OAR-2024-0001-0023*.

[23] 89 FR 101483 (December 16, 2024).

[24] *See* footnote 7 of this document.

[25] *See Utah* v. *EPA,* No. 11152346 (25–9507) (10th Cir., January 22, 2025); *Utah Petroleum Association* v. *EPA,* No. 11152544 (25–9507) (10th Cir., January 21, 2025); *Ute Indian Tribe of the Uintah and Ouray Reservation* v. *EPA,* No. 11158988 (25–9525) (10th Cir., February 14, 2025); and *Seven-County Infrastructure Coalition* v. *EPA,* No. 11155255 (25–9513) (10th Cir., January 30, 2025). Copies of the petitions are provided in Docket ID No. EPA–R08–OAR–2024–0001.

[26] Copies of EPA's responses granting the petitions are provided in Docket ID No. EPA–R08–OAR–2024–0001.

[27] *See State of Utah, Utah Petroleum Association, Ute Indian Tribe of the Uintah and Ouray Reservation, and Seven-County Infrastructure Coalition* v. *U.S. Environmental Protection Agency,* No. 25–9507, 25–9508, 25–9513, 25–9525 (10th Cir. 2025).

[28] *See, e.g., FDA* v. *Wages & White Lion Invs., L.L.C.,* 604 U.S. 542, 567–68 (2025); *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009) (referencing *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29 (1983)) (an agency is free to change a prior policy and ''need not demonstrate . . . that the reasons for the new policy are better than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be better'').

Under CAA section 181(a)(5), the first criterion is satisfied if a state can demonstrate that it is in compliance with its approved SIP. *See Delaware Dept. of Nat. Resources and Envtl. Control* v. *EPA,* 895 F.3d 90, 101 (D.C. Cir. 2018) (holding that the CAA requires only that an applying state with jurisdiction over a NAA comply with the requirements in its applicable SIP, not every requirement of the Act). A state may meet this requirement by certifying its compliance, and in the absence of such certification, the EPA may determine whether the criterion has been met. *See Delaware,* 895 F.3d at 101–102.

The second criterion, as it applies to a second 1-year extension, is that the area's fourth highest daily maximum 8-hour value, averaged over both the original attainment year and the first extension year, must be no greater than the level of that NAAQS. With respect to the second criterion, for the 2015 ozone NAAQS the EPA has interpreted the air quality criterion of CAA section 181(a)(5)(B) to mean that an area's fourth highest daily maximum 8-hour value, averaged over both the original attainment year and the first extension year, must be no greater than 0.070 ppm.

III. Proposed Action

This action addresses the UB ozone NAA, which includes portions of Duchesne and Uintah Counties in Utah. This notice-and-comment rulemaking arises out of the EPA's February 25, 2025 granting of petitions for reconsideration of the December 16, 2024 final rule submitted by the State, Tribe, UPA, and Utah's Congressional delegation. After reconsideration and review of additional technical information available at the time of the 2024 action, the EPA is proposing to repeal the December 16, 2024 final rule. That rule found the UB ozone NAA failed to attain by August 3, 2022, and reclassified the area as Moderate by operation of law. The repeal would retain the area's Marginal nonattainment classification. Technical information made available since the final action, including certified 2024 and preliminary 2025 ozone monitoring data also supports the EPA's proposal to retain the area's Marginal nonattainment classification.[29]

Table 3 of this document provides a summary of the data from the UB ozone NAA relevant to the area demonstrating attainment by the Marginal attainment date. While the 2019–2021 DV does not show attainment, the two-year average of 2020–2021 qualifies the UB ozone NAA for a second 1-year attainment date extension.[30] Thus, the EPA is also proposing to grant the second 1-year extension from August 3, 2022, to August 3, 2023. Consequently, based on the 2020–2022 DV, the region did not exceed 0.070 ppm, and the EPA is therefore also proposing to find that the UB ozone NAA attained by the new attainment date of August 3, 2023. The EPA requests comment on these proposed actions. See the **DATES** section in this document for deadline to submit comments.

TABLE 3—UINTA BASIN 2015 OZONE NAAQS MARGINAL NONATTAINMENT AREA EVALUATION SUMMARY [31]

2018–2020 (ppm)	Area failed to attain 2015 NAAQS but state requested 1-year attainment date extension based on the 2020 4th highest daily maximum 8-hr average ≤0.070 ppm	2019–2021 DV (ppm)	2020–2021 average 4th highest daily maximum 8-hr average (ppm)	Area failed to attain 2015 NAAQS but state requested 2nd 1-year attainment date extension based on average 2020–2021 4th highest daily maximum 8-hr average ≤0.070 ppm	2020–2022 DV (ppm)	2015 NAAQS attained by the 2nd 1-year attainment date extension
0.076	Yes	0.078	0.069	Yes	0.067	Yes

This proposed determination of attainment by the attainment date would not constitute formal redesignation to attainment as provided for under CAA section 107(d)(3). Redesignations to attainment require, among other things, that the states responsible for ensuring attainment and maintenance of the NAAQS have met the applicable requirements under CAA section 110 and part D, and to submit to the EPA for approval a maintenance plan to ensure continued attainment of the standard for 10 years following redesignation, as provided under CAA section 175A.

If the EPA takes final action determining that the UB ozone NAA attained the 2015 ozone NAAQS by the revised attainment date of August 3, 2023, the UB will remain a Marginal NAA under the 2015 ozone NAAQS and must continue to meet the planning requirements specified in CAA section 182(a).

The EPA seeks comment on all aspects of the proposed actions described in this preamble, including with respect to our statutory authority to reconsider and repeal the December 16, 2024 final rule and any changes in interpretation and policy relevant thereto. Because this action would, if finalized, relieve certain obligations for the State of Utah, we do not believe there are reasonable and cognizable reliance interests that would be adversely impacted by finalizing this action as proposed. Nevertheless, we seek comment on whether such reliance interests exist and, if so, how the EPA should consider them in taking any final action on this proposal.

IV. Tribal Consultation

In accordance with the EPA Policy on Consultation and Coordination with Indian Tribes, the EPA offered an opportunity for consultation to the Tribe prior to this proposed EPA action (see section V.G. of this document).[32]

V. Statutory and Executive Order Reviews

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.

[29] Preliminary 2025 data indicated that a potential ozone exceedance occurred at the Roosevelt monitor on April 21, 2025. This event has been flagged in the EPA's Air Quality System (AQS) as a potential stratospheric intrusion event.

[30] *See* footnote 21 of this document.

[31] The 1st through 4th highest 8-hour average ozone concentrations at each monitor for each year can be found at EPA's Outdoor Air Quality Data, Monitor Values Report, *https://www.epa.gov/outdoor-air-quality-data/monitor-values-report.* These are Air Data reports are produced from a direct query of the Air Quality System (AQS) Data Mart. The data represent the best and most recent information available to EPA from state agencies. However, some values may be absent due to incomplete reporting, and some values may change due to quality assurance activities. The AQS database is updated by state, local, and Tribal organizations who own and submit the data.

[32] *See* EPA Policy on Consultation and Coordination with Indian Tribes, December 7, 2023, *https://www.epa.gov/sites/default/files/2013-08/documents/cons-and-coord-with-indian-tribes-policy.pdf.*

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 does not apply because a determination of attainment is an air quality designation which is exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This rule does not impose an information collection burden under the PRA. This action does not contain 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 (5 U.S.C. 601 *et seq.*). This action will not impose any requirements on small entities. A CAA determination of attainment by the attainment date, and reclassification of the UB ozone NAA, will not in and of themselves create any new requirements beyond what is mandated by the CAA. This action would not itself directly regulate any small entities.

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 implements mandates specifically and explicitly set forth in the CAA without policy discretion by the EPA.

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. The division of responsibility between the Federal government and the states for purposes of implementing the NAAQS is established under the CAA.

G. Executive Order 13175 Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 requires EPA to develop an accountable process to ensure ''meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.'' This action has Tribal implications, because it proposes actions that will affect the ozone classification of a large area of Indian country within the Uintah and Ouray Reservation. However, it will neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law.

The EPA provided an opportunity for consultation with Tribal officials early in this rulemaking under our Policy on Consultation and Coordination with Indian Tribes. The goal is to ensure meaningful and timely input. The Tribe may request consultation and/or submit comments to the EPA at any point during the rulemaking process, including during the public comment period.

H. Executive Order 13045 Protection of Children From Environmental Health and Safety Risks

EPA interprets Executive Order 13045 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 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 establish an environmental standard intended to mitigate health or safety risks.

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 rulemaking does not involve technical standards.

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Sulfur oxides, and Volatile organic compounds.

Dated: April 14, 2026.

Cyrus M. Western,

Regional Administrator, Region 8.

[FR Doc. 2026–07904 Filed 4–22–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R04–OAR–2025–1180; FRL–12940–01–R4]

Kentucky; Approval and Promulgation of State Plan for Designated Facilities and Pollutants; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the Clean Air Act (CAA or Act) section 111(d) State Plan submitted by the Commonwealth of Kentucky (Commonwealth) through the Kentucky Energy and Environment Cabinet (Cabinet) via a letter dated June 11, 2024, for implementing and enforcing the Emissions Guidelines (EG) and Compliance Times applicable to existing municipal solid waste (MSW) landfills (hereinafter ''State Plan'' or ''MSW Landfill State Plan''). The State Plan provides for implementation and enforcement of the EG, as finalized by EPA on August 29, 2016, applicable to existing MSW landfills that commenced construction, modification, or reconstruction on or before July 17, 2014. The State Plan establishes emission limits, monitoring, operating, recordkeeping, and reporting requirements for affected MSW landfills.

DATES: Comments must be received on or before May 26, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. [EPA–R04–OAR–2025–1180] at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not 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. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full

EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Tamara Hayes, Regulatory and Community Air Toxics Section, Air Analysis and Support Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303. Ms. Hayes can be reached via telephone at (404) 562–9582 and via email at *hayes.tamara@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 111 of the CAA, ''Standards of Performance for New Stationary Sources,'' directs EPA to establish emission standards for stationary sources of air pollution that could potentially endanger public health or welfare. These standards are referred to as New Source Performance Standards (NSPS). Section 111(d) addresses the process by which EPA and states regulate standards of performance for existing sources. When NSPS are promulgated for new sources, section 111(d) and EPA regulations require that EPA publish an EG to regulate the same pollutants from existing facilities. While NSPS are directly applicable to new sources, EGs for existing sources (designated facilities) are intended for states to use to develop a state plan to submit to EPA.

State plan submittals and revisions under CAA section 111(d) must be consistent with the applicable EG and the requirements of 40 CFR part 60, subpart B, and part 62, subpart A. The regulations at 40 CFR part 60, subpart B, contain general provisions applicable to the adoption and submittal of state plans under CAA section 111(d). Additionally, 40 CFR part 62, subpart A, provides the procedural framework by which EPA will approve or disapprove such plans submitted by a state. Once approved by EPA, the state plan becomes federally enforceable. If a state does not submit an approvable state plan to EPA, EPA is responsible for developing, implementing, and enforcing a federal plan.

The MSW landfill NSPS for new landfills and EG for existing landfills were first promulgated by EPA on March 12, 1996, in 40 CFR part 60, subparts WWW and Cc, respectively (61 FR 9905). On August 29, 2016, EPA finalized revisions to the MSW landfill NSPS and EG in 40 CFR part 60, subparts XXX and Cf, respectively (81 FR 59332; 81 FR 59276). The 2016 EG revision updated the control requirements and monitoring, reporting, and recordkeeping provisions for existing MSW landfills.

The current MSW landfill EG, 40 CFR part 60, subpart Cf, concerns the regulation of landfill gas and its components, including methane, from MSW landfills for which construction, reconstruction, or modification was commenced on or before July 17, 2014. The deadline to submit a state plan to EPA was May 30, 2017. On May 21, 2021, EPA finalized the MSW landfill Federal Plan in 40 CFR part 62, subpart OOO (86 FR 27756). The MSW landfill Federal Plan applies to states that do not have an EPA-approved state plan based on 40 CFR part 60, subpart Cf. The MSW landfill Federal Plan is currently in effect in Kentucky.

The Commonwealth previously submitted an MSW Landfill State Plan, adopting 40 CFR part 60, subpart Cc, that was approved by EPA on April 20, 1999 (64 FR 19290), and took effect on June 21, 1999. To fulfill the obligation under CAA section 111(d) to submit a revised state plan reflecting amendments to the MSW landfill EG, the Commonwealth submitted a revised MSW Landfill State Plan on June 11, 2024.[1] The Commonwealth's State Plan submittal incorporates by reference the applicable provisions under the MSW landfill EG at 40 CFR part 60, subpart Cf. For the reasons discussed below, EPA finds that the Kentucky MSW Landfill State Plan meets the relevant requirements of the CAA section 111(d) implementing regulations at 40 CFR part 60, subpart B, and 40 CFR part 60, subpart Cf. The sources subject to the Federal Plan for MSW Landfills will become subject to the Commonwealth's State Plan upon approval by EPA. The submittal is included in the public docket for this rulemaking (Docket No. EPA–R04–OAR–2025–1180).

II. Summary and Analysis of Kentucky's MSW Landfill State Plan Submittal

EPA has reviewed the Kentucky MSW Landfill State Plan submittal in the context of the plan completeness and approvability requirements of 40 CFR part 60, subparts B and Cf, and 40 CFR part 62, subpart A. EPA's detailed rationale and discussion on the Kentucky MSW Landfill State Plan can be found in the EPA Technical Support Document (TSD), located in the docket for this rulemaking.

The Kentucky MSW Landfill State Plan submittal package includes all materials necessary to be deemed administratively and technically complete according to the criteria of 40 CFR 60.27. Included within the Kentucky MSW Landfill State Plan are regulations under the Kentucky Administrative Regulations (KAR), specifically, 401 KAR 61:036, ''Emission guidelines and compliance times for municipal solid waste (MSW) landfills.'' The Commonwealth houses its implementation for the state plan requirements in this regulation. Necessary State legal and enforcement authorities required for plan approval are located elsewhere in the Commonwealth's regulations and have been reviewed and approved of by EPA, as explained in the TSD.

III. Proposed Action

EPA is proposing to approve the Kentucky MSW Landfill State Plan submitted by the Cabinet pursuant to 40 CFR part 60, subparts B and Cf. Therefore, EPA is proposing to amend 40 CFR part 62, subpart S, to reflect this action. This approval is based on the rationale previously discussed herein and in further detail in the TSD associated with this action.

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).

IV. Incorporation by Reference

In this document, EPA is proposing to include regulatory text that incorporates by reference the State Plan. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference KAR 61:036, which became effective in the Commonwealth of Kentucky on June 3, 2021. The regulatory provisions of this section of the Kentucky rule incorporate all the CAA 111(d) state plan elements required by the EG for existing MSW landfill units promulgated at 40 CFR 60, subpart Cf. The emissions standards and compliance times established within the Kentucky State Plan are at least as stringent as those required by the EG for existing MSW landfill units subject to subpart Cf. EPA has made, and will continue to make, these materials generally available through the docket for this action, EPA–R04–OAR–2025–1180, at *https://www.regulations.gov* and at EPA Region 4 Office (please contact the person identified in the **FOR**

[1] EPA received this submission on June 12, 2024, in a letter dated June 11, 2024. Throughout this notice of proposed rulemaking, this submission will be referred to as the June 11, 2024, submission.

FURTHER INFORMATION CONTACT section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a 111(d) plan submission that complies with the provisions of the CAA and applicable Federal regulations. In reviewing 111(d) plan submissions, EPA's role is to approve State choices, provided they meet the criteria and objectives of the CAA and EPA's implementing regulations. Accordingly, this action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, 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);
- 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 Kentucky MSW Landfill State Plan is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 62

Administrative practice and procedure, Air pollution control, Aluminum, Environmental protection, Fertilizers, Fluoride, Incorporation by reference, Industrial facilities, Intergovernmental relations, Methane, Ozone, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds, Waste treatment and disposal.

(Authority: 42 U.S.C. 7411.)

Dated: April 14, 2026.

Kevin McOmber,

Regional Administrator, Region 4.

[FR Doc. 2026–07894 Filed 4–22–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA–R06–RCRA–2026–2641; FRL–13174–03–R6]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction and extension of comment period.

SUMMARY: On March 26, 2026, the Environmental Protection Agency (EPA) published a **Federal Register** document proposing to grant an exclusion from the list of hazardous waste to WRB Refining LP located in Borger, Texas. The proposed rule had an incorrect docket number. This action informs the public of the correct docket number. The EPA is also extending the comment period for the proposed rule by 22 days to May 20, 2026.

DATES: Comments on this proposed correction must be received by May 20, 2026. Comments are still being accepted and must be received by May 20, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. [EPA–R06–RCRA–2026–2641]. All documents in the docket are listed on the *https://www.regulations.gov* website. 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 electronically through *https://www.regulations.gov*.

ADDRESSES: You may send comments, identified by Docket ID No. [EPA–R06–RCRA–2026–2641] by any of the following methods:

Submit your comments by one of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the on-line instructions for submitting comments.

Email: dixon.eshala@epa.gov.

Instructions: The EPA must receive your comments by May 20, 2026. Direct your comments to Docket ID No. EPA–R06–RCRA–2026–2641. 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 you provide in the body of your comment. If you send an email comment directly to the EPA without going through *https://regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment with any CBI you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption and be free of any defects or viruses.

Docket: The index to the docket for this action is available electronically at *https://www.regulations.gov*. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy.

You can view and copy the delisting petition and associated publicly available docket materials through *https://www.regulations.gov* at: EPA, Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270. The EPA facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Harry Shah, at (214) 665–6457, before visiting the Region 6 office. Interested persons wanting to examine these documents should make an appointment with the office.

FOR FURTHER INFORMATION CONTACT: E'shala Dixon, RCRA Permits & Solid Waste Section (LCR–RP), Land, Chemicals and Redevelopment Division, EPA Region 6, 1201 Elm Street, Suite 500, Dallas, TX 75270, telephone

number: (214) 665–6592; email address: *dixon.eshala@epa.gov*.

SUPPLEMENTARY INFORMATION: The EPA published a **Federal Register** document on March 26, 2026 (91 FR 14666) FRL–13174–01–R06. Subsequent to publication of the **Federal Register** document, EPA realized that the docket number was incorrect. The docket number published as ''EPA–R06–RCRA–2025–13174''. The docket number is corrected to read as set forth above.

Correction

In FR Doc. 2026–05876, appearing at 91 FR 14666, in the **Federal Register** of Thursday, March 26, 2026, the following corrections are made:

1. On page 14666, column 2, within the heading, replace ''Docket number [EPA–R06–RCRA–2025–13174]'' with ''Docket number [EPA–R06–RCRA–2026–2641]''

2. On page 14666, column 2, within the **ADDRESSES** section, replace ''Docket number [EPA–R06–RCRA–2025–13174]'' with ''Docket number [EPA–R06–RCRA–2026–2641]''

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

Robert Snowbarger,

Acting Division Director, Land, Chemicals and Redevelopment Division, Region 6.

[FR Doc. 2026–07899 Filed 4–22–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 8, 25, 64 and 76

[CG Docket Nos. 26–52, 17–59, 02–278, and 22–2; FCC 26–16; FR ID 341337]

Improving Customer Service and Protecting Consumers Through Onshoring

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) proposes actions that would encourage and facilitate the onshoring of foreign call centers. Specifically, the Commission proposes rules and otherwise explore ways to improve customer service communications and better protect consumers' sensitive personal information by limiting use of foreign call centers and by improving standards applicable to a company's remaining foreign call center operations. It also seeks comment on extending these protections to modes of customer service communications other than calls, such as emails, texts, and on-line chats, and on ideas to deter scam and other unlawful calls made to the United States from foreign countries. Finally, it explore steps we can take to financially deter unlawful foreign-originated calls, such as bond requirements. The Commission proposes to apply these requirements to providers of telecommunications services, CMRS, interconnected VoIP service, cable television service, and DBS services, or affiliates of such providers. It also proposes to apply these requirements to the use of foreign call centers for consumer communications relating to internet access service offered by any of the foregoing providers or their affiliates and seeks comment on whether it should extend some or all of the proposed rules to providers of other types of services.

DATES: Comments are due on or before May 26, 2026 and reply comments are due on or before June 22, 2026.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments identified by CG Docket Nos. 26–52, 17–59, 02–278, and 22–2 by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the Electronic Comment Filing System (ECFS): *https://www.fcc.gov/ecfs. See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *Accessible formats.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format) or to request reasonable accommodations (*e.g.* accessible format documents, sign language interpreters, CART), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

FOR FURTHER INFORMATION CONTACT: For further information about the Notice of Proposed Rulemaking (*NPRM*), contact John B. Adams of the Consumer and Governmental Affairs Bureau at (202) 418–2854 or *JohnB.Adams@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking in CG Docket No. 26–52, Tenth Further Notice of Proposed Rulemaking in CG Docket No. 17–59; Further Notice of Proposed Rulemaking in CG Docket No. 02–278; and Third Further Notice of Proposed Rulemaking in CG Docket No. 22–2 (*NPRM*); FCC 26–16, adopted on March 26, 2026 and released on March 27, 2026. The full text of this document is available online at *https://docs.fcc.gov/public/attachments/FCC-26-16A1.pdf*.

Paperwork Reduction Act Analysis: The *NPRM* may contain proposed new and revised information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements described in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Providing Accountability Through Transparency Act: Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, a summary of this document will be available on *https://www.fcc.gov/proposed-rulemakings*.

Ex Parte Rules: The proceeding the *NPRM* initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte*

presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) of the Commission's rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must, when feasible, be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Synopsis

I. Discussion

We seek comment on actions that would encourage and facilitate the onshoring of foreign call centers. Specifically, we propose rules and otherwise explore ways to improve customer service communications and better protect consumers' sensitive personal information by limiting use of foreign call centers and by improving standards applicable to a company's remaining foreign call center operations. We also seek comment on extending these protections to modes of customer service communications other than calls, such as emails, texts, and on-line chats, and on ideas to deter scam and other unlawful calls made to the United States from foreign countries. Finally, we explore steps we can take to financially deter unlawful foreign-originated calls, such as bond requirements, building on our recent *Call Branding NPRM,* which sought comment on other ways to identify and stop such calls.

We propose to apply these requirements to providers of telecommunications services, CMRS, interconnected VoIP service, cable television service, and DBS services, or affiliates of such providers. Where we seek comment on applying the proposed rules to providers of other services, the term ''providers'' includes providers of those services as well. We also propose to apply these requirements to the use of foreign call centers for consumer communications relating to internet access service offered by any of the foregoing providers or their affiliates. We seek comment on this proposal and whether we should extend some or all of the proposed rules to providers of other types of services.

A. Protecting American Consumers

1. Ensuring Quality Customer Service

Consumers often are not satisfied with the customer service they receive from providers that have moved their customer service operations to offshore call centers. We seek comment on measures to address problems with foreign call centers that would apply to inbound calls in addition to outbound calls where we traditionally have focused our consumer protection efforts. Inbound calls easily can become outbound calls, such as when a consumer's call is answered initially by an Interactive Voice Response (IVR) system that allows the consumer to choose to have the IVR system hold the consumer's place in line and call the consumer back. And problems, such as communication barriers and protection of sensitive consumer information, exist regardless of whether a consumer calls the provider or the provider calls a consumer.

Establishing English Proficiency Standards. We propose to require providers that use offshore call centers to ensure that all calling staff at those call centers are proficient in both written and spoken American Standard English. We believe that clear communication and mutual understanding is critical to the customer service experience. The ability of both the consumer and the customer service agent to understand one another while discussing consumer concerns is vital to providing meaningful customer service. Consumers often have complex problems that require American Standard English proficiency to understand and resolve. And technical understanding of English often is not enough—so much of communication is tone, idioms, and appreciation of the speaker's culture. The Commission receives numerous consumer complaints that cite a lack of clear and productive communication with foreign call center staff as a reason why their concern was not resolved.

A number of federal regulations contain English proficiency requirements. To implement the Telecommunications Relay Services (TRS) program, the Commission itself has adopted operational standards that require language skills. Communications Assistants (CAs) who handle TRS calls must have specific competencies in communicating with people with and without such disabilities. Specifically, CAs must have competent skills in typing, grammar, spelling, American Sign Language (ASL), and familiarity with hearing and speech disability cultures, languages, and etiquette, and must possess clear and articulate voice communications. In short, Communications Assistants must understand the culture and etiquette of consumers and must be proficient in reading, writing, speaking, listening, and signing the languages necessary to do their jobs effectively. While maintaining these standards for Communications Assistants, the Commission has gone further, promoting the use of direct video connections to enhance communication between ASL-using consumers with speech and hearing disabilities and customer service call centers. The regulations governing the direct video and TRS programs reflect the Commission's recognition that communication is clearest when it occurs directly between people with a shared language and common regional and cultural background, and that, absent such direct communication between individuals with a shared language and culture, standards and required competencies are essential to ensure effective communication.

We seek comment on our proposal. Would American Standard English proficiency requirements, including requirements to understand tone, idioms, and culture, promote better customer satisfaction and problem resolution? What steps do providers currently take to ensure the proficiency of their representatives? How do providers currently monitor for both efficient communication during customer service interactions and customer satisfaction? Beyond language proficiency, are there other barriers that providers can mitigate to ensure higher quality customer service and consumer satisfaction?

If we were to adopt such requirements, what criteria should we

use to assess compliance, and should the criteria apply to each individual call center employee, or to, *e.g.,* the average test score for a call center? For example, should we require providers to ensure that call center staff pass a test? If so, what type of test? We note that a range of tests is available. Some appear to be targeted at specific areas. For example, and as mentioned above, the OET is tailored for the medical field, the TOEFL is widely used in higher education, and the TOEIC is business- and workplace-oriented. Many of the available tests appear to evaluate listening, speaking, reading, and writing. Are these good tests for our purposes? Do they go beyond just words to test an understanding of culture, for example? Do they include tests of listening, speaking, reading, and writing, or just of some of these facets of English proficiency? Do any of these tests focus on the cultural and idiomatic nuances of American Standard English? Are there other tests that providers currently are using to assess representatives' proficiency in American Standard English? Do representatives need to write in English in order to document a summary of the call in a consumer's account records or for other purposes?

Do providers already test the English proficiency of foreign call center staff? If so, how? Do providers rely on the foreign call centers with which they contract to test or otherwise evaluate the English proficiency of call center staff rather than performing the evaluation themselves? What recourse is available to a provider if a provider receives consumer complaints or otherwise learns that particular staff in a foreign call center are not communicating well with consumers?

Finally, we seek comment on how to address foreign call centers used for communication with non-English speaking U.S. customers. For example, a business might contract with a foreign call center to communicate with its U.S.-based, Spanish-speaking customer base. What American Standard English or other language proficiency standards, if any, should we require for such call centers? Are staff at these call centers required to be bilingual and do they typically take calls in English as well as non-English languages? Do providers have dedicated call centers where representatives only communicate with non-English-speaking customers? Even where call center staff speak with consumers in a language other than English, we believe that staff will need to be proficient in English. For example, we believe that customer account records generally are maintained in English and that scripts and other materials used by call center staff could be written in English. We seek comment on this belief.

Promoting U.S.-Based Customer Service. We propose to limit the percentage of customer service calls that providers may make from or answer at foreign call centers to a specified percentage (excluding any calls that would be subject to any rule we adopt requiring certain types of calls to be handled only at call centers located within the United States). We seek comment on this proposal. Would such a limit effectively address at least some of the concerns associated with foreign call centers, such as customer satisfaction? We believe that such a cap would encourage movement of call center operations back to the U.S. and thus best address our communication and data privacy concerns. We recognize, though, that those changes could come with costs to communications service providers and thus believe this type of cap would help strike a balance between achieving our goals while not imposing undue costs on these companies. Accordingly, we also seek comment on whether we should phase in such a cap over time in recognition of the costs to providers to relocate call centers to the United States, and the capacity, such as availability of staff and facilities, of the domestic marketplace to immediately support call center functions that are relocated to the United States. Are there other concerns that we should consider or other reasons to adopt such an approach? For example, are there other benefits, including to U.S. jobs and the economy, from limiting the percentage of calls to or from their service providers that are handled by foreign call centers?

We seek comment on the total volume of calls providers currently handle (*i.e.,* make from and receive at) in their call centers globally, including both in-house call centers, *i.e.,* those they operate themselves, and those with which they contract. What percentage of a provider's total volume of calls is handled at call centers located within the U.S. and what percentage is handled in foreign countries? What percentage of total calls is transferred from a foreign call center to a call center located within the U.S. and vice versa? What percentage of total calls is transferred from a foreign call center to a call center located within the U.S. at the request of the customer? In answering these questions regarding percentages of calls, providers are encouraged also to provide quantities of calls. Which providers have a policy of transferring calls from a foreign call center to a call center in the U.S.? If a provider has such a policy, does it disclose the policy at the beginning of each call so that the consumer can request to have the call transferred before discussing the issue that prompted the call?

What percentage would best advance the goal of improving customer satisfaction? For example, would a 30% limit be appropriate? And how should we apply such a metric? For example, if we were to set the limit at 30%, should we allow only 30% of outbound calls to be made from a foreign call center and allow only 30% of inbound calls to be answered at a foreign call center? Or should we assess the percentage across both inbound and outbound calls, as long as the combined percentage for all calls is no greater than 30%? Over what period of time should compliance be measured? For example, should the percentage limit apply annually, quarterly, monthly, or daily?

How should calls subject to the percentage limitation be defined? Should only calls to or from existing customers who already purchase service from the provider be counted? Should the limitation apply, for example, to all calls made to the provider's customer service number or other contact numbers? If a provider has multiple numbers, such as one for general customer service calls, one for sales, and one for customer billing issues, should the limitation apply to all calls made to any of its consumer-facing numbers, or should it apply separately to each of these types of call? Are there particular types of consumer calls where a representative's level of American Standard English proficiency might have a greater impact on ensuring resolution of the issue or customer satisfaction? If so, which types of calls and how should this be factored into establishing a metric?

Finally, do we need to take steps to ensure that providers have sufficient capacity in call centers in the United States to handle the required volume of calls? What should those steps be? Should we phase in this requirement in order to give providers time to transition their call center operations? If so, over what period of time should we require providers to transition their operations? What obstacles will providers face in transitioning their call center operations to comply with this limitation? What costs will providers incur to transition their call center operations? Are there any considerations that uniquely affect smaller providers or those serving rural areas? If so, how should our rules take those considerations into account?

Scope of Covered Calls. In the preceding paragraphs, we seek comment on how to identify and count calls for our proposal to limit the percentage of calls that may be made from or answered at a foreign call center. We now seek comment on how we should define the calls subject to these proposals in general. Should we include only calls to and from a provider's existing customers, such as those regarding service, billing, or account management? Should we include calls related to debt collection, win-back campaigns, or other retention efforts?

Are there categories of calls that should be excluded from these requirements? Should we include calls to or from prospective customers, such as sales or marketing calls? Should the proposals apply to all calls made to consumer-facing numbers a provider uses, such as those for general customer service, billing, or sales? Commenters should address the implications of including or excluding these types of calls, including how it would affect consumer privacy and data security, and how providers could identify and distinguish covered calls from non-covered calls for purposes of complying with the rules.

2. Safeguarding Consumer Choice

Requiring Disclosure of Foreign Call Center Use. We propose to require providers, when making or receiving calls involving a foreign call center, to inform customers at the beginning of each call that it is being handled outside of the United States. We seek comment on this proposal.

We believe it is essential for consumers to know when calls from a provider originate overseas and when calls they make to a provider are answered at a foreign call center. If consumers know they are speaking with a foreign call center, they can take any precautions they believe necessary to address privacy risks—*e.g.,* by refusing to disclose sensitive personal information, demanding satisfactory assurance that such information will be protected effectively, or requesting that the call be transferred to the United States, as discussed below. This also might help consumers identify companies that support American jobs. We seek comment on these beliefs.

If we adopt such a proposal, should we adopt specific text that providers must use in the disclosure? If so, what should that be? Should it differ for calls made from a foreign call center and those answered at or transferred to a foreign call center? Should the disclosure include the name of the country where the call center is located, or additional information? For example, the text of a disclosure might be ''This call is being [answered in or made from] [insert name of country]. You have the right to have this call transferred to a representative located in the United States. Do you want to have the call transferred to a U.S.-based representative?'' We seek comment on whether providers should be required to make this or an alternative disclosure. Should disclosure be required before an in-progress call is transferred from a domestic call center to a foreign call center? We also seek comment on any First Amendment considerations relevant to our disclosure proposals, consistent with past practice for disclosure requirements.

Establishing a Consumer Right to Transfer to Call Centers in the United States. We propose to require providers, upon consumer request, to transfer calls to a call center located within the United States. This would apply both to calls made from a foreign call center and to calls answered at a foreign call center. We further propose to require providers to ensure that consumers are transferred promptly following a transfer request and to ensure that wait times for transferred calls are no longer than those for calls that in the first instance are routed to a call center located within the United States. We seek comment on this proposal.

We believe our proposal will empower consumers who wish to transact business or otherwise communicate with a provider via representatives located within the United States to do so. Consumers might wish to communicate with provider representatives located within the United States for a variety of reasons, each of which improves customer service and satisfaction. These include reduced language barriers, better legal protections for and security of their sensitive personal information, and support for American jobs, among other things. We seek comment on this belief. Are there other benefits, whether consumer, general societal, or economic, that are likely to result from this proposal?

Should we establish standards for how quickly a foreign call center must complete transfer of a call to a call center in the United States? If so, what standards should we adopt? For example, should we require that providers transfer the consumer to a call center in the United States within a certain number of seconds following the transfer request? How should we determine when a transfer is complete? For example, would transferring the call so that it rings to a call center in the United States be sufficient or only when a representative answers? What if the call drops during transfer?

Finally, we believe providers should inform customers about such a right and thus propose to require it as part of the same disclosure we propose above. We seek comment on that proposal. If we were to adopt it, should we require that the disclosure include information about wait times following transfer, a number to call a U.S.-based call center directly in the event the call gets dropped during transfer, or any other information?

We seek comment on any other factors that we should consider regarding the required disclosures when a call is handled at a foreign call center, the required response to requests that calls be transferred to a call center in the United States, and ensuring that wait times for transferred calls do not unduly burden a consumer's exercise of the right to transfer.

3. Ensuring Compliance

We propose to require providers to track and report to the Commission their compliance with any rules we adopt as a result of our proposals. Providers would report on the American Standard English proficiency of their foreign call center workers; the number or percentage of calls they first route to foreign call centers and U.S. call centers; the number or percentage of calls they transfer to a call center in the United States; associated wait times; and dropped calls, along with any other requirements we adopt in response to this NPRM. We seek comment on this proposal.

If we adopt our proposal, should we require monthly, quarterly, or annual reporting? Why? Should we make such information public? If not, what factors would justify keeping the information from consumers and the public at large? How do those factors compare with the potential benefits of consumers having greater information, including information that enables comparisons, about providers' use of foreign call centers and other customer service metrics? Is there other information associated with these data that we should require providers to report? Should providers separate data by individual foreign call center or foreign country, or aggregate it for all foreign call centers? Is there any reason to separate information by individual call center in the United States? If we require reporting on American Standard English proficiency, what information should providers report? Should we require providers to report other information associated with English

proficiency, *e.g.,* complaints or transfer rates for individual foreign call centers or foreign call center staff members, or other metrics?

In what format should reports be made? Should electronic filing be required? If so, is there a particular format, such as an Excel spreadsheet, that should be used for the reports? Are there existing reports or forms that could be modified to include this information and that are sufficiently relevant to the subject matter that it makes sense to use them?

We seek comment on whether cable television providers should file their reports with their local franchising authorities as well as with the Commission and what roles the Commission and local franchising authorities should play in enforcing any rules we adopt as a result of this NPRM. Commenters should address how to achieve consistent enforcement across all providers that would be subject to these rules if the rules are enforced as to cable television providers by local franchising authorities.

We also seek comment on any other reporting, filing, or certification mechanisms for ensuring compliance with any rules we adopt as a result of this NPRM. In particular, we seek comment on whether providers who obtain numbering resources from the North American Plan Numbering Administrator (NANPA) should be required to certify their compliance as a condition of obtaining numbering resources. The Commission's rules already require interconnected VoIP providers, for example, to make certain certifications as a condition of obtaining numbering resources from NANPA.

4. Protecting Consumer Information and National Security

Heightened Consumer Protection for Sensitive Transactions. We propose to require that providers handle certain consumer transactions, such as those involving passwords, multi-factor authentication information, social security numbers, and bank or credit card information, or any combination of this information, only at call centers located within the United States, regardless of the type of communications channel used to initiate the transaction. We propose that this requirement would apply to such transactions regardless of any rule we adopt that would allow a certain percentage of calls to be handled by foreign call centers, such that calls that must be handled at call centers located within the United States would not be included in the percentage calculation. Criminal actors, as well as foreign adversaries, might find particular consumer information, *e.g.,* passwords, multi-factor authentication information, and bank account or credit card information, uniquely useful for exploitation or attack. We thus believe that we should require providers to handle such sensitive customer data solely in U.S.-based call centers and seek comment on this proposal.

Are there other specific types of transactions that providers should handle only at call centers located within the United States? Do providers use different tools to protect sensitive customer information shared over non-call communications, such as on-line chat, texts, and/or electronic mail messages? Do providers send multi-factor security codes, account access codes, or password resets from foreign call centers? And do providers send them via humans or automated systems? Do providers communicate with consumers about other sensitive personal information via these methods? If so, what kinds? Are there other steps providers take to mitigate security risks when offshore representatives are supporting customer service interactions that require personal, financial, or account information? We seek comment on any other factors that we should consider regarding the required handling of certain types of transactions only at call centers in the United States.

We also seek comment on whether we should prohibit providers from making available for access at foreign call centers consumer information, *e.g.,* passwords, multi-factor authentication information, and bank account or credit card information, that might be uniquely useful to bad actors. It is documented that foreign call center staff have accessed consumer information and sold it to criminals. If we were to adopt such a prohibition, what information should be subject to it?

Other Measures to Protect Privacy and Safeguard National Security. Above we describe privacy and data protection concerns arising from the use of foreign call centers, including examples of Commission regulatees failing to prevent abuse of consumer data by employees of foreign call centers, and DOJ's findings that poor control of that data is a national security concern.

We propose to prohibit providers from using call centers located in ''foreign adversary'' nations. Foreign adversaries pose a present and persistent threat to national security. We believe that entities under the jurisdiction of foreign adversaries are subject to exploitation, influence, or control by foreign adversary governments and that a foreign adversary's ability to exploit, influence, or control the operation of a customer service call center would pose a threat to the privacy of U.S. customers as well as to the ability of the United States to protect its national security. We seek comment on this proposal. To more fully protect U.S. customers and national security, should we, for example, prohibit providers from using any call center, wherever located, that employs citizens or residents of a ''foreign adversary'' nation?

In addition to our proposals above to require a cap on the fraction of calls providers may handle via foreign call centers, limit certain transactions to domestic call centers, and prohibit providers from using call centers in ''foreign adversary'' nations, we seek comment on other steps we can take to address our concerns. For example, should we prescribe data protection standards for any country in which a provider wishes to operate a call center? If so, what type of standards should we adopt? Would a general standard such as ''data security laws and practices at least as strong as the United States'' suffice, or is that too vague? If too vague, what would be a more specific standard consistent with our goals? What types of data protection do providers currently use and could they provide a model for a required standard? In that vein, could we look to recent enforcement consent decrees as a model? Are there other steps we should take?

5. Enhancing Transparency

Broadband Label. We propose to amend our broadband label rule to require providers subject to our broadband label requirements to display in the labels the percentage of customer service calls handled by a call representative located within the United States. The label is a point-of-sale disclosure and thus a natural vehicle to bring transparency to the foreign call center issues we address above.

Would our proposal help consumers of broadband service make informed choices about their providers? If we adopt this proposal, for what time period should we require that the percentage be computed, and how often should providers update the label based on this proposal? What level of precision should we require (*e.g.,* to the nearest percentage point)? Should providers disclose the actual percentage, or would a minimum percentage suffice? Should providers state a single percentage that includes both inbound and outbound calls, or should they specify separate percentages for inbound and outbound calls? Should

the calls counted for purposes of the label be defined differently, in any respect, from how they are defined for purposes of our other proposed rules? For example, for purposes of the label, would it be preferable to limit the calls covered to those placed to or from existing customers?

We propose that this information be added to the existing Customer Support section of the label and placed below the phone number and website information. Would this placement on the label help consumers to better understand this entry and how it might relate to their experience with the provider's customer support services? Should this information be placed in a different location on the label? If so, why?

Transparency for Other Services. Should we require providers of non-broadband services that would be covered by our proposed rules to make available on their websites the same information regarding the percentage of customer service calls handled in foreign call centers?

Consistent with past practice for disclosure requirements, we seek comment on any First Amendment considerations relevant to our transparency proposals. We also seek comment on whether there are other potential transparency requirements that could inform consumers and empower marketplace forces to improve customer satisfaction with providers' call centers. What are the relative advantages or disadvantages of such approaches in this context, where current business practices might reflect the legacy of decisions originally made during times when competition was less prevalent?

6. Potential Further Steps

Other Communications Channels. Should we apply all of our proposed rules (*i.e.,* not just those related to sensitive transactions, as discussed above) to non-voice communications such as on-line chat, texts, and/or electronic mail messages? Consumers regularly use on-line chat, texts, and email to communicate with providers. Do our concerns about American Standard English proficiency and data security apply to these forms of communication as well as calls? How frequently do providers communicate with consumers via text messages, electronic mail messages, or on-line chat using staff in foreign countries? How does that compare to similar communications sent from, read at, or responded to from locations within the United States? Are there other types of communications, such as video conferencing, to which we should consider applying the proposed rules?

Other Communications Providers. We seek comment on whether we should apply our proposals to ''stand-alone'' providers of non-interconnected VoIP and other internet-only providers, including providers that provide only stand-alone internet access service, to the extent that we have legal authority to do so. Are there any relevant differences between interconnected and non-interconnected VoIP regarding consumer experience with the use of foreign call centers for customer service and other communications, such that we should *not* apply the same rules to interconnected and non-interconnected VoIP, to the extent that we have legal authority to do so? Are there any such relevant differences between internet access service provided by stand-alone providers versus internet access provided by other entities offering internet access alongside other services, such as telecommunications service providers and cable television service providers? If so, what are they? Are there any other providers or services to which these proposals or other requirements upon which we seek comment should apply?

Establishing Standards and Procedures for Other Calls Originating From Outside of the United States. We seek comment on whether and to what extent we should establish standards and/or procedures regulating certain foreign-originated calls and texts subject to the TCPA. Section 227(c) of the Act requires the Commission to prescribe methods and procedures for protecting residential telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object. Further, Section 227(d) requires the Commission to establish technical and procedural standards for systems that transmit artificial or prerecorded voice messages via telephone.

Should we extend some or all of our proposals to all calls covered by sections 227(c) and (d) of the Act that originate outside the United States, not just calls on behalf of the types of providers already discussed? We seek comment on whether section 227(c)'s aim to protect residential subscribers supports applying our above proposals to calls from foreign call centers. And does section 227(d)'s authority to establish technical standards for covered calls also give us such authority? For instance, should we require that foreign callers making telephone solicitations disclose that such calls and/or messages originate from outside of the United States? Should we establish American Standard English proficiency standards for telephone solicitations made by foreign callers? Should we require that foreign callers transmitting artificial or prerecorded voice messages disclose that such calls originate from outside of the United States and offer to transfer the call—then do so upon request—to a domestic call center? We seek comment on these questions, as well as any other proposals for protecting consumers from telephone solicitations and/or artificial- and prerecorded- voice messages made from outside of the United States.

Tracking Consumer Complaints. As an aid to enforcement, and to enable the Commission to better assess the types of issues consumers are encountering with respect to customer service and call centers, we further propose to direct the Consumer and Governmental Affairs Bureau, and other staff as necessary, to establish mechanisms within our informal complaints system that allow efficient tracking of consumer complaints related to call centers and customer service. We invite comment on this proposal and how it can be most effectively and efficiently implemented.

7. Alternative Approaches

We seek comment on alternative approaches to our proposals above. Commenters should explain the alternative approach, how it addresses the problems we have described, and how it would be less burdensome, less costly, or more effective than our main proposals. Commenters should explain how the alternative improves customer service and better protects sensitive consumer data, and to whether it does so for all or just some providers or services. Commenters should provide real-world examples demonstrating the alternative's value and discuss how any current or new technologies, including AI, are used in the alternative approach or could affect it. Are there other pro-competitive incentives that can be implemented to improve customer service?

B. Increasing the Cost of Unlawful Calls Originating From Outside of the United States

Foreign scammers and their co-conspirators in the United States rob consumers of hundreds of millions of dollars each year, costing some their life savings. There is an obvious need to take the profit out of these calls and we seek comment on how to do so. Specifically, we seek comment on using government-imposed fees on illegal traffic or bond requirements as a way to make illegal calls expensive enough to deter them in the first place. Commenters should address policy

considerations, international agreements, legal authority, the logistics of how a fee or bond requirement could be structured, applied, and collected, and any other factors we should consider.

Under a fee-based approach, how would unlawful calls subject to a fee be identified, and how would the fee be collected? How should fees be calculated, and what amount would be effective at reducing the quantity of unlawful calls entering the United States from foreign countries?

If the Commission were to adopt a bond-based approach, how should a requirement to post a bond apply here? For instance, the House version of the Foreign Robocall Elimination Act bill would require providers to post a bond to file in the RMD. Should we adopt the same or similar approach here? Alternatively, should we require providers that are the subject of one or more traceback requests or whose filings were removed from the RMD as part of an enforcement action to post a bond? Should we instead require providers that accept ''mass'' voice and/or text traffic from international sources to post a bond? If so, how should we define ''mass'' voice or text traffic? Are there circumstances under which an existing filer should be required to post a bond in order for its certification to remain in the RMD? Providers that are required to post a bond might pass the cost of such a bond onto its foreign customers, thus potentially reducing the number of such calls.

How and under what circumstances would the bond be drawn upon? For example, could the bond be used to satisfy any future Commission enforcement action related to unlawful calls, other types of government enforcement actions, or civil liabilities? Further, for example, if the Commission were to issue a forfeiture order against a provider, should the bond be used to satisfy the forfeiture amount after a successful recovery action under 47 U.S.C. 504(a) such that the provider then would have to pay the balance, if any, through other means?

Alternatively, would it technically be feasible to establish a mechanism whereby some portion of the bond is drawn each time that a consumer reports receiving an unlawful robocall? How can we ensure that the bond draw-down is consistent with constitutional due process and the requirements of the Act? How would it work and who would manage the bond draw-down process? Which reports of unlawful robocalls would trigger a draw: those filed with the Commission, those filed with the Federal Trade Commission, those filed with state Attorney General offices? Should consumers instead be able to report unlawful calls directly from their device during the call and could those reports be used to trigger a bond draw down? Can device-based reporting be shared with the terminating provider? If so, would terminating providers seek the bond draw from the ultimate gateway provider or intermediate providers directly, or would terminating providers file reports with the entity administering the bonds on a periodic cadence?

Which provider's bond would be drawn upon and how could that particular provider be identified, especially if a provider other than the terminating provider were deemed the one to pay? Should the entity administering the bond draws distinguish between unlawful and simply unwanted calls that are reported, and how would it do so? Such a system might be prone to overuse, such as by aggrieved consumers who abuse the system by making numerous fraudulent reports in order to cause financial harm to their provider. Are safeguards from overuse needed? If so, what should the safeguards entail? Should providers be permitted to dispute draws? Who would hear those disputes and what evidence would be required? Who bears the burden of proof in such disputes? Should there be a threshold of reported unlawful robocalls at which a gateway provider would surrender the entire bond automatically? If so, what should the threshold be?

We seek comment on these possible approaches and on alternatives. Could they be effective at stopping harmful calls? Should we apply a bond requirement to all foreign providers, to international gateway providers, or any other providers that transmit calls from foreign countries to the United States? How much should such a bond be? Should it vary by type or size of provider? Should a provider be required to deposit the full amount of the bond or be permitted to purchase a surety bond? If we were to permit surety bonds, should we require them to comply with requirements similar to those in § 25.165(a) and (b) of our rules? What should happen if a bond were drawn upon? For example, how long should the provider have to replenish the bond or should the provider be prohibited from providing service until the bond is replenished? Who would administer a bond program and who would be the beneficiary? We seek comment on whether there are any statutory or other barriers to adopting and implementing a bond requirement. For example, should bonds be viewed as a type of ''forfeiture penalty'' or ''forfeiture'' under the Communications Act, and if so, do sections 503 or 504 of the Act mandate certain procedural requirements prior to the Commission collecting on a bond in certain circumstances?

We seek comment on alternative approaches to a bond requirement. Commenters should explain the alternative approach, including how it addresses the problems we have described, and how it would be more effective than the alternatives discussed herein. Are other countries successfully using bonds or shared liability models to reduce robocalls? If so, how are those regimes working?

C. Legal Authority

We seek comment on our authority to adopt these proposals and on our authority regarding other actions on which we seek comment above.

1. Authority To Adopt Regulations Concerning the Use of Foreign Customer Service Operations

We seek comment on our authority to adopt rules, such as those proposed above, governing the use of foreign customer service operations by providers of telecommunications service, CMRS, interconnected VoIP service, cable television service, and DBS, or affiliates of such providers, and internet access services each provides, including pursuant to sections 4(i), 201, 202, 217, 222, 227, 251, 301, 303, 316, 332, 335, 631, and 632 of the Act. We also seek comment on our authority to include in the broadband label disclosures regarding the percentage of customer service calls a broadband provider handles abroad.

Telecommunications Carriers. We seek comment on the extent to which section 201(b) of the Act provides authority for application of our proposed rules to telecommunications carriers' communications with current or prospective customers. Section 201(b) provides that *all* practices of common carriers in connection with interstate or foreign communication service shall be just and reasonable, and provides broad authority to the Commission to ''prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of this chapter.'' The Commission and the courts have broadly construed the term ''practice'' and the phrase ''in connection with . . . communication service'' to include a wide range of practices that directly implicate a carrier's furnishing of communication services, including payment or non-payment of compensation to payphone

owners, failure to follow Commission-ordered settlement practices, deceptive marketing, and the formation of exclusive contracts with commercial building owners.

Do a carrier's practices in communicating with its own customers and prospective customers on the matters commonly handled by consumer call centers—such as billing, service outages, service quality, account management, and marketing, including answering customers' calls in a timely fashion, communicating effectively in American Standard English, ensuring customer service representatives are equipped to resolve service issues, and safeguarding customers' personal information—likewise bear directly on the provision of service to customers and fall within our section 201(b) authority? In addition, does the widespread perception that the customer service practices of foreign call centers are frequently unreasonable in these respects provide a basis under section 201(b) to require disclosure of foreign call handling and the transfer of calls to the United States upon request, as well as the other proposed requirements discussed above? Does our authority under section 201(b) include the authority to protect customer privacy regarding sensitive customer data that may not fall within the specific definition of CPNI under section 222 of the Act—*e.g.,* by handling such phone transactions only at call centers located within the United States?

Section 222 grants the Commission specific authority to adopt regulations to ensure that carriers ''protect the confidentiality of proprietary information of, and relating to . . . customers,'' including customer proprietary network information (CPNI), which is defined as:

(A) information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and

(B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; except that such term does not include subscriber list information.

Does section 222 provide authority for our proposals to promote U.S.-based customer service, to require heightened protection of sensitive transactions, to allow customers to request U.S.-based customer-support representatives, to prohibit providers from using call centers in ''foreign adversary'' nations, and to adopt other regulations discussed above to help protect sensitive customer information, including CPNI of telecommunications carriers' customers?

Does section 251(e) of the Act provide additional authority to adopt the rules proposed herein? Section 251(e) grants the Commission exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States and directs the Commission to create or designate an impartial entity to administer telecommunications numbering and to make such numbers available on an equitable basis.

CMRS Providers. Pursuant to section 332 of the Act, our Title II authority applies to providers of CMRS as well as to wireline telecommunications carriers providing interstate and foreign communications. Does our Title II authority, as discussed above with regard to telecommunications carriers, extend to applying our proposals to CMRS providers? Furthermore, does our ''broad authority'' under Title III, particularly the authority of the Commission to ''[p]rescribe the nature of the service to be rendered by each class of licensed stations and each station within any class,'' provide authority for our proposals regulating the customer-service practices of CMRS providers? We seek comment on the applicability of particular provisions of Title III, including but not limited to sections 301 and 316, to authorize the Commission to impose such requirements.

Interconnected VoIP Service Providers. The Commission has previously found that it has authority to apply CPNI protections to interconnected VoIP service providers pursuant to section 222 of the Act and the Commission's Title I ancillary jurisdiction. The Commission found that interconnected VoIP services fall within the Commission's subject matter jurisdiction under the Act. The Commission also found that the application of CPNI rules to interconnected VoIP service is reasonably ancillary to the effective performance of the Commission's Title II responsibilities, because: (1) interconnected VoIP service ''is increasingly used to replace analog voice service'' (a trend that continues to be the case); (2) it seems reasonable for American consumers to expect that their telephone calls are private irrespective of whether the calls are handled by a carrier or an interconnected VoIP provider; and (3) the CPNI of interconnected VoIP customers includes call detail information concerning all calling and called parties, including customers of telecommunications carriers and CMRS providers, so that by protecting the CPNI of interconnected VoIP customers, the Commission will more effectively protect the privacy of carrier customers.

Do these considerations equally support the exercise of ancillary jurisdiction in this rulemaking to protect the privacy of interconnected VoIP service customers and telecommunications service customers by including interconnected VOIP service providers within the scope of the rules proposed above to increase the use of U.S.-based call centers, to require that sensitive transactions be handled in such call centers, to require disclosure when foreign call centers are used, and to allow customers to request the transfer of calls to U.S.-based call centers? Are such requirements necessary to ensure compliance with the requirements of section 222 and the Commission's implementing rules to protect the CPNI of customers of telecommunications and interconnected VoIP services, and thus ''necessary in the public interest to carry out'' section 222 of the Act?

Does section 251(e) give the Commission authority to condition interconnected VoIP service providers' access to telephone numbers on those providers' compliance with the requirements proposed above? The Commission previously exercised its authority under section 251(e) to ensure, for example, that an interconnected VoIP provider receiving direct access to numbers ''possesses the financial, managerial, and technical expertise to provide reliable service.'' Will ensuring that interconnected VoIP providers, as well as telecommunications carriers, protect sensitive consumer data when conducting customer service calls from foreign call centers help to maintain competitive neutrality and ensure that consumers' expectations are met regarding the privacy of their information when using the telephone network?

PII Protection. Do we have authority, pursuant to the statutory provisions discussed above, to adopt rules to prevent foreign call centers operated by or on behalf of telecommunications carriers, CMRS providers, or VoIP service providers, from misusing customers' personally identifiable information (PII) when handling customer service calls relating to internet access service provided by such carriers, CMRS providers, or VoIP service providers or their affiliates? We also seek comment on the merits and

applicability of the Sixth Circuit's recent holding that section 201(b) of the Act, which requires that carrier practices ''in connection with'' a communication service shall be just and reasonable, independently authorizes the Commission to adopt data protection rules that may go beyond the specific requirements and scope of section 222 of the Act.

Cable Television Operators. Section 632(b) of the Act expressly grants the Commission authority to ''establish standards by which cable operators may fulfill their customer service requirements,'' and provides further that ''such standards shall include, at a minimum, requirements governing . . . service calls'' and ''communications between the cable operator and the subscriber.'' In 1993, the Commission adopted customer service requirements for cable operators regarding matters specified by Congress. The Commission declined to adopt broader standards at that time, but reserved the right to revise and supplement the standards to ensure that customer service satisfaction is achieved nationwide. Do the regulations proposed herein to safeguard customers' personal information and to ensure customer service representatives are equipped to resolve service issues fall within the Commission's authority to adopt ''requirements governing . . . service calls'' or ''communications between the cable operator and the subscriber''?

In addition, section 631(c) expressly provides that ''a cable operator shall not disclose personally identifiable information concerning any subscriber'' without prior consent and ''shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or cable operator.'' We seek comment on whether this provision also supports rules addressing foreign call center use and related data protection measures in order to enhance the existing customer service protections. Does this legal authority extend to personally identifiable information regarding subscribers to internet access service offered by a cable operator? Section 631(a)(2)(c) defines ''cable operator,'' for purposes of section 631 (other than subsection (h)), to include ''any person who (i) is owned or controlled by, or under common ownership or control with, a cable operator, and (ii) provides any wire or radio communications service.'' Accordingly, a ''cable operator'' for purposes of Section 631 is not limited to an entity that provides ''cable service''; rather, it includes ''any person'' owned by a cable operator that provides ''any wire or radio communications service.'' We therefore seek comment on the extent to which a cable operator or its affiliate that provides internet access is providing a ''wire or radio communications service'' and would qualify as a ''cable operator'' as defined in section 631(a)(2)(C). Section 631(c)(1) states that ''a cable operator shall not disclose personally identifiable information concerning *any subscriber* . . . .'' Does this mean that a cable operator for purposes of section 631(c) is an entity that provides ''any wire or radio communications service'' (not just cable) and, as such, cannot disclose the personally identifiable information of ''any subscriber'' (not just cable)? Do other provisions of section 631 further support such an interpretation?

Does the Commission have authority to take direct enforcement action, should it choose to do so, to ensure that cable television operators comply with the proposed rules? Although enforcement of the Act's cable television provisions generally is handled by local franchising authorities, the Commission has broad enforcement authority under the Act. Is there anything in section 632 of the Act or its legislative history that precludes the Commission from enforcing its own standards?

DBS Providers. Section 303(v) of the Act grants the Commission ''exclusive jurisdiction to regulate the provision of direct-to-home satellite services,'' and section 335(a) authorizes the Commission to impose ''public interest or other requirements'' for providing video programming. Does this authority encompass customer service standards and related privacy practices? Would the regulations proposed herein serve the public interest by requiring DBS providers in ''providing video programming'' to safeguard customers' personal information and to ensure customer service representatives are equipped to resolve service issues? Do we also have authority under other provisions of Title III to adopt these rules for DBS providers, including sections 301, 303(b), 307, and 316? Further, we seek comment on whether we have—and should exercise—ancillary authority under section 4(i) of the Act to extend our customer service requirements to DBS providers. We also seek comment on whether there are alternative or additional statutes or arguments that provide a legal basis for our authority for the proposed requirements for DBS providers.

Broadband Label. Section 60504 of the Infrastructure Investment and Jobs Act directed the Commission to adopt regulations requiring ''the display of broadband consumer labels, as described in the Public Notice of the Commission issued on April 4, 2016 (DA 16–357), to disclose to consumers information regarding broadband internet access service plans.'' The referenced public notice had approved, with modifications, the consumer broadband labels proposed by the Commission's Consumer Advisory Committee (CAC), which, according to the public notice, provide ''a simple-to-understand format describing the key factors consumers need to know when considering broadband service.'' including information or links to information on prices and fees, performance, network management practices, privacy policy, and a customer service phone number and web page.

We seek comment on whether section 60504 authorizes our proposed inclusion of information about a provider's use of foreign customer service call centers in the required label content. Would sections 13 and 257 of the Act, section 254 of the Act (in the case of services provided pursuant to the Commission's universal service programs), and the Commission's Title III licensing authority (in the case of mobile broadband providers) provide additional authority for this proposed rule? If, in addition, we were to require providers of other (non-broadband) services covered by our proposed rules to disclose on their websites the same information regarding their use of foreign customer service call centers, would the various statutory provisions discussed in the previous paragraphs (with respect to telecommunications service, CMRS, interconnected VoIP service, cable television service, and DBS) provide authority?

Actions of Agents. Do we have legal authority to hold covered service providers responsible for the actions of companies or organizations that operate foreign call centers on their behalf? We note that for common carriers and users of carrier services, section 217 of the Act expressly states:

In construing and enforcing the provisions of this chapter, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier or user, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or user as well as that of the person.

The Commission has observed that ''Congress's clear intent in enacting section 217 was to ensure that common carriers not flout their statutory duties by delegating them to third parties.'' The Commission has stated further that

a carrier's liability for the conduct of agents or contractors extends to actions within the scope of their employment that are contrary to the carrier's policies, for ''[t]o hold that [s]ection 217 does not extend to independent contractors acting inconsistently with the carrier's policy would create a loophole in the requirements of the Act and frustrate clear legislative intent.'' We seek comment on how these precedents inform the scope of our authority under section 217.

Further, the Commission has stated that ''under long established principles of common law, statutory duties are nondelegable and that employers are routinely held liable for breach of statutory duties by their independent contractors.'' Thus, the Commission has consistently found that ''[l]icensees and other Commission regulatees are responsible for the acts and omissions of their employees and independent contractors.'' Do these precedents provide authority for our proposals, independently of our authority under section 217?

National Security. Do the national security risks raised by foreign call centers' access to personal data of U.S. citizens provide a basis to adopt the rules proposed above, including, for example, our proposal to prohibit covered service providers from using call centers or customer service representatives located in ''foreign adversary'' nations? We note that a principal purpose of the Act is to provide for national defense. In exercising its Title II and III authority to authorize the construction and transfer of telecommunications facilities and radio stations, the Commission exercises special vigilance to prevent risks to national security, including risks arising from a company's access to sensitive data. Moreover, with respect to international telecommunications services, we have the right under the General Agreement on Trade in Services to enforce ''the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts'' and protect our citizens from ''deceptive and fraudulent practices.'' We also note that, under the Protecting Americans' Data from Foreign Adversaries Act of 2024, disclosure of ''personally identifiable sensitive data'' of a U.S. individual to any entity controlled by a foreign adversary is treated as an unfair or deceptive act or practice under the Federal Trade Commission Act. Analogously, would the Commission have authority to prohibit, as an unreasonable practice in connection with communication service, the use by a carrier, CMRS provider, or interconnected VoIP service provider of a call center located in a foreign adversary country?

We seek comment on these potential sources of authority and on any additional sources of authority supporting the application of our proposed rules to the types of service providers described above. We also seek comment on our statutory authority to apply the proposed foreign call center customer service and information protection rules to other communications services offered to consumers, including non-interconnected VoIP, internet access services, and data services offered in conjunction with both CMRS and direct broadcast satellite services. Further, we seek comment on how our rights under other trade agreements, including free trade agreements, might serve as authority for our proposed rules.

Authority Under the TCPA. We also seek comment on our authority under the TCPA to adopt the proposed rules. For example, section 227(c) expressly authorizes the Commission to adopt rules that ''implement methods and procedures'' to ''protect residential telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object.'' The Commission has adopted implementing rules, including the establishment of a database of residential subscribers objecting to telephone solicitations. Would this provision authorize the Commission to adopt a rule that requires foreign callers making telephone solicitations to disclose and provide to the consumer an opportunity to specifically object to receiving such solicitations and messages from outside of the United States? Would it authorize the Commission to adopt American Standard English proficiency standards for telephone solicitations made from foreign call centers to residential telephone subscribers in the United States?

As another example, section 227(d) directs the Commission to ''prescribe technical and procedural standards for systems that are used to transmit any artificial or prerecorded voice message via telephone,'' including a requirement that artificial or prerecorded messages state certain information about the caller. Would this provision support a requirement that an artificial or prerecorded message specify, at the beginning of the message, that the call center is foreign? Would this provision also support a requirement to offer to transfer a call—then do so upon request—to a domestic call center?

To the extent that the TCPA confers independent authority on the Commission to prohibit or regulate certain practices of foreign call centers, may the Commission impose liability for such practices on the service provider or other entity that authorizes a foreign call center to engage in such practices? The Commission has specifically ruled that a seller may be held vicariously liable under federal common law principles of agency for violations of sections 227(b) and 227(c) of the Act committed by third-party telemarketers that are authorized to market the seller's goods or services. By the same reasoning, may the Commission hold a seller vicariously liable under federal common law principles of agency for violations of the Commission's rules implementing sections 227(c) and 227(d) of the Act committed by authorized third-party telemarketers?

Requirements Applicable to Entities Providing NANP Numbers to Businesses. We also seek comment on whether we have authority to make our proposed rules applicable more broadly, *e.g.,* to ''stand-alone'' providers of non-interconnected VoIP, internet access, and other internet-only services, or even to providers of non-communications products and services, pursuant to our authority to ensure the efficient and appropriate use of telephone numbers, pursuant to section 251(e) of the Act. For example, could we adopt a requirement applicable to telecommunications carriers and VoIP service providers, providing that, prior to providing U.S. telephone numbers to businesses that operate call centers abroad, or prior to allowing the routing abroad of calls placed to such U.S. numbers, a telecommunications carrier or VoIP service providers must obtain a certification in writing that the assignee of such telephone number shall ensure that any foreign call center using such number shall comply with the requirements of the rules proposed herein? We also seek comment generally on any other bases of authority for our proposals regarding the use of foreign customers service operations by providers.

Could we similarly rely on section 251(e) to extend some or all of our proposed requirements regarding the use of foreign customer service operations for calls other than those made on behalf of providers? Are there other sources of authority that we could rely on to extend some or all of our proposed requirements to such calls?

2. Authority for Fee or Bond Solutions

We also seek comment on whether the Commission has authority under the Act to impose a fee or bond on service providers that transmit calls from foreign countries to the United States, which fee or bond would be subject, in whole or in part, to forfeiture if the service provider allows unlawful calls. For example, in 2023, the Commission adopted expanded caller ID authentication and robocall mitigation requirements, relying on sections 201(b), 202(a), and 251(e) of the Communications Act, the Truth in Caller ID Act, and its ancillary authority. Would these provisions also authorize a requirement for service providers to post a bond as a condition of participation in the Robocall Mitigation Database, which would be subject to forfeiture if the service provider allows unlawful calls? Would these or other statutory provisions provide the Commission with authority to implement bond requirements generally, or to impose specific fees for unlawful traffic, including those specifically discussed above?

D. Costs and Benefits

This NPRM proposes to require providers to ensure that foreign call center staff are proficient in American Standard English, to ensure that U.S.-based customer service representatives handle all customer calls involving sensitive customer information, to limit the volume of customer calls handled by foreign call centers, to notify customers when they are speaking to a foreign call center, to transfer calls to a U.S.-based call center upon request, and to report on associated customer service metrics. These policies are expected to improve the quality of customer service and reduce financial losses stemming from scams connected to foreign call centers. Providers, however, may incur costs to shift call center operations to the United States.

Costs. To understand the effect of these policies on providers' costs, we need to understand how providers are currently providing call-based customer service. First, do providers operate call centers, either domestically or overseas, in house or under contract with other companies? How does this structure affect the costs of operating call centers, and the decision to host customer service domestically or overseas? How does it affect the share of calls handled domestically and overseas?

With respect to individual providers, how many customer calls are handled in foreign call centers and what share of calls does this represent? How many customer service representatives do providers employ, either directly or through a contractor, in foreign call centers? Where are foreign call centers used by providers located? How many representatives do providers employ, either directly or through a contractor, in the United States? Do U.S.-based representatives work remotely or at call centers? What impact might the proposed requirements have on the cost of services for consumers?

Next, we focus on the difference between the cost of hiring customer service representatives in the United States and in other countries. Indeed is a private company that collects data on workers' salaries around the world. Table 1 below shows Indeed's estimates of the average annual salaries of customer service representatives in India, the Philippines, and Mexico as of February 2026. In addition, based on Indeed and the U.S. Bureau of Labor Statistics (BLS) data, Table 1 below also shows estimates of average annual salary for customer service representatives in the United States. We seek comment on which other countries host provider call centers and whether any of the countries should be removed from the list.

TABLE 1—AVERAGE CUSTOMER SERVICE REPRESENTATIVE SALARIES 2026

Country	Annual salary (USD)
India	$2,904
Philippines	5,115
Mexico	16,252
United States (Indeed)	66,809
United States (BLS)	46,372

We seek comment on the salaries in Table 1. Are they reasonably accurate? The data suggest that customer service representatives are paid significantly more in the United States compared to India, the Philippines, and Mexico. To understand how provider costs would change if the proposed policies were adopted, we seek comment on how providers would change their customer service practices to respond to the proposed policies. Would any provider need to set up a call center in the United States or hire a contractor for call center services in the United States? How many U.S.-based representatives would providers need to hire? If a provider needs to set up a call center in the United States, what additional costs, besides hiring representatives, would it face? How much, if at all, would providers reduce the number of foreign representatives? Would call wait times for customers increase? Would providers be able to save some personnel costs by deploying AI or automated systems to work with representatives to handle calls more efficiently while maintaining high quality customer service? How costly would these solutions be? We ask commenters to describe how providers would respond to various thresholds for the share of calls answered by a U.S.-based representative. For example, how would providers respond if the threshold were 30%, 50%, and 75%? How would providers respond if there was no threshold but providers were required to transfer calls to U.S.-based representatives upon customer request?

Benefits. If the proposed policies are adopted, consumers might receive better customer service, potentially saving consumers time and money. Are there ways to measure the benefit to consumers of improved satisfaction with customer service?

In addition, the proposed policies may reduce financial losses stemming from scams connected to foreign call centers by requiring that only U.S.-based representatives handle calls that involve sensitive customer information and reducing the number of calls that are handled by foreign call centers. The FBI reports that consumers lost at least $1.3 billion to call center fraud in 2023. We expect that a very large share of this amount is attributable to scam call centers. Such centers are operated for the sole purpose of conducting scams and are unlikely to be answering or making calls for legitimate American businesses. We seek comment on how much of the above total is connected to foreign call centers employed by legitimate American businesses. However, even if a very large share of call center fraud is attributable to scam call centers, reducing the volume of calls that is handled by legitimate foreign call centers may reduce financial losses stemming from scam call centers. This could happen if American callers become more suspicious and cautious in interactions with foreign call center staff as such interactions become more rare. We seek comment on this.

Based on an assessment of the costs and benefits of the Commission's proposals, are there other approaches to achieving the Commission's goals?

II. Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules

proposed in the Notice of Proposed Rulemaking (*NPRM*) assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *NPRM.* The Commission will send a copy of the *NPRM* including this IRFA, to the Chief Counsel for the SBA Office of Advocacy. In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

America's communication service providers conduct sales and customer service interactions through a variety of channels, including phone calls, online chat, email, and text messages. Increasingly these entry points connect consumers with foreign call centers. Foreign call centers may employ individuals who, even if trained to speak English, might not pick up on other cues that are critical to understanding a consumer, *e.g.,* idioms, intonation, and other speech characteristics that are just as important as words. Foreign call centers might also be located in a country without the same guarantees that consumer information will be safeguarded in ways required by American laws or in a foreign adversary nation. The Commission expects the measures proposed in the *NPRM* will improve U.S. customer service and better protect U.S. consumers' sensitive personal information by limiting foreign access to that information, regardless of whether a foreign call center makes a call to a consumer or answers a call from a consumer.

B. Legal Basis

The proposed *NPRM* is authorized pursuant to sections 1–4, 201(b), 202(a), 217, 222, 227, 251(e), 301, 303, 316, 332, 631, 632 of the Communications Act of 1934, as amended, 47 U.S.C 151–154, 201(b), 202(a), 217, 222, 227, 251(e), 301, 303, 332, 631, 632, Section 60504 of the Infrastructure Investment and Jobs Act, 47 U.S.C. 1753, and §§ 1.411–1.413, and 1.421 of the Commission's rules, 47 CFR 1.411–1.413, 1.421.

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

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

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

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

TABLE 1—CENSUS BUREAU DATA BY NAICS CODE TABLE

Regulated industry (NAICS classification)	NAICS code	SBA size standard	Total firms	Small firms	% Small firms in industry
Wired Telecommunications Carriers	517111	1,500 employees	3,403	3,027	88.95
Wireless Telecommunications Carriers (except Satellite).	517112	1,500 employees	1,184	1,081	91.3
Telecommunications Resellers	517121	1,500 employees	955	847	88.69
All Other Telecommunications	517810	$40 million	1,673	1,007	60.19
Satellite Telecommunications	517410	$44 million	332	195	58.73
Telemarketing Bureaus and Other Contact Centers	561422	$25.5 million	2,380	1,798	75.55

TABLE 2—TELECOMMUNICATIONS SERVICE PROVIDER DATA

2024 Universal service monitoring report telecommunications service provider data (data as of December 2023)	SBA size standard (1500 employees)		
Affected entity	Total # FCC form 499A filers	Small firms	% Small entities
Local Exchange Carriers (LECs)	4,904	4,493	91.62

TABLE 2—TELECOMMUNICATIONS SERVICE PROVIDER DATA—Continued

2024 Universal service monitoring report telecommunications service provider data (data as of December 2023)	SBA size standard (1500 employees)		
Affected entity	Total # FCC form 499A filers	Small firms	% Small entities
Local Resellers	222	217	97.75
Toll Resellers	411	398	91.33
Telecommunications Resellers	633	615	97.16
Wired Telecommunications Carriers	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite)	585	498	85.13
Wireless Telephony	326	247	75.77

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

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

The changes proposed in the *NPRM,* if adopted, may impose new or modified reporting, recordkeeping, and or other compliance obligations on certain small entities. In the *NPRM,* the Commission proposes requirements that United States (U.S.) authorized service providers ensure that foreign call center staff are proficient in American Standard English, in order to limit the volume of U.S. customer calls handled by foreign call centers. The Commission also proposes a requirement to notify customers when they are speaking to a foreign call center, allowing a U.S. consumer to transfer calls to a U.S.-based call center upon request. In addition, this *NPRM* proposes that U.S. call centers should handle certain transactions involving sensitive consumer information only via call centers located in the United States, and proposes to prohibit providers from using call centers in ''foreign adversary'' nations. The Commission also proposes to require U.S. providers to disclose in consumer disclosure labels or websites the percentage of calls handled in U.S. call centers, and to track and report their compliance with these proposed rules, and seeks comment about the appropriate frequency for making such reports. The Commission further proposes to direct the Consumer and Governmental Affairs Bureau, and other staff as necessary, to establish mechanisms within the Commission's informal complaints system that allow efficient tracking of consumer complaints related to call centers and customer service. Additionally, in the *NPRM,* the Commission seeks comment on whether and how fees, or a requirement to post a bond, could be used to increase the costs associated with making fraudulent or other unlawful calls to the U.S. from foreign countries.

The Commission seeks comment on how provider operating costs would change, and how providers might adjust their customer service practices, if the proposed policies were adopted. The information we receive in comments will help the Commission identify and evaluate relevant compliance matters, costs, and other possible burdens for small entities that may result from the proposals and inquiries made in the *NPRM.* The Commission will consider the economic impact on small entities, as identified in comments filed in response to the *NPRM,* in reaching its final conclusions and taking action in this proceeding.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

In the *NPRM,* the Commission seeks comment regarding several alternative proposals and possible approaches it may take to meet its consumer protection and national security objectives. Small entities are encouraged to bring to the Commission's attention any specific concerns they may have with the proposals outlined in the *NPRM* and outline any additional alternatives, especially alternatives that are less burdensome, less costly, or more effective.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

List of Subjects

47 CFR Part 8

Cable television, Common carriers, Communications, Consumer protection, internet, Radio, Reporting and recordkeeping requirements, Security measures, Telecommunications, Telephone.

47 CFR Part 25

Administrative practice and procedure.

47 CFR Part 64

Carrier equipment, Customer premises equipment, Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

47 CFR Part 76

Television.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 8, 25, 64, and 76 as follows:

PART 8—INTERNET TRANSPARENCY FOR CONSUMERS

■ 1. The authority citation for part 8 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201(b), 257, 302a, 303(r), 312, 333, 503, and 1753.

Subpart A—Broadband Transparency

■ 2. Amend § 8.1 by revising the introductory text of paragraph (a) to read as follows:

§ 8.1 Transparency.

(a) Any person providing broadband internet access service shall publicly disclose accurate information regarding the network management practices, performance characteristics, and commercial terms of its broadband internet access services, and the percentage of calls to or from customers that are handled by a customer representative located within the United States, sufficient to enable consumers to make informed choices regarding the purchase and use of such services and entrepreneurs and other small businesses to develop, market, and maintain internet offerings. Such disclosure shall be made via a publicly available, easily accessible website or through transmittal to the Commission.

* * * * *

PART 25—SATELLITE COMMUNICATIONS

■ 3. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721, unless otherwise noted.

Subpart J—Public Interest Obligations

■ 4. Amend § 25.701 by revising the introductory text of paragraph (a) and by adding paragraphs (g) and (h) to read as follows:

§ 25.701 Other DBS Public Interest Obligations

(a) DBS providers are subject to the public interest obligations set forth in paragraphs (b) through (g) of this section. As used in this section, DBS providers are any of the following:

* * * * *

(g) A DBS provider or its affiliate that utilizes customer representatives located outside of the United States to engage in customer service communications, must:

(1) Ensure that its customer representatives located outside of the United States are proficient in spoken and written American Standard English.

(2) Ensure that no more than [XX] percent of calls are handled by customer representatives located outside of the United States.

(3) Inform customers at the beginning of each call that the call is being handled by a customer representative located outside of the United States and that the customer has the right to have the call transferred to a customer representative located within the United States.

(4) Upon request, transfer the call to a customer representative located within the United States. Wait times for transferred calls must be no longer than those for calls routed directly to a customer representative located within the United States.

(5) Ensure that calls or other communications, such as by electronic mail, text messages, or online chat, that involve access to or transmission of sensitive consumer information, account information, or financial information, such as passwords, password resets, multi-factor authentication codes, social security numbers, bank account numbers, or credit card numbers, are handled by a customer representative located within the United States.

(6) Not utilize any customer representative located in a foreign adversary nation as defined in 15 CFR 791.2 and identified in 15 CFR 791.4.

(7) Track and report its compliance with paragraphs (g)(1)–(g)(5) of this section.

(h) The term ''affiliate'' in paragraph (g) of this section means any ''affiliate'' of a DBS provider, as defined by 47 U.S.C. 153(2), that provides internet access service.

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 5. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091; Pub. L. 117–338, 136 Stat. 6156.

Subpart U—Privacy of Customer Information

■ 6. Amend § 64.2009 by adding paragraphs (g) and (h) to read as follows:

§ 64.2009 Safeguards required for use of customer proprietary network information

* * * * *

(g) A telecommunications carrier or its affiliate that utilizes customer representatives located outside of the United States to engage in customer service communications or otherwise uses customer proprietary network information outside of the United States or makes customer proprietary network information available to any customer representative located outside of the United States, must:

(1) Ensure that its customer representatives located outside of the United States are proficient in spoken and written American Standard English.

(2) Ensure that no more than [XX] percent of calls to or from customers are handled by a customer representative located outside of the United States.

(3) Inform customers at the beginning of each call that the call is being handled by a customer representative located outside of the United States and that the customer has the right to have the call transferred to a customer representative located within the United States.

(4) Upon request, transfer the call to a customer representative located within the United States. Wait times for transferred calls must be no longer than those for calls routed directly to a customer representative located within the United States.

(5) Ensure that calls or other communications, such as by electronic mail, text messages, or online chat, that involve access to or transmission of sensitive consumer information, account information, or financial information, such as passwords, password resets, multi-factor authentication codes, social security numbers, bank account numbers, or credit card numbers, are handled by a customer representative located within the United States.

(6) Not utilize any customer representative located in a foreign adversary nation as defined in 15 CFR 791.2 and identified in 15 CFR 791.4.

(7) Track and report its compliance with paragraphs (g)(1)–(g)(5) of this section.

(h) The term ''affiliate'' in paragraph (g) of this section means any ''affiliate'' of a telecommunications carrier, as defined by 47 U.S.C. 153(2), that provides internet access service.

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 7. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 335, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 562, 571, 572, 573.

Subpart H—General Operating Requirements

■ 8. Amend § 76.309 by adding paragraphs (c)(1)(vi) and (vii) to read as follows:

§ 76.309 Customer service obligations.

* * * * *

(c) * * *

(1) * * *

(vi) A cable operator or its affiliate that utilizes customer representatives located outside of the United States to engage in customer communications, including answering calls to the access line or making calls to subscribers, must:

(A) Ensure that its customer representatives located outside of the United States are proficient in spoken and written American Standard English.

(B) Ensure that no more than [XX] percent of calls are handled by customer representatives located outside of the United States.

(C) Inform customers at the beginning of each call that the call is being handled by a customer representative located outside of the United States and that the customer has the right to have the call transferred to a customer representative located within the United States.

(D) Upon request, transfer the call to a customer representative located within the United States. Wait times for transferred calls must be no longer than those for calls routed directly to a customer representative located within the United States.

(E) Ensure that calls or other communications, such as by electronic mail, text message, or online chat that involve access to or transmission of sensitive consumer information, account information, or financial information, such as passwords, password resets, multi-factor authentication codes, social security numbers, bank account numbers, or credit card numbers, are handled by a customer representative located within the United States.

(F) Not utilize any customer representative located in a foreign adversary nation as defined in 15 CFR 791.2 and identified in 15 CFR 791.4.

(G) Notwithstanding subparagraph (C)(1)(iii) of this subsection, track and report its compliance with subparagraphs (c)(1)(vi)(A) through (E) of this section.

(vii) The term ''affiliate'' in paragraph (c)(1)(vi) of this section means any ''affiliate'' of a cable operator, as defined by 47 U.S.C. 153(2), that provides internet access service.

* * * * *

[FR Doc. 2026–07960 Filed 4–22–26; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 260420–0106]

RIN 0648–BN69

Fisheries of the Caribbean, Gulf of America, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Regulatory Amendment 36

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS seeks public comment on proposed regulations to implement Regulatory Amendment 36 under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (Snapper-Grouper FMP). This proposed rule would revise the recreational vessel limits for gag and black grouper. Additionally, this proposed rule would revise the transit storage requirements for commercial on-demand, also known as ropeless, black sea bass pots. The purpose of these regulatory changes is to increase biological benefits to the gag and black grouper stocks, and to allow more practical transit of vessels through certain gear restricted areas with on-demand black sea bass pots on board consistent with mandates in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Written comments must be received on or before May 26, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at *https://www.regulations.gov/docket/NOAA-NMFS-2025-0339.* You may submit comments on this document, identified by NOAA–NMFS–2025–0339, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and type NOAA–NMFS–2025–0339 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Rick DeVictor, NMFS, Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period will not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments—enter ''N/A'' in the required fields if you wish to remain anonymous.

An electronic copy of Regulatory Amendment 36, which includes a fishery impact statement and a regulatory impact review, may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/regulatory-amendment-36-fishery-management-plan-snapper-grouper-fishery-south-atlantic.*

The unique identification number for the environmental review for Regulatory Amendment 36 is: NOAA–NMFS–2025–0339.

FOR FURTHER INFORMATION CONTACT: Rick DeVictor, telephone: 727–824–5305, or email: *rick.devictor@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS, in collaboration with the South Atlantic Fishery Management Council (Council), manages the South Atlantic snapper-grouper fishery, which includes gag, black grouper, and black sea bass, in Federal waters under the Snapper-Grouper FMP. The Snapper-Grouper FMP was prepared by NMFS and the Council, and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Act.

The Magnuson-Stevens Act requires that NMFS and regional fishery management councils prevent overfishing and continually achieve the optimum yield from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the Nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. To further this goal, the Magnuson-Stevens Act also requires fishery managers to minimize bycatch

and bycatch mortality to the extent practicable.

This action is proposed under the statutory authority of the Magnuson-Stevens Act, section 303(a)(1) as necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to promote the long-term health and stability of the fishery.

Background

Amendment 53 to the Snapper-Grouper FMP and its implementing final rule established vessel limits for gag and black grouper in the private and the charter vessel and headboat (for-hire) components of the recreational sector (88 FR 65135, September 21, 2023). Amendment 53 responded to the most recent stock assessment for South Atlantic gag, Southeast Data, Assessment, and Review (SEDAR) 71 (2021). Based on the results of SEDAR 71, NMFS determined that the South Atlantic gag stock is overfished and undergoing overfishing. Given the substantial reduction in harvest that was needed to end overfishing of gag immediately and to increase the likelihood of rebuilding the gag stock, the Council recommended recreational vessel limits for gag in Amendment 53. The purpose of establishing recreational vessel limits for gag was to continue to allow some level of recreational retention while helping to constrain harvest to the reduced recreational annual catch limit (ACL). Because of their similar appearance, gag and black grouper are misidentified by recreational fishermen. Because of this misidentification issue and the need to greatly reduce the harvest of gag to end overfishing and rebuild the stock, the Council also recommended recreational vessel limits for black grouper to indirectly benefit gag.

Specifically, Amendment 53 recommended and its implementing final rule established a private recreational vessel limit for gag of two fish per vessel per day and a private recreational vessel limit for black grouper of two fish per vessel per day, not to exceed the daily recreational bag limit of one fish per person per day, whichever is more restrictive. For recreational for-hire vessels, Amendment 53 recommended and the final rule established similar separate vessel limits for gag and black grouper of two fish per vessel per trip, not to exceed the daily bag limit of one fish per person per day, whichever is more restrictive.

After NMFS implemented the final rule for Amendment 53, the Council expressed interest in revising these regulations to establish an aggregate vessel limit of two gag or black grouper in any combination, rather than the separate, species-specific limits of two gag and two black grouper per vessel, which could be up to four fish in total. The Council determined that the aggregate vessel limits recommended in Regulatory Amendment 36 would provide further biological benefits when compared to the species-specific vessel limits for gag and black grouper contained in Amendment 53. NMFS has evaluated the recommendations transmitted by the Council and concluded, pending review of public comment, that this proposed regulatory change could have beneficial biological effects to the gag and black grouper stocks if it results in reduced landings, and it could reduce the rebuilding time for the gag stock. The gag stock is currently in a rebuilding plan established through Amendment 53 and is expected to be rebuilt by 2032.

If implemented, Regulatory Amendment 36 and this proposed rule would also revise the transit provisions in marine protected areas (MPAs) and spawning special management zones (spawning SMZs) for commercial fishermen with snapper-grouper species and on-demand, or ropeless, black sea bass pots on board. Traditional black sea bass pot fishing gear includes rope attached to the pot and vertical end lines that stay in the water column connected to surface buoys while the gear is deployed, presenting an entanglement risk to protected marine species such as North Atlantic right whales. Both traditional roped and on-demand gear currently in use must comply with the same requirements for black sea bass pots (same dimensions, mesh size, escape panels, *etc.*), and pots equipped with on-demand gear are fished the same way as roped pots in terms of soak times, bait, *etc.* On-demand types of sea bass pot gear differ from roped gear by storing buoys and their retrieval devices at depth, being deployed into the water column only when fishermen are present to retrieve the gear. Further adoption of on-demand gear by commercial black sea bass fishermen using sea bass pots would be expected to lower the probability of negative interactions with protected marine species that may be vulnerable to entanglement in black sea bass pots with traditional roped gear.

Commercial fishery participants can obtain Federal permits to catch and sell certain species and endorsements authorizing them to use particular gear. Many participants use the Federal commercial vessel permit for snapper-grouper unlimited to catch a variety of species. Currently, only commercial fishermen with a black sea bass pot endorsement to that permit may fish for black sea bass using sea bass pots in the Federal waters of the South Atlantic. There are MPAs and spawning SMZs in South Atlantic Federal waters where commercial fishermen may not fish for, harvest, or possess species in the snapper-grouper fishery management unit. However, existing regulations allow commercial fishermen to possess snapper-grouper species while in transit through an MPA or spawning SMZ with a black sea bass pot on board and with fishing gear appropriately stowed, requiring that the black sea bass pots are not baited, and all buoys must be disconnected from the gear but may remain on deck. However, commercial fishermen that use on-demand black sea bass pots have stated that the buoys attached to the pots are more difficult to disconnect from on-demand gear than from traditional roped gear, which makes compliance with the transit requirements more burdensome. Therefore, to better accommodate commercial snapper-grouper fishermen with on-demand gear on their vessels while promoting potentially positive benefits to protected marine species through the use of on-demand black sea bass pots, the Council developed Regulatory Amendment 36 to allow buoys to remain connected to on-demand black sea bass pot gear when vessels transit through MPAs and spawning SMZs if on-demand black sea bass pots are not baited. After an initial review, NMFS concurs that this proposed regulatory change could result in the stated benefits pending additional review of public comment.

Management Measures Contained in This Proposed Rule

NMFS seeks public comment on the following management measures in this proposed rule.

Gag and Black Grouper Recreational Vessel Limits

If implemented by NMFS, this proposed rule would reduce the current recreational vessel limits for gag and black grouper as described earlier and shown in table 1. This proposed rule would establish aggregate vessel limits of two fish of gag or black grouper in any combination on a per day basis for fishermen on private recreational vessels and on a per trip basis for fishermen on recreational for-hire vessels. These regulatory changes could have beneficial biological effects on the gag and black grouper stocks and could reduce the rebuilding time for the gag

stock if they reduce landings of gag and black grouper.

TABLE 1—CURRENT AND PROPOSED BAG AND VESSEL LIMITS BY RECREATIONAL COMPONENT OF GAG OR BLACK GROUPER

Recreational component	Recreational harvest of gag or black grouper			
	Current limits		Proposed limits	
	Bag limit per angler	Vessel limit with 2 or more anglers	Bag limit per angler	Vessel limit with 2 or more anglers
Private	1 total per day	2 of each species per day; 4 total	1 total per day	2 total per day.
For-hire	1 total per day	2 of each species per trip; 4 total	1 total per day	2 total per trip.

Note: The current and proposed vessel limits apply only if there are two or more anglers on the vessel.

As shown in table 1, the proposed changes to the vessel limits would not affect the current recreational bag limits for gag and black grouper. The recreational bag limit is one gag or black grouper per person per day on private vessels and on for-hire vessels. In the same manner as the current regulations, the more restrictive of either the proposed bag limits or vessel limits would apply to the retention and landing of recreationally harvested gag and black grouper. For example, if three anglers are fishing on a private recreational vessel, the maximum number of gag and black grouper combined that may be on the vessel and landed would be two per day. In another example, if only one angler is fishing on a private recreational vessel, the maximum number of either gag or black grouper that may be on the vessel and landed would continue to be one total per day.

Transiting With On-Demand Gear

This proposed rule would revise the transit provisions in MPAs and spawning SMZs for commercial fishermen with snapper-grouper species and on-demand black sea bass pots on a vessel. Transit means direct, non-stop progression through an MPA or spawning SMZ. Currently, fishermen may possess snapper-grouper species while in transit through an MPA or spawning SMZ with on-demand (ropeless) or traditional (roped) black sea bass pots on board if such fishing gear is appropriately stowed. Fishing gear appropriately stowed currently means black sea bass pots are not baited and all buoys must be disconnected from the gear but may remain on deck. This proposed rule would modify the definition of fishing gear appropriately stowed to allow a vessel to transit through an MPA or spawning SMZ with buoys connected to on-demand black sea bass pot gear if the on-demand black sea bass pots are not baited. On-demand black sea bass pot fishermen have stated that buoys are more difficult to disconnect from on-demand pots than from traditional pots. Therefore, NMFS expects this proposed action to reduce the burden on fishermen transiting through MPAs and spawning SMZs with on-demand black sea bass pots and snapper-grouper species on the vessel. Current transit and stowage regulations would still apply to traditional roped pots; that is, buoys would still need to be removed from traditional roped pots when transiting through an MPA or spawning SMZ, even if those pots are on the same vessel with on-demand pots. Also, this proposed action would not change regulations for transit through two nearshore areas that are seasonally closed to commercial fishing with black sea bass pots in November and April, and from December through March (50 CFR 622.183(b)(6)(i) and (ii)).

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Regulatory Amendment 36, the Snapper-Grouper FMP, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866. This proposed rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification follows. A copy of the full analysis is available from NMFS (see **ADDRESSES**).

A description of this proposed rule, why it is being considered, and the objectives of this proposed rule are contained in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections of this proposed rule.

The Magnuson-Stevens Act provides the statutory basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting or record keeping requirements are introduced in this proposed rule. This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

This proposed rule, if implemented, would remove the species-specific private recreational and for-hire vessel limits for gag and black grouper and establish separate aggregate private recreational and for-hire vessel limits of two gag or black grouper in any combination per day on a private recreational vessel and per trip on a recreational for-hire vessel. This proposed rule would not change the current bag limit of one gag or black grouper per person per day on a private recreational vessel or on a recreational for-hire vessel, and whichever limit is more restrictive would apply. This proposed rule would also revise transit stowage requirements for on-demand black sea bass pots on commercial vessels. Transit means direct, non-stop progression through an MPA or spawning SMZ. Under this proposed rule, commercial fishermen transiting through an MPA or spawning SMZ would no longer be required to disconnect buoys from on-demand black sea bass pots; rather, buoys could remain connected to on-demand black sea bass pots, though the pots could not be baited.

The proposed changes to the recreational vessel limits would apply to all federally permitted for-hire vessels and recreational anglers that fish for or harvest gag or black grouper in Federal waters of the South Atlantic. The proposed modifications to the transit stowage requirements for black sea bass

pots with on-demand gear would only apply to commercial vessels.

Although this proposed rule would apply to for-hire vessels, it would not be expected to have any direct effects on these entities. For-hire vessels sell fishing services to recreational anglers. NMFS does not expect the proposed management changes to gag and black grouper to directly alter the services sold by these vessels. Any change in demand for these fishing services, and associated economic effects, as a result of this proposed rule would be a consequence of a change in anglers' behavior and would therefore be indirect. Based on the historically-minimal level of charter mode target effort for gag and black grouper in the South Atlantic, the low retention limit for these species, and the number of substitute species available, NMFS does not expect any change in for-hire trip demand to result from this proposed rule; however, should it occur, the associated indirect effects would fall outside the scope of the RFA. The RFA requires NMFS to describe the impact of the proposed rule on small entities (5 U.S.C. 603). Small entities include small businesses, small organizations, and small governmental jurisdictions (see 5 U.S.C. 601(3) through (6)). Recreational anglers are not businesses, organizations, or governmental jurisdictions, so they are also outside the scope of this analysis. In summary, only the impacts on commercial fishing businesses will be discussed.

In 2024, there were 508 valid or renewable South Atlantic snapper-grouper unlimited permits and 86 valid or renewable 225-pound (102-kilogram) trip limited permits. In addition to a valid snapper-grouper unlimited permit, vessels that use black sea bass pots in Federal waters must have a valid South Atlantic sea bass pot endorsement. These may be transferred between any two entities that hold or simultaneously obtain a valid snapper-grouper unlimited permit. There were 32 valid or renewable black sea bass pot endorsements in 2024. On average from 2018 through 2022, there were 166 federally permitted commercial vessels with reported landings of black sea bass in the South Atlantic. Their average annual vessel-level gross revenue from all species for 2018 through 2022 was $67,250 (2023 dollars) and black sea bass accounted for approximately 3.5 percent of this revenue. Only 14 federally permitted commercial vessels, on average, harvested black sea bass using pot gear during this period and their average annual vessel-level gross revenue from all species was $69,977 (2023 dollars) with 24 percent of this revenue attributed to black sea bass. For commercial vessels that harvest black sea bass in the South Atlantic, NMFS estimates that economic profits are −1.9 percent of annual gross revenue, on average. The negative value for economic profits presented here does not necessarily mean the average business is operating at a loss in an accounting sense, rather the owner is not being fully compensated for their time or asset depreciation when compared to the next best use of their labor and capital resources. The maximum annual revenue from all species reported by a single one of the vessels that harvested black sea bass from 2018 through 2022 was $394,668 (2023 dollars).

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. All of the commercial fishing businesses directly regulated by this proposed rule are believed to be small entities based on the NMFS size standard. No other small entities that would be directly affected by this proposed rule have been identified.

This proposed rule would revise stowage requirements for on-demand black sea bass pots on commercial vessels transiting through an MPA or spawning SMZ. Under this proposed rule, when transiting through such areas, commercial fishing businesses would need to ensure that all on-demand black sea bass pots are not baited, but it would be permissible for buoys to be connected to the on-demand black sea bass pots. Current management measures stipulate that during transit through an MPA or spawning SMZ all black sea bass pots must not be baited and all buoys must be disconnected from the gear, including on-demand gear. The proposed relaxation of the requirement to disconnect buoys from on-demand black sea bass pots represents a time savings for commercial fishing businesses and a corresponding reduction in the opportunity cost of labor. It is not possible to quantify this potential benefit using existing data. Based on the small geographical extent of the South Atlantic spawning SMZs and the low likelihood of fishing for black sea bass at the depths of the deep-water MPAs, the effects of this proposed rule on small entities would likely be minimal. Individual fishing businesses may experience varying effects on their economic profits, depending on their fishing practices, operating characteristics, and profit maximization strategies.

In conclusion, the information provided above supports a determination that this proposed rule would not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Recreational, Snapper-grouper, South Atlantic.

Dated: April 20, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 622 as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF AMERICA, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. Amend § 622.183 by:
■ a. Revising paragraph (a)(1)(ii)(E);
■ b. Adding paragraph (a)(1)(ii)(F);
■ c. Revising paragraph (a)(2)(vii)(E); and
■ d. Adding paragraph (a)(2)(vii)(F).

The revisions and additions would read as follows:

§ 622.183 Area and seasonal closures.

(a) * * *

(1) * * *

(ii) * * *

(E) A crustacean trap or golden crab trap cannot be baited. All buoys must be disconnected from the gear, although buoys may remain on deck.

(F) A sea bass pot cannot be baited. For a sea bass pot fished with a deployed vertical line or rope connected to a buoy, the buoy must be disconnected from the gear, although the buoy may remain on deck. For a sea bass pot fished without a deployed vertical line connected to a buoy, referred to as an on-demand or ropeless sea bass pot, the buoy may remain connected to the gear.

(2) * * *

(vii) * * *

(E) A crustacean trap or golden crab trap cannot be baited. All buoys must be disconnected from the gear, although buoys may remain on deck.

(F) A sea bass pot cannot be baited. For a sea bass pot fished with a deployed vertical line or rope connected to a buoy, the buoy must be disconnected from the gear, although the buoy may remain on deck. For a sea bass pot fished without a deployed vertical line connected to a buoy, referred to as an on-demand or ropeless sea bass pot, the buoy may remain connected to the gear.

* * * * *

■ 3. Amend § 622.187 by revising paragraph (b)(2)(i) to read as follows:

§ 622.187 Bag and possession limits.

* * * * *

(b) * * *

(2) * * *

(i) No more than one fish may be a gag or a black grouper. However, the bag limit for gag and black grouper for the captain or crew of a vessel operating as a charter vessel or headboat is zero. In addition to the bag limits specified in this paragraph (b)(2)(i), the vessel limits in paragraphs (b)(2)(i)(A) and (B) of this section also apply to gag and black grouper. In the event of a conflict between a bag limit and vessel limit, the more restrictive limit will prevail.

(A) The vessel limit for gag and black grouper on a vessel operating as a private recreational vessel is two fish per day in any combination.

(B) The vessel limit for gag and black grouper on a vessel operating as a charter vessel or headboat is two fish per trip in any combination.

* * * * *

[FR Doc. 2026–07901 Filed 4–22–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260416–1000]

RIN 0648–BO16

Fisheries of the Northeastern United States; Monkfish; Framework Adjustment 17

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing regulations to implement specifications and management measures in Framework Adjustment 17 to the Monkfish Fishery Management Plan (FMP). This action would set monkfish specifications for fishing year 2026, project specifications for fishing years 2027 and 2028, streamline the Annual Catch Limit (ACL) Overage Accountability Measure (AM) trigger, and add default specifications for the monkfish fishery. This action is necessary to respond to updated scientific information and achieve the goals and objectives of the FMP. The proposed measures are intended to help prevent overfishing and ensure that management measures are based on the best scientific information available.

DATES: Public comments must be received by May 26, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at: *https://www.regulations.gov/docket/NOAA-NMFS-2025-1263.* You may submit comments, identified by NOAA–NMFS–2025–1263, by the following method:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and type NOAA–NMFS–2025–1263 in the Search box (note: copying and pasting the FDMS Docket Number directly from this document may not yield search results). Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Instructions: 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. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. You may submit anonymous comments by entering ''N/A'' in the required fields if you wish to remain anonymous.

Copies of Framework Adjustment 17, including the draft Supplemental Information Report prepared by the New England Fishery Management Council in support of this action, are available from Dr. Cate O'Keefe, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The supporting documents are also accessible via the internet at: *https://www.nefmc.org/management-plans/monkfish* or *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Policy Analyst, (978) 281–9232.

SUPPLEMENTARY INFORMATION:

Background

The monkfish fishery is jointly managed under the Monkfish FMP by the New England and the Mid-Atlantic Fishery Management Councils (Councils). The fishery extends from Maine to North Carolina from the coast out to the end of the continental shelf. The Councils manage the fishery as two management areas, with the Northern Fishery Management Area (NFMA) covering the Gulf of Maine and northern part of Georges Bank, and the Southern Fishery Management Area (SFMA) extending from the southern flank of Georges Bank through Southern New England and into the Mid-Atlantic Bight to North Carolina.

The monkfish fishery is primarily managed by landing limits and a yearly allocation of monkfish days-at-sea (DAS) calculated to enable vessels participating in the fishery to catch, but not exceed, the target total allowable landings (TAL) and the annual catch target (ACT), which is the TAL plus an estimate of expected discards, for each management area.

Proposed Measures

1. Specifications

NMFS is proposing to adjust the NFMA and SFMA quotas for fishing year 2026 and project quotas for fishing year 2027 and 2028, based on the Councils' recommendations.

On August 19, 2025, the New England Council's Scientific and Statistical Committee (SSC) recommended acceptable biological catch (ABC) levels in the NFMA and SFMA for fishing years 2026–2028 based on the Northeast Fisheries Science Center's 2025 Data Update for Northern and Southern Monkfish and information provided by the New England Council's Plan Development Team.

The Councils' recommended specifications include status quo ABC and ACLs in both management areas relative to 2023–2025 values. Expected discards, calculated using the median of the most recent 10 years of data, slightly increased in the NFMA and marginally decreased in the SFMA. After accounting for discards, the Councils recommended a 3-percent decrease in the TAL for the NFMA and a less than 1-percent increase in the TAL for the SFMA. Table 1 includes the proposed

catch limits for 2026–2028 and the change relative to the 2023–2025 specifications.

TABLE 1—PROPOSED FRAMEWORK 17 SPECIFICATIONS

Catch limits	Northern area		Southern area	
	Proposed 2026–2028 Specs (mt)	% Change from 2023–2025 *	Proposed 2026–2028 Specs (mt)	% Change from 2023–2025 *
ABC	6,224	0	5,861	0
ACL	6,224	0	5,861	0
Management Uncertainty (3%)	187	.....	176	.....
ACT (TAL + discards)	6,038	0	5,685	0
Expected Discards	863	18.4	2,198.5	−0.3
TAL	5,309	−3	3,487	0.2

* Percent change from the previously approved 2023–2025 specifications.

At the end of each fishing year, NMFS evaluates catch information and determines if the quota has been exceeded. The regulations at 50 CFR 648.96(d) require revision of the monkfish ACT if it is determined that the ACL was exceeded in any given year. NMFS would publish a notice in the **Federal Register** of any revisions to these proposed specifications if an overage occurs. NMFS expects, based on preliminary 2024 year-end accounting, that no adjustment is necessary for fishing year 2026. NMFS will provide notice of the 2027 and 2028 quotas prior to the start of each respective fishing year.

2. Annual Catch Limit Overage Accountability Measures

Under current regulations defining the ACL Overage AMs at § 648.96(d)(2), if it is determined that the ACL for a stock was exceeded in a given year, then the Councils are required to take action to deduct the amount of the ACL overage from the ACT for that stock in the second fishing year following the overage. Only if the Councils fail to take action to implement this revision is the Regional Administrator required to take action to implement the AM in accordance with the Administrative Procedure Act and other applicable law.

In Framework 17, the Councils recommended removing the requirement that the Councils trigger the ACL Overage AMs, making only the Regional Administrator responsible for triggering the AMs. This change would simplify and streamline the procedure for triggering AMs and minimize disruption to Council workplans. Under the current regulations, if an AM was required in a year where the Councils did not already plan to take action on the Monkfish FMP, they would be required to modify their priorities and/or workplans to accommodate new action, which might require de-prioritization of other actions. Shifting responsibility to trigger AMs to the Regional Administrator eliminates this issue; NMFS already provides notice of annual monkfish quotas in the **Federal Register** and would be able to implement any ACT revisions as part of that process.

This rule proposes no other changes to the ACL Overage AMs.

3. Default Overfishing Limits (OFL), ABCs, and ACLs

NMFS is proposing to add regulations to define default OFLs, ABCs, and ACLs that would go into place in the event that no specifications for a fishing year are in place at the start of that fishing year.

Default rollover specifications were originally included in the Councils' submission of Framework 13 to the Monkfish FMP. After reviewing Framework 13 for consistency with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and applicable law, NMFS approved Framework 13 and published a final rule in the **Federal Register** on August 11, 2023 (88 FR 54495) (2023 Final Rule). However, during the development of Framework 17 and in discussions related to potential changes that might be considered under the New England Council's Omnibus Management Flexibility Amendment, NMFS discovered that changes to the monkfish regulations to clarify rollover and default specifications in § 648.96 were inadvertently omitted from the 2023 Final Rule. As such, these regulations were never put in place. This action would add regulations to define default specifications in order to correct this omission.

The proposed regulations for the default measures were included in the set of draft regulations that the Councils deemed as necessary and appropriate for the implementation of Framework 17.

Classification

NMFS is issuing this rule pursuant to sections 304(b)(1)(A) of the Magnuson-Stevens Act, which provide specific authority for implementing this action. Section 304(b)(1)(A) authorizes NMFS to initiate an evaluation of proposed regulations to determine whether they are consistent with the fishery management plan, plan amendment, the Magnuson-Stevens Act and other applicable law, and if that determination is affirmative, publish the regulations in the **Federal Register** for public comment.

The NMFS Assistant Administrator has determined that this proposed rule is consistent with the Monkfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

This proposed rule is exempt from the requirements of Executive Order 14192 because it is a routine fishing action.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this action, if adopted, would not have a significant economic effect on a substantial number of small entities.

The Councils jointly manage the Monkfish FMP, with the New England Council acting as the administrative lead for the Monkfish FMP. Periodic framework adjustments are used to revise the Monkfish FMP in response to new scientific information to support catch limits that prevent overfishing and

other adjustments to improve management measures included in the FMP. Framework Adjustment 17 to the Monkfish FMP would set specifications for fishing years 2026–2028 and streamline how a set of reactive AMs are triggered and implemented. Not part of Framework 17, but also proposed under this action, are regulations that would establish default OFLs, ABCs, and ACLs for the monkfish fishery.

The Regulatory Flexibility Act (RFA) requires Federal agencies to consider disproportionality and profitability to determine the significance of regulatory impacts. For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System (NAICS) code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide.

The affiliates data are assembled by NOAA, as of June 1st each year, for analyses required by the RFA. Fishing vessels' permits are linked together, an industry determination is made (finfish, shellfish, no revenue), and firms are classified as small or large based on Small Business Administration (SBA) guidelines. Following SBA guidelines, a 5-year average is used to determine which entities are classified as small business entities under the NOAA guidelines, as well as to measure total revenues for affiliate groups.

There are seven categories of monkfish permits in the Greater Atlantic region (categories A, B, C, D, E, F, and H). Category A and B permits are for vessels that do not have limited access permits for Northeast multispecies or Atlantic sea scallops. Category C and D permits are for vessels that have either a limited access Northeast multispecies or limited access Atlantic sea scallop permit. Category E permits are open access or incidental catch permits and may be obtained by anyone with a valid vessel operator's license. Category F permits are designed for fishing only in an offshore area. Vessels with Category H permits may only use their Monkfish Days-at-Sea (DAS) in the portion of the Southern Fishery Management Area south of 38°40′ N latitude. In fishing year 2024, NMFS issued 487 limited-access (Categories A, B, C, D, F, and H) and 1,390 open-access (Category E) monkfish permits.

Based on 2024 data, the number of small business entities that may be affected by this action is 281 entities, and there are 5 large business entities that each had an average affiliate revenue over $11 million (approximately $18.3 million). Overall, the combined limited access and open access monkfish permits (1,877) in fishing year 2024 were held by a total of 286 entities (small and large), as defined by the RFA. Catch Accounting and Monitoring System records indicate that about 22–24 percent of vessels with Federal monkfish permits landed at least one pound of monkfish in fishing years 2022–2023, while only approximately 7 percent landed at least 10,000 pounds (lb). Furthermore, based on data from 2020–2024, it appears that the large business entities are deriving a relatively small portion of monkfish revenue compared to the small business entities; $34,670 average total affiliate monkfish revenue from large business entities versus $9,304,365 from small business entities. In other words, the large business entities are deriving most of their total revenue from landings other than monkfish, while small business entities appear to have a greater proportion of revenue from monkfish landings.

Of the measures being proposed as part of the Framework 17, only the specifications for fishing years 2026–2028 have bearing with respect to fishery operation, landings, and ex-vessel revenues. The other components of the proposed rulemaking (*i.e.,* adjustments to the mechanism for triggering AMs and establishment of rollover default specifications) are relatively administrative in nature and unlikely to directly impact fishing operations. At most, these are marginally economically beneficial because they improve regulatory efficiency and could reduce regulatory disruption to the fishery.

During the development of the fishing years 2026–2028 monkfish specifications, NMFS and the Councils considered ways to reduce the regulatory burden on and provide flexibility to the regulated community. The measures implemented by the fishing years 2023–2025 monkfish specifications final rule increased both the short- and long-term economic benefits on small entities. The proposed specifications include status quo ABC for the northern monkfish stock for fishing years 2026–2028 (6,224 metric tons (mt)) and status quo ABC for the southern monkfish stock for fishing years 2026–2028 (5,861 mt) in response to the 2025 Northeast Fisheries Science Center's data updates. The proposed action keeps similar total allowable landings for the northern and southern areas for fishing years 2026–2028. Effort controls, namely Monkfish DAS and possession limits, would remain unchanged from fishing years 2023–2025.

Overall, long-term impacts of fishing years 2026–2028 monkfish specifications will ensure that management measures and catch levels are sustainable and contribute to rebuilding stocks and, therefore, maximizing yield, as well as providing additional flexibility for fishing operations in the short term.

The positive economic benefits to small entities from this action are associated with very minor changes to the total allowable landings in the northern and southern areas for fishing year 2026–2028. This is expected to have slightly positive economic benefits for the small entities given the fishery would operate and likely achieve similar monkfish landings akin to recent catch levels. The proposed action would likely result in similar revenue from monkfish landings for fishing years 2026–2028 relative to prior specifications, in fishing years 2023–2025. Under the proposed action, positive benefits are not disproportionate to large entities.

Additionally, proposed in Framework 17 is a change to the mechanism by which the ACL Overage AMs are triggered. This is functionally an administrative change and would not change the impacts that an AM would have on the fishery if triggered. Finally, this action includes a proposed change to add regulations defining default specifications for the Monkfish FMP. These default specifications would maintain catch levels equal to those set for the previous fishing year, and thus landings would be consistent relative to that prior fishing year. As a result, similar revenue from monkfish landings relative to prior specifications is expected in the event that default specifications are put into place.

Based on the analysis provided above, this action is not expected to have a significant adverse impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing.

Dated: April 16, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 648 as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. Amend § 648.96 by adding paragraph (c)(1)(iv) and revising paragraph (d)(2) to read as follows:

§ 648.96 FMP review, specification, and framework adjustment process.

* * * * *

(c) * * *

(1) * * *

(iv) *Default OFLs, ABCs, and ACLs.* If final specifications (OFLs, ABCs, and ACLs) for a fishing year are not published in the **Federal Register** in a manner consistent with this section for the start of that fishing year, specifications for that fishing year shall be equal to the prior fishing year's specifications for each stock, until superseded by a final rule implementing new specifications.

(A) Specification of ACTs for each management area and accounting for incidental catch in non-directed fisheries and discards in all fisheries under default ACLs shall be consistent with what was adopted for the previous year's specifications.

(B) [Reserved]

(d) * * *

(2) *ACL overages and adjustments.* If it is determined, based upon, but not limited to, available landings and discard information, that the ACL for a monkfish stock is exceeded in a given year, then the ACT for that stock in the second fishing year following the fishing year in which the ACL overage occurred shall be revised such that the ACL overage is deducted from the ACT on a pound for pound basis. If necessary, based on the scale of the deduction, management measures (DAS and trip limits) may be revised after consultation with the Councils. These adjustments shall be made in accordance with the Administrative Procedure Act and other applicable law.

* * * * *

[FR Doc. 2026–07909 Filed 4–22–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 260417–0104]

RIN 0648–BN73

Pacific Island Fisheries; Annual Catch Limit and Accountability Measures for Guam Bottomfish Management Unit Species

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to modify the annual catch limit (ACL) and accountability measures (AM) for Mariana bottomfish management unit species (MUS) in Guam. The proposed rule would increase the ACL from 31,000 pounds (lb) (14,061 kilograms (kg)) to 34,500 lb (15,649 kg), replace the in-season AM with a post-season overage adjustment if average catch from the most recent 3 years exceeds the ACL, and remove the higher performance standard that closes the fishery in Federal waters for any overage. The proposed rule considers the best available scientific, commercial, and other information about the fishery, and supports rebuilding of the fishery.

DATES: NMFS must receive comments by May 26, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at *https://www.regulations.gov/docket/NOAA-NMFS-2025-0504.* You may submit comments on the proposed rule, identified by NOAA–NMFS–2025–0504, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2025–0504 in the Search box. Click the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Sarah Malloy, Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

Instructions: 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 by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

NMFS prepared a draft environmental assessment (EA) that describes the potential impacts on the human environment that could result from the proposed action. The EA, a regulatory impact review, and other supporting documents are available at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Keith Kamikawa, NMFS PIRO Sustainable Fisheries, 808–725–5177.

SUPPLEMENTARY INFORMATION: NMFS and the Western Pacific Fishery Management Council (Council) manage bottomfish fishing in Federal waters around Guam in accordance with the Fishery Ecosystem Plan for the Mariana Archipelago (FEP), as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Guam bottomfish fishery targets 13 species of emperors, snappers, groupers, and jacks that are classified as MUS. The fishery has been subject to a rebuilding plan since 2022 (87 FR 9271, February 18, 2022). Regulations at 50 CFR 600.310(j)(3)(iv) require the Secretary of Commerce to review rebuilding plans at least every two years to determine whether the plan has resulted in adequate progress towards ending overfishing and rebuilding the affected fish stock. An updated stock assessment completed in 2024 by the NMFS Pacific Islands Fisheries Science Center found that the Guam bottomfish stock, which had been determined to be overfished but not experiencing overfishing in 2020, was no longer overfished and continued to not experience overfishing. However, while stock biomass had increased above the ''minimum stock size threshold'' for the overfished condition, it had not increased to the biomass that would produce maximum sustainable yield. This means the stock is not yet fully rebuilt, so NMFS and the Council continue to manage the fishery under a rebuilding plan, with a target time to rebuild of 2031.

The stock assessment update also found the stock was more productive than previously estimated, and new projections showed the stock could support moderately larger catches and still rebuild by 2031. The Council recommended the proposed action at its

201st meeting in December 2024, based on the 2024 stock assessment update for Guam bottomfish; in consideration of the best scientific, commercial and other information about the fishery; review from the Council's Scientific and Statistical Committee (SSC); and input from the public. Accordingly, NMFS proposes this action under section 303(c) and section 304(b) of the Magnuson-Stevens Act.

The proposed ACL of 34,500 lb (15,649 kg) is 3,500 lb (1,588 kg) (~11 percent) higher than the ACL set when the rebuilding plan was originally implemented in 2022. As the stock is currently rebuilding, but not yet rebuilt, this increase in ACL would still allow the stock to rebuild by 2031. The proposed action will remove the in-season AM that would close the fishery in Federal waters if NMFS projects catch will reach the ACL, because NMFS and the Council found that available data systems do not allow for accurate in-season tracking and projections. The proposed rule would implement a post-season AM in place of the in-season AM. Under the post-season AM, if the average catch from the most recent 3-year period exceeds the ACL, the ACL will be reduced in the subsequent fishing year by the amount of the overage to mitigate potential effects to the stock. NMFS would conduct a subsequent rulemaking action to implement the overage adjustment, if necessary. Also, the Council and its SSC would review rebuilding progress to determine if other action is needed. The proposed rule would also remove the higher performance standard that requires NMFS to close the fishery in Federal waters indefinitely in response to any exceedance of the ACL. Fishery management would revert to the performance standard described in the FEP, which requires the Council to re-evaluate AMs if the ACL is exceeded twice in a 4-year period. In reviewing fishery performance, the Council and SSC determined that the higher performance standard was not necessary or effective in ensuring the fishery rebuilds by 2031.

As described in the draft EA, NMFS does not expect this proposed rule to result in a change in fishing operations, or other changes to the conduct of the fishery that would result in significant environmental impacts.

NMFS will consider public comments on this proposed rule and will announce the final rule in the **Federal Register**. The comment period will extend for 30 days from the publication date in the **Federal Register**, pursuant to section 304(b) of the Magnuson-Stevens Act (16 U.S.C. 1854(b)(1)(A)). NMFS must receive any comments by the date provided in the **DATES** heading, not postmarked or otherwise transmitted by that date.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

This proposed rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

This rule would affect commercial and non-commercial fishermen who catch Guam bottomfish management unit species (BMUS). NMFS estimates approximately 63 fishermen fish in the Guam bottomfish fishery (89 FR 12257, February 16, 2024). For Regulatory Flexibility Act purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial finfish fishing (NAICS code 114111) is classified as a small entity if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. Based on available information, NMFS has determined that all affected entities—vessels in the commercial and non-commercial fisheries for Guam BMUS—are small entities under the NMFS standard, as they are engaged in the business of fish harvesting, independently owned or operated, not dominant in their field of operation, and have annual gross receipts not in excess of $11 million. Therefore, there would be no disproportionate economic impacts between large and small entities. Furthermore, there would be no disproportionate economic impacts among the universe of vessels based on gear, home port, or vessel length.

In 2024, fishermen caught an estimated 36,130 lb (16,388 kg) of BMUS, and the annual average from 2022–2024 was 31,426 lb (14,255 kg). No commercial catch data are publicly available for those years because fewer than three dealers and/or vendors reported sales, so commercial sales data is summarized over longer and earlier time frames. The most recent year for which price per pound is available is 2021, when the inflation-adjusted price was $6.73/lb ($14.84/kg). Because no available information indicates that commercial sales would change, these figures are used to evaluate outcomes of the proposed management action. Bottomfish sales revenue was publicly reported for only 4 years between 2015 and 2024. Over those 4 years, the average percentage of catch sold was 19.2 percent, ranging from 9.7 percent (2021) to 50.5 percent (2020). Assuming the fishery attains the full proposed ACL of 34,500 lb (15,649 kg) and 19.2 percent of bottomfish are sold at $6.73/lb ($14.84/kg), NMFS expects the potential fleet-wide revenue to be approximately $44,580, averaging $1,115 per vessel each year. With regard to the modified AM, the fishery has exceeded 34,500 lb (15,649 kg) twice in the past 10 years (2021 and 2024). Had this ACL been in place during those years, a post-season AM could have been triggered. With the removal of the requirement to close Federal waters under the AMs, BMUS fishermen should not expect any loss in revenue as a result of this proposed action.

This proposed rule would not apply to a substantial number of vessels and NMFS does not expect this rule to have a significantly adverse economic impact on individuals. The proposed rule would not impose additional reporting or record-keeping requirements on small entities. The proposed rule does not duplicate, overlap, or conflict with other Federal rules, and it is not expected to have a significant impact on small entities (as discussed above), organizations or government jurisdictions. There does not appear to be disproportionate economic impacts from the proposed rule based on home port, gear type, or relative vessel size. The proposed rule will not place a substantial number of small entities, or any segment of small entities, at a significant competitive disadvantage to large entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

List of Subjects in 50 CFR Part 665

Accountability measure, Annual catch limit, Bottomfish, Fishing, Guam, Pacific Islands, Western Pacific.

Dated: April 20, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for part 665 continues to read as follows:

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

■ 2. Amend § 665.405 by removing paragraphs (g) and (h).

■ 3. Amend § 665.409 by revising paragraphs (a) and (b) and removing paragraphs (c) through (e) to read as follows:

§ 665.409 Guam Annual Catch Limits (ACL).

(a) In accordance with § 665.4, the ACL for Mariana bottomfish MUS in the Guam Management Subarea is 34,500 lb.

(b) If the average catch of Mariana bottomfish MUS in the Guam Management Subarea from the most recent 3-year period exceeds the specified ACL, the Regional Administrator will reduce the ACL for the subsequent fishing year by the amount of the overage in a separate rulemaking.

[FR Doc. 2026–07919 Filed 4–22–26; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 91, No. 78
Thursday, April 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2026–0595]

Notice of Request for Extension of Approval of an Information Collection; Spongy Moth Identification Worksheet and Checklist

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the spongy moth program.

DATES: We will consider all comments that we receive on or before June 22, 2026.

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

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2026–0595 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2026–0595, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705.

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

FOR FURTHER INFORMATION CONTACT: For information on the spongy moth program, contact Mr. David Gruchot, Assistant National Policy, Biocontrol, and Forest, Wood and Rangeland Pests and Emergency Domestic Programs, PPQ, APHIS, 1001 East Touhy Ave., Suite 187, Des Plaines, IL 60018; (847) 699–2421. For more information on the information collection reporting process, contact Ms. Sheniqua Harris, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2528 or email *APHIS.PRA@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Spongy Moth Identification Worksheet and Checklist.

OMB Control Number: 0579–0104.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the U.S. Department of Agriculture (USDA), either independently or in cooperation with the States, is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not widely distributed throughout the United States. The USDA's Animal and Plant Health Inspection Service (APHIS) is the delegated authority to carry out this mission.

As part of the mission, APHIS' Plant Protection and Quarantine (PPQ) program engages in detection surveys to monitor for the presence of, among other things, the Spongy moth (formerly known as gypsy moth [1]) and the flighted spongy moth complex. The spongy moth is one of the most destructive pests of fruit and ornamental trees as well as hardwood forests. First introduced into the United States in Medford, MA, in 1869, the spongy moth has gradually spread to infest the entire northeastern portion of the country. The spongy moth regulations can be found in 7 CFR 301.45 through 301.45–12.

Heavily infested spongy moth areas are inundated with actively crawling larvae that cover trees, fences, vehicles, and houses during their search for food. Entire areas may be stripped of all foliage, often resulting in heavy damage to trees. The damage can have long-lasting effects, depriving wildlife of food and shelter, and severely limiting the recreational value of forested areas.

The flighted spongy moth complex is an exotic strain of spongy moth that is closely related to the spongy moth already established in the United States. While the flighted spongy moth has been introduced into the United States on several occasions, it is currently not established in the United States. However, due to behavioral differences, the flighted spongy moth complex is considered to pose an even greater threat to trees and forested areas than the spongy moth.

Unlike the flightless spongy moth female adult, flighted spongy moth complex female adults are capable of strong directed flight between mating and egg deposition, significantly increasing its ability to spread over a much greater area and become widely established within a short time. In addition, flighted spongy moth larvae feed on a much wider variety of hosts, allowing them to exploit more areas and cause more damage than the European spongy moth.

To determine the presence and extent of a European spongy moth or a flighted spongy moth complex infestation, APHIS sets traps in high-risk areas to collect specimens. Once an infestation is identified, control and eradication work (usually involving State cooperation) is initiated to eliminate the moths.

APHIS personnel, with assistance from State/local agriculture personnel, check traps for the presence of spongy moths. If a suspicious moth is found in the trap, it is sent to APHIS laboratories so that it can be correctly identified through DNA analysis. DNA analysis is the only way to accurately identify these insects because the European spongy moth and the flighted spongy moth are strains of the same species, and they cannot be visually distinguished from each other.

The PPQ official or State/local collaborator submitting the moth for analysis must complete a specimen for determination worksheet, which accompanies the insect to the laboratory. The worksheet enables Federal and State/local regulatory officials to identify and track specific specimens through the DNA identification tests that are conducted.

[1] Formerly gypsy moth, see *https://www.aphis.usda.gov/news/agency-announcements/aphis-announces-new-common-names-regulated-lymantria-moths.*

In addition, the information provided by the spongy moth identification worksheets is vital to APHIS' ability to monitor, detect, and eradicate spongy moth infestations.

The spongy moth regulations (§ 301.45–4(a)) also require the inspection of outdoor household articles that are to be moved from a spongy moth quarantined area to a non-quarantined area to ensure that they are free of all life stages of spongy moth. Individuals may use a self-inspection checklist, which is completed and signed by the person who performed the inspection, and kept in the vehicle used to move the outdoor household articles in the event that USDA or State/Local officials request it during the movement of the articles. In addition, it is recommended that individuals maintain a copy of the signed checklist for at least 5 years.

We are asking the Office of Management and Budget (OMB) to approve these information collection activities, as described, for an additional 3 years. APHIS has revised the title of the information collection to reflect the common name of regulated *Lymantria* moths.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.362 hours per response.

Respondents: Individuals who complete the self-inspection checklist and State and local cooperators.

Estimated annual number of respondents: 2,500,100.

Estimated annual number of responses per respondent: 3.

Estimated annual number of responses: 7,500,250.

Estimated total annual burden on respondents: 2,711,543 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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.

Done in Washington, DC, this 20th day of April 2026.

Sarah Helming,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–07891 Filed 4–22–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

National Forests and Grasslands in Texas; Oil and Gas Leasing Availability Analysis Environmental Impact Statement; Revised

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice; revised.

SUMMARY: A previous notice for this project was published in 2019 (84 FR 44843) when the National Forests and Grasslands in Texas (NFGT) was also preparing for forest plan revision; however, the need for the project, expected relationship to the forest plan, and responsible official have changed since that publication. This notice is revising the previous Notice of Intent to announce that the USDA Natural Resources and Environment (NRE) Under Secretary proposes to prepare the EIS for Oil and Gas Leasing Availability and issue the project decision. The proposed action and alternatives will identify lands that would be made available for future oil and gas leasing, any additional stipulations applied to oil and gas activities on those lands, and if the decision would require an amendment to the 1996 NFGT Revised Land and Resource Management Plan (forest plan). The Planning, Administrative Reviews, and Litigation System identification number for the project is 56882.

DATES: Comments concerning the scope of the analysis must be received by April 28, 2026. The environmental impact statement is expected in spring or summer 2026. A schedule for the decision-making process and additional information about the project can be found here: *https://www.fs.usda.gov/r08/texas/projects/56882.*

ADDRESSES:

Written Comments

Send written comments to Oil and Gas Leasing Availability, National Forests and Grasslands in Texas, 2221 N Raguet Street, Lufkin, Texas 75904. Comments may also be submitted electronically through the project website: *https://cara.fs2c.usda.gov/Public/CommentInput?Project=56882* or by facsimile at 936–639–8588.

Written public comments will be accepted by 11:59 p.m. Eastern Standard Time on April 28, 2026. Comments submitted after this date may not be included in the analysis.

FOR FURTHER INFORMATION CONTACT: Juanita Garcia at *juanita.garcia@usda.gov* or 936–639–8504.

Individuals who use telecommunication devices for the hearing-impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose of this project is to determine which NFS lands in Texas, where the surface and mineral rights are both federal, would be open to oil and gas development subject to standard terms and conditions, open to oil and gas development with constraints in lease stipulations, and which are closed to leasing by law and management direction. This determination enables the NFGT to respond to the BLM regarding expressions of interest to lease federal minerals under NFS lands in Texas, as federally mandated by the Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the Mining and Minerals Policy Act of 1970, the Energy Security Act of 1980 and Federal Onshore Oil and Gas Leasing Reform Act of 1987, with procedural direction in 36 CFR 228 Subpart E. These laws state that NFS lands shall be made available for oil and gas leasing unless closure is necessary due to the inability to protect a sensitive resource through constraints. Because of advancements in technology and environmental changes since the 1996 forest plan, there is a need to reevaluate the previous oil and gas leasing analysis to fulfill these congressional mandates while complying with the forest plan and other laws and regulations.

The most recent leasing availability analysis was incorporated into the 1996 forest plan, but new information and changed circumstances related to natural resource conditions, oil and gas technology, and agency priorities warrant a new analysis and decision. Such an evaluation is also necessary to

determine what lease stipulations should apply to those lands to protect resources. Once the Forest Service determines which NFGT lands would be available for leasing, the BLM has the discretion whether to include those lands in future competitive oil and gas lease sales. This process aligns with the objectives of Executive Order 14154 by promoting the responsible development of domestic energy resources and supports Executive Order 14156 by addressing the national energy emergency through strategic land use planning and resource management.

Proposed Action

The Forest Service, on behalf of the Under Secretary, proposes to identify NFGT administered lands that would be available for future oil and gas leasing; to identify which stipulations would be applied to protect resources on lands available for future oil and gas leasing; and to determine if the 1996 NFGT forest plan should be amended. The Forest Service's analysis will not affect current valid leasing, including the associated terms, conditions, and stipulations. The EIS also would not affect the exercising of reserved and outstanding mineral rights on NFS lands. The proposed changes would apply only to new leases for federal minerals that may be issued.

Following an initial evaluation of the need to change current direction, the following actions are being proposed to address those areas and management directions that need to be clarified to comply with forest plan standards for resource protection while also managing the mineral resources. The decision area includes only those NFGT lands (approximately 500,000 acres) where the Forest Service manages the surface and the underlying mineral estate is federally managed by the United States Department of Interior Bureau of Land Management (BLM).

The following elements will be included in the proposed action:

- Both current management and the proposed action would maintain 38,300 acres as closed for congressionally-designated wilderness areas.
- The proposed action would convert Controlled Surface Use (CSU) stipulations to No Surface Occupancy (NSO) stipulations for natural heritage botanical areas and reservoirs on the NFGT consistent with forest plan standards. This would decrease the number of acres with a CSU stipulation from approximately 73,100 to 63,100 acres and increase the acres under NSO from approximately 11,100 to 28,000 acres.
- The proposed action would remove the current turkey nesting Timing Limitation (TL) stipulation.
- The proposed action would add NSO stipulations to protect natural heritage botanical areas, special status species, unique prairie vegetation communities, inclusional wetlands, sensitive aquatic areas, natural springs, and steep slopes.
- Several NSO and CSU stipulations would require site-specific surveys to identify areas where the stipulation applies. This includes red-cockaded woodpecker (RCW) NSO and CSU stipulations for cavity trees, cluster sites, and foraging habitat. These RCW stipulations would apply in Management Area 2, which includes approximately 226,700 acres of the decision area. Site-specific surveys are also required to determine CSU areas for the protection of 100-year floodplains and intermittent and perennial waterways.
- Existing NSO and CSU stipulations related to erodible soils, flood control structures, Research Natural Areas, developed recreation sites, scenic areas and Lake Conroe would be updated to improve implementability.
- New stipulations to address invasive plants, restoration seed mixes, and soil stability associated with well pad construction would also be added.

Alternatives

The Forest Service will analyze the No Action Alternative (the existing oil and gas leasing alternative), the Proposed Action Alternative, and a No Leasing Alternative. Additional alternatives may also be developed and considered to address issues raised during the scoping process. These could add, change or clarify stipulations to protect resources consistent with forest plan direction and other laws and regulations. Except for the No Leasing Alternative, which would administratively determine that no lands would be available for future oil and gas leasing, alternatives will be developed that comply with the current forest plan (*i.e.,* no plan amendment is expected).

List of Substantive Issues and Expected Impacts

The following list of preliminary issues were identified in the 2019 NOI and will be addressed in this analysis:

- Impacts on areas of the forest where air pollution levels have not met the National Ambient Air Quality Standards for criteria air pollutants and have been designated as nonattainment areas.
- Impacts on greenhouse gas emissions.
- Impacts on surface and subsurface water quantity and quality, including public water supplies.
- Impacts from well pad and steep slope erosion and sediment transport into streams, wetlands, or other sensitive aquatic areas.
- Impacts from noxious and invasive weed spread.
- Impacts on rare plants and ecosystems.
- Fragmentation, removal, or disturbances on wildlife corridors, critical habitats, and other important or sensitive wildlife habitats.
- Impacts on threatened and endangered species, such as the red-cockaded woodpecker and Louisiana pine snake, and species that have been listed or proposed for listing since the 1996 oil and gas availability decision.
- Impacts on prescribed rangeland conservation burning and reforestation management.
- Traffic, noise, light pollution, and visual impacts on nearby residents, visitors, and other forest users.
- Impacts on royalty payments to counties associated with any changes in oil and gas leasing.
- Impacts on special designations and impacts on wilderness character.
- Impacts on recreationists and loss of recreation opportunities.
- Impacts on geologic features on the NFGT, including salt domes, and potential for induced seismicity.

Additional issues may be identified based on comments received during this public scoping period.

Anticipated Permits and Other Authorizations

The resulting consent decision will identify lands as open to leasing (including both those subject to standard terms and conditions of oil and gas lease forms and those subject to additional stipulations) but does not commit the BLM to future leasing action. When lands identified as available are scheduled for leasing, the Forest Service shall review the specific lands for consistency with the leasing consent decision pursuant to criteria in 36 CFR 228.103, resulting in either confirmation of Forest Service consent or withdrawal of consent for specific parcels.

Comments and the Objection Process

Scoping for an earlier version of this project was conducted in 2019 and included publication of an NOI describing the initial proposed action and potential alternatives, opportunities for public comment announced through a legal notice and the NFGT mailing list, and four public meetings. Comments

were received from Federal, state, and local agencies, elected officials, Native American tribes, special interest groups, and concerned citizens and they will be considered in development of the EIS. This NOI provides an additional opportunity for public comments.

This notice of intent re-initiates the project and NEPA timeline. In this process the Agency is requesting comments on potential alternatives and impacts, and identification of any relevant information, studies or analyses of any kind concerning impacts affecting the quality of the human environment.

It is important that interested members of the public provide their comments at such times and in such manner that they are useful to the agency's preparation of the EIS. Therefore, written comments must be provided prior to the close of the comment period and should clearly articulate the commenter's concerns and contentions. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered.

Federal regulations (36 CFR 228.103(c)(2)) state that oil and gas leasing consent decisions are subject to a predecisional objection process conducted in accordance with the procedures set forth in 36 CFR 219 Subpart B. 36 CFR 219.51(b) states that ''Plans, plan amendments, or plan revisions proposed by the Secretary of Agriculture or the Under Secretary for Natural Resources and Environment are not subject to the procedures set forth in this section. A decision by the Secretary or Under Secretary constitutes the final administrative determination of the U.S. Department of Agriculture.'' Because the Under Secretary for NRE is the responsible official this project, it is not subject to the 36 CFR 219 Subpart B objection process.

Cooperating and Participating Agencies

The USDA Forest Service, National Forests and Grasslands in Texas, is the lead agency and the USDI Bureau of Land Management, New Mexico State Office, is a cooperating agency in this analysis.

Responsible Official

The responsible official is Michael Boren, Under Secretary of Agriculture for Natural Resources and Environment.

Michael Boren,

Under Secretary of Agriculture for Natural Resources and Environment.

[FR Doc. 2026–07974 Filed 4–22–26; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–106]

Wooden Cabinet and Vanities and Components Thereof From the People's Republic of China: Final Results and Recission, in Part, of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that The Ancientree Cabinet Co., Ltd. (Ancientree) and KM Cabinetry Co., Ltd. (KM) made sales of wooden cabinets and vanities and components thereof (cabinets) at prices below normal value (NV) during the period of review (POR) April 1, 2023, through March 31, 2024.

DATES: Applicable April 23, 2026.

FOR FURTHER INFORMATION CONTACT: Blair Hood or Jacob Keller, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8329 or (202) 482–4849, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 12, 2025, Commerce published in the **Federal Register** the *Preliminary Results* of the antidumping duty administrative review and invited interested parties to comment.[1]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[3] On February 5, 2026, Commerce extended the deadline for issuing the final results of this review to April 10, 2026.[4] On April 10, 2026, Commerce extended the deadline for issues the final results of this review to April 17, 2026.[5]

For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[6] The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order [7]

Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

The products covered by this *Order* are wooden cabinets and vanities. For full description of the scope of the *Order, see* the Issues and Decision Memorandum.

Partial Recission of Review

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an antidumping duty order when there is no reviewable entry of subject merchandise during the POR for which liquidation is suspended.[8] Normally,

[1] *See Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Preliminary Results and Recission, in Part, of the Antidumping Duty Administrative Review; 2023–2024,* 90 FR 38727 (August 12, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[4] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2023–2024,'' dated February 5, 2026.

[5] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2023–2024,'' dated April 10, 2026.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[7] *See Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Antidumping Duty Order,* 85 FR 22126 (April 21, 2020) (*Order*).

[8] *See., e.g., Dioctyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022,* 88 FR 24758 (April 24, 2023); *see also Certain Carbon and Alloy Steel Cut- to Length Plate from the Federal Republic*

upon completion of an administrative review, the suspended entry is liquidated at the antidumping duty assessment rate calculated for the review period.[9] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the antidumping duty assessment rate calculated for the review period.[10]

Commerce found during this administrative review that Fujian Leifeng Cabinetry Co., Ltd. (Fujian Leifeng) had suspended entries during the POR.[11] However, Fujian Leifeng's suspended entries were sample sales, which we determined were not reviewable entries. As a result, in the absence of reviewable entries of subject merchandise during the POR, we are hereby rescinding this administrative review for Fujian Leifeng, in accordance with 19 CFR 351.213(d)(3).

Analysis of Comments Received

All issues raised in case and rebuttal briefs by interested parties in this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues addressed is included as Appendix I to this notice.

Changes From the Preliminary Results

Based on our review of the record and analysis of the comments received, we made certain changes to the *Preliminary Results.* For a more detailed discussion of the issues raised by parties, *see* the Issues and Decision Memorandum.12

Rates for Non-Examined Separate Rate Respondents

Commerce determines that [12] companies, not individually examined, are eligible for separate rates in this administrative review.[13] The Act and Commerce's regulations do not address the establishment of a separate rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for separate rate respondents which Commerce did not examine individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins calculated for individually-examined respondents, excluding dumping margins that are zero, *de minimis,* or based entirely on facts available. Accordingly, for the final results of review, we are assigning to the non-selected separate rate respondents an estimated weighted-average dumping margin based on the average of Ancientree and KM's rates weighted by their publicly available ranged U.S. sales values.[14]

China-Wide Entity

As stated in the *Preliminary Results,* because no party requested a review of the China-wide entity in this review, the China-wide entity is not under review and the China-wide entity's rate, *i.e.,* 251.64 percent, is not subject to change.[15] Commerce considers all other companies, listed in Appendix II of this notice, for which a review was requested, and which did not demonstrate separate rate eligibility, to be part of the China-wide entity.

Final Results of Administrative Review

Commerce determines that the following estimated weighted-average dumping margins exist for the period covering April 1, 2023, through March 31, 2024:

Exporter	Weighted-average dumping margin (percent)
KM Cabinetry Co., Ltd	43.92
The Ancientree Cabinet Co., Ltd	7.67
Non-Examined Companies Receiving a Separate Rate [16]	10.02

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protections (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Pursuant to 19 CFR 351.212(b)(1), for Ancientree, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of the sales.

For all non-selected separate rate applicants subject to this review, we will instruct CBP to liquidate all entries of subject merchandise that entered the United States during the POR at the average of the rates calculated for Ancientree and KM as listed above. For entries of subject merchandise during the POR produced by Ancientree and KM for which they did not know their merchandise was destined for the United States, we intend to instruct CBP to liquidate such entries at the China-wide rate if there is no rate for the intermediate company or companies involved in the transaction.

For the company for which the review is rescinded, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the rate as entered. For all other companies, we will instruct CBP to apply the antidumping duty assessment rate of the China-wide entity, 251.64 percent, to all entries of subject merchandise exported by these companies.[17]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse,

*of Germany: Recission of Antidumping Administrative Review; 2020–2021,*88 FR 4157 (January 24, 2023); and *Lightweight Thermal Paper from Japan: Rescission of Antidumping Administrative Review; 2022– 2023,* 89 FR 18373 (March 13, 2024).

[9] *See* 19 CFR.212(b)(1).

[10] *See* 19 CFR 351.213(d)(3).

[11] *See* Memorandum, ''U.S. Customs and Border Protection (CBP) Data Release,'' dated December 1, 2025.

[12] *See* Issues and Decision Memorandum.

[13] *See* Appendix II.

[14] *See* Issues and Decision Memorandum.

[15] *See Preliminary Results,* 89 FR at 35785.

[16] *See* Appendix III.

[17] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 89 FR 49844 (June 12, 2024) (''All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below.'').

for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies subject to this review will be the rate established in these final results of the review; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin for the China-wide entity (*i.e.,* 251.64 percent); and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-Chinese exporter.[18] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Certification

Following the publication of this notice, the importer, or the importer's agent, must continue to submit any required certifications to CBP as part of the entry process by uploading them into the document imaging system in CBP's Automated Commercial Environment at the time of entry summary filing. Consistent with CBP's procedures, importers shall also identify entries required to have certifications by using importers' additional declaration (record 54) AD/CVD Certification Designation (type code 06) when filing entry summary.[19]

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties has occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of countervailing duties.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: April 17, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes from the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Whether Commerce Should Rescind the Review with Respect to Fujian Leifeng
Comment 2: Whether Commerce Should Rely on Adverse Facts Available for KM
VI. Recommendation

Appendix II

Companies Considered To Be Part of the China-Wide Entity

1. Oppein Home Group Inc.
2. Weihai Jarlin Cabinetry Manufacture Co., Ltd.
3. Xiamen Adler Cabinetry Co., Ltd.
4. Zhongshan NU Furniture Co., Ltd.

Appendix III

Companies Under Review Receiving a Separate Rate (Including the Mandatory Respondents)

1. Anhui Swanch Cabinetry Co., Ltd.
2. Changyi Zhengheng Woodwork Co., Ltd.
3. Dalian Hualing Wood Co., Ltd.
4. Goldenhome Living Co., Ltd.
5. Honsoar New Building Material Co., Ltd.
6. Jiang Su Rongxin Wood Industry Co., Ltd. (formerly known as Jiang Su Rongxin Cabinets Ltd.)
7. KM Cabinetry Co., Ltd.
8. Senke Manufacturing Company
9. Shanghai Zifeng International Trading Co., Ltd.
10. Taishan Oversea Trading Company Ltd.
11. The Ancientree Cabinet Co., Ltd.
12. Xiamen Golden Huanan Imp. & Exp. Co., Ltd.
13. Xuzhou Yihe Wood Co., Ltd.
14. Yixing Pengjia Technology Co., Ltd. (formerly known as Yixing Pengjia Cabinetry Co. Ltd.)

[FR Doc. 2026–07866 Filed 4–22–26; 8:45 am]

BILLING CODE 3510–DS–P

[18] *See Order,* 85 FR at 22126.

[19] *See* Cargo System Messaging Service #59384253, dated 02/12/2024; *see also,* Announcing an Importer's Additional Declaration in the Automated Commercial Environment Specific to Antidumping/Countervailing Duty Certifications, 89 FR 7372 (February 2, 2024).

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 260420–0105]

RIN 0625–XC061

Procedures for Submissions by Certain Steel and Aluminum Producers Committing to New U.S. Steel or Aluminum Production To Obtain Tariff Adjustments Under Proclamation 10984

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice announcing procedures for seeking tariff adjustments under Proclamation 10984.

SUMMARY: In Presidential Proclamation 10984 of October 17, 2025 (Adjusting Imports of Medium- and Heavy-Duty Vehicles, Medium- and Heavy-Duty Vehicle Parts, and Buses Into the United States), the President imposed additional tariffs on imports of specified medium- and heavy-duty vehicles (MHDVs), medium- and heavy-duty vehicles parts (MHDVPs), and buses to eliminate the threat to national security posed by such imports. That Proclamation also authorized the Secretary of Commerce to reduce tariffs owed under Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States) as amended, and Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States) as amended, for certain steel and aluminum producers operating production facilities in Canada or Mexico, based on newly committed U.S. production capacity. This notice establishes procedures for submission and review of documentation substantiating new U.S. production capacity commitments and eligibility for adjusted tariffs by the Department of Commerce.

DATES: Eligible steel and aluminum producers may submit documentation as of April 23, 2026.

ADDRESSES: Documentation must be submitted electronically to: *adjustment@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Emily Davis, Director for Public Affairs, International Trade Administration, U.S. Department of Commerce, 202–482–3809, *Emily.Davis@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On October 17, 2025, the President issued Proclamation 10984 (Adjusting Imports of Medium- and Heavy-Duty Vehicles, Medium- and Heavy-Duty Vehicle Parts, and Buses Into the United States) (90 FR 48451), finding that imports of medium- and heavy-duty vehicles (MHDVs), medium- and heavy-duty vehicle parts (MHDVPs), and buses threaten to impair the national security of the United States, and determining that it is necessary and appropriate to impose specified tariffs to adjust imports of MHDVs, MHDVPs, and buses so that such imports will not threaten to impair national security pursuant to section 232 of the Trade Expansion Act of 1962, as amended (*19 U.S.C. 1862*). In addition, Proclamation 10984 acknowledged the close connections and overlap between part suppliers for the automobile industry and for the MHDV industry, and determined that it is necessary and appropriate to conform certain aspects of the tariff system imposed in Proclamation 10908 of March 26, 2025 (Adjusting Imports of Automobiles and Automobile Parts Into the United States) (90 FR 14705), as amended, with the tariff system imposed in Proclamation 10984 for MHDVs, certain MHDVPs, and buses. Finally, the President found it necessary and appropriate to allow modification of tariffs imposed under Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States) (83 FR 11619), as amended, and Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States) (83 FR 11625), as amended, based on commitments to increase production of steel or aluminum products that support U.S. production capacity of key products, including U.S. automobiles and MHDVs.

To enhance the supply chain security and domestic production of U.S. MHDVs and automobiles, Proclamation 10984 authorized the Secretary to reduce tariffs owed under Proclamations 9704 and 9705 by up to half the otherwise applicable rate for aluminum or steel producers that operate production facilities in Canada or Mexico and supply U.S. automobile or MHDV manufacturers. Such adjustments are to be limited to quantities of aluminum or steel equal to newly committed U.S. production capacity, as determined by the Secretary.

Proclamation 10984 provides that the adjusted tariff rate under Proclamations 9704 and 9705 may be no less than 25 percent, and that the adjusted tariff rate is only available for imports of aluminum and steel that qualify for preferential tariff treatment under the U.S.-Mexico-Canada Agreement (USMCA) and that were respectively smelted and cast or melted and poured in Canada or Mexico.

Proclamation 10984 directed the Secretary to administer this program in a manner consistent with the need to address the national security threats the President found in Proclamation 9704, Proclamation 9705, Proclamation 9888 of May 17, 2019 (Adjusting Imports of Automobiles and Automobile Parts Into the United States) (84 FR 23433), and Proclamation 10984. The Secretary has determined that it is necessary to establish a process for firms that operate production facilities in Canada and Mexico to apply for the adjusted tariffs, as authorized in Proclamation 10984, based on the quantities of aluminum or steel equal to newly committed U.S. production capacity. The Secretary has determined that only commitments to increase production of primary steel and primary aluminum should be eligible because these commitments address key bottlenecks and will increase the supply of U.S. steel and aluminum for downstream producers of automobiles and MHDVs. For purposes of these procedures, ''primary steel'' refers to steel articles that are produced in a basic oxygen furnace, electric arc furnace, or any other steel making furnace in the United States and ''primary aluminum'' means aluminum articles that are produced in a smelter in the United States.

The Secretary has also determined that, for purposes of these procedures, commitments to increase production capacity of primary steel and primary aluminum that supports U.S. production capacity of key products should be limited to commitments to increase U.S. capacity of primary steel and primary aluminum that supports U.S. production capacity for automobiles, MHDVs, automobile parts, and MHDV parts (MHDVPs). Proclamation 10984 identifies automobiles and MHDVs as examples of key products. As automobile parts and MHDVPs are critical inputs to MHDVs and automobiles, and as much of the steel and aluminum contained in automobiles and MHDVs is first incorporated into automobile parts and MHDVPs, the Secretary determined that automobile parts and MHDVPs are also ''key products'' under these procedures, consistent with the purpose of Proclamation 10984.

I. Eligibility

Only applicants that produce steel or aluminum in Canada or Mexico and that supply, directly or indirectly (through incorporation into parts), to U.S. producers of automobiles or MHDVs are eligible for tariff adjustment based on new production commitments (Qualified Companies). Only new production commitments from Qualified Companies that will expand U.S. primary steel and primary aluminum production capacity for key products (automobiles and automobile parts and MHDVs and MHDVPs) are eligible for consideration under these procedures (Qualifying Commitments). Only imports of steel and aluminum that qualify for preferential tariff treatment under the USMCA and that were melted and poured or smelted and cast in Mexico or Canada are eligible for a tariff adjustment (Qualifying Imports). Any tariff adjustment granted pursuant to these procedures will be limited to quantities of Qualifying Imports equal to the projected annual new production capacity, as determined by the Department. Tariff adjustment will be limited to a fixed period of time, as determined by the Department, that reflects the resources committed, the national security benefits of the commitment, the commercially reasonable time period necessary to complete the project and begin production using the new capacity, and any other factor the Department considers appropriate.

II. Opportunity To Submit Documentation

Qualified Companies making Qualifying Commitments may submit documentation, on a project-by-project basis, outlining their proposed investment plan, including the proposed location, production details, proposed capacity, and milestone commitments.

Each submission should include documentation certified by an applicant's Chief Financial Officer, General Counsel, or an equivalent-level of senior officer that provides the following:

1. An explanation of the applicant's status as a Qualifying Company, including locations, volumes, and product types of existing production of steel or aluminum in Canada or Mexico,

and U.S. automobile and MHDV manufacturers to whom the applicant directly or indirectly (through incorporation into parts) supplies steel or aluminum and the volumes supplied.

2. An overview of the proposed project, including project background information, project objectives, proposed location(s) of the project, any progress to date, and an explanation of the applicant's engagement with local authorities on the project, including economic incentives and permitting.

3. Details about the proposed production that will occur as a result of the project, including:

a. Details on the kind of primary steel and/or primary aluminum that will be produced at the facility, including the applicable North American Industry Classification System (NAICS) code, the Harmonized Tariff Schedule of the United States (HTSUS) code that would apply to the product if it were imported into the United States, and a written description of the steel or aluminum product;

b. The U.S. key product(s) (automobiles, automobile parts, MHDVs, and MHDV parts) production capacity that will be supported, directly or indirectly, by the production resulting from the project;

c. The projected annual primary steel or primary aluminum production capacity that will result from the project;

d. A list of suppliers (or potential suppliers) for production equipment for the project, including contracts that have been entered into and quotes or estimates that have been provided by potential suppliers;

e. A list of construction contractors (or potential contractors) that will be involved in executing the project, including contracts that have been entered into and quotes or estimates that have been provided by potential suppliers;

f. A list of raw materials that will be needed to support production under the project, including known or expected suppliers and any contracts that have been entered into and quotes or estimates that have been provided by potential suppliers; and

g. A narrative explanation of how the applicant will increase hiring to staff the new project.

4. Milestones that the applicant commits to meeting in order to obtain and retain a tariff adjustment and the company's expectation regarding anticipated completion of the project.

a. Applicants are required to provide targets for the following mandatory milestones:

i. Purchase of land;

ii. Completion of facility design;

iii. Hiring construction team or construction contractors;

iv. Construction start date;

v. Purchase of equipment;

vi. Delivery and installation of equipment; and

vii. Completion of construction and production first heat.

b. Applicants may also provide targets for additional, optional milestones, including:

i. Award of significant construction contract(s);

ii. Award of significant engineering contract(s);

iii. Permitting application submission;

iv. Permitting award;

v. Finalizing financing agreements;

vi. Hiring engineers; and

vii. Equipment certification.

5. A project management plan that details how the applicant will hire and manage the team(s) in charge of key aspects of the project, including engineering, equipment supply, and other relevant activities necessary to complete the project. This plan shall include the estimated cost of construction, engineering, and equipment necessary for the proposed project, as well as any other significant costs the applicant expects to incur as part of completing the proposed project.

6. A commitment to provide the Department with quarterly reports that detail the applicant's progress towards the milestones and project management plan, as well as details on the costs-to-date incurred by the applicant in executing the project. The applicant will use this quarterly report to notify the Department of any proposed changes to the milestones.

7. A statement that the applicant recognizes that substantially meeting the milestones set forth in its submission is necessary for continued eligibility for the tariff adjustment and that, if it does not substantially meet its Qualifying Commitments, the liquidation or reliquidation of entries with the imposition of outstanding tariffs on prior entries that used the tariff adjustment may result. Tariff adjustments may be paused by the Department on a quarterly basis should the Department determine that the applicant is not substantially meeting milestones. Moreover, failure to provide requested information and significant delays that are within the applicant's control and that threaten a project's timely completion may result in a determination by the Department that the applicant has failed to substantially meet its Qualifying Commitment, resulting in termination of eligibility and a requirement that the Qualifying Company take all necessary action to pay duties that would otherwise have been owed on previous entries of Qualifying Imports. The applicant is required to provide information requested by the Department and to provide the Department with access to information needed to verify the accuracy of the application and to ensure compliance with Qualifying Commitments. Failure to do so may be treated as a failure to substantially meet Qualifying Commitments, and may result in the Department directing CBP to reliquidate entries at the duty rate that would apply without any tariff adjustment.

8. The name and importer of record number of the importer responsible for importing steel or aluminum into the United States under the tariff adjustment on behalf of the applicant. The applicant may only designate a single representative.

III. Review Process

The Department will review each submission for completeness, commercial practicalities (*i.e.,* whether it is a bona fide and facially legitimate proposal), and compliance with these procedures. The Department may request supplemental documentation or clarification as necessary.

Upon a determination by the Department that a submission is complete, is commercially practicable, and is consistent with these procedures, the Department will notify U.S. Customs and Border Protection (CBP) of its determinations, the effective date that tariff adjustments will begin, and of the quantity of Qualifying Imports that is eligible for the tariff adjustment each quarter. The Department will provide CBP with the importer authorized by the Department to access this adjustment, including importer name and importer of record number. Once the Department notifies CBP that a Qualified Company is eligible for a tariff adjustment, the Qualified Company may through its designated importer of record begin importing Qualifying Imports subject to an additional tariff of 25% under Proclamation 9704, as amended, or Proclamation 9705, as amended, subject to the quarterly quantitative limit established by the Department.

As outlined in Section III.6, the applicant shall provide the Department with updates on a quarterly basis for each project, including whether milestones have been met. The Department may, at its discretion, request access to supporting documentation including the applicant's relevant books and records

to ensure compliance and evaluate progress towards milestones.

If any developments impact or are reasonably expected to impact the Qualified Company's ability to meet milestones, the Qualified Company must promptly inform the Department, in the quarterly report outlined above.

IV. Documentation To Be Provided After Approval

Once a Qualified Company's application is approved and the Qualified Company begins to enter Qualified Imports eligible for tariff adjustments, the Qualified Company must provide the following information to the Department on a quarterly basis:

1. *For steel:*

a. A letter, certified by the Qualified Company's Chief Financial Officer, General Counsel, or an equivalent-level of senior officer, summarizing the total shipments, volume, and value of Qualified Imports entered during the quarter and the location of the facilities producing the Qualified Imports claiming tariff adjustment.

b. An Excel spreadsheet and/or certified .pdf with detailed information on all shipments of Qualified Imports claiming tariff adjustment. Each listed shipment of Qualified Imports should include the country of origin, volume, value, HTSUS classification, and entry number with accompanying mill test certificates which state the country and facility of melt and pour and for each listed heat number.

2. *For aluminum:*

a. A letter, certified by the Qualified Company's Chief Financial Officer, General Counsel, or an equivalent-level of senior officer, summarizing the total shipments, volume, and value of Qualified Imports entered during the quarter and the location of the facilities producing the Qualified Imports.

b. An Excel spreadsheet and certified .pdf with detailed information on all shipments of Qualified Imports claiming tariff adjustment. Each listed shipment of Qualified Imports should include the country and facility of smelt, the country and facility of most recent cast, the country of origin, the value and volume of the article of aluminum, products, HTSUS classification, and a customs entry number for the import.

Qualified Companies must provide this information to the Department on a quarterly basis. A failure to provide the information in this Section will be considered a failure to substantially meet the milestones.

V. Consequences for Substantial Noncompliance With Milestones

If the Department determines that a Qualified Company has not substantially met the milestones set forth in its commitments, the Department will inform CBP that the Qualified Company is no longer eligible to receive quarterly tariff adjustments. If the Qualified Company returns to substantially meeting with the milestones, it shall inform the Department and—if the Department concurs—the Department will promptly inform CBP that the Qualified Company again may receive quarterly tariff adjustments and that Qualified Imports entered during the period after the Department halted quarterly tariff adjustments are retroactively eligible for such adjustments.

If the Department determines that a Qualified Company has failed to substantially meet its Qualifying Commitment, the Department will promptly inform CBP that previous entries of Qualifying Imports must be, as appropriate, either liquidated or reliquidated as no longer eligible for the tariff adjustment and subject to all applicable tariffs.

VI. Confidential Business Information

Submissions containing confidential business information must be clearly marked as such.

VII. Authority

This notice is issued pursuant to the authority delegated to the Secretary by Proclamation 10984 consistent with section 232 of the Trade Expansion Act of 1962, as amended (*19 U.S.C. 1862*).

VIII. Amendment to the Harmonized Tariff Schedule of the United States (HTSUS)

Proclamation 10984 authorized the Secretary, in consultation with the Chair of the United States International Trade Commission and CBP, to determine the modifications necessary to the HTSUS to effectuate that proclamation and to make such modifications to the HTSUS through notice in the **Federal Register**. Accordingly, the HTSUS is modified as provided for in the Annex to this Notice.

IX. Paperwork Reduction Act

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 (*44 U.S.C. 3501 et seq.*) unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0625–0285. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 60 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are voluntary. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the International Trade Administration Paperwork Reduction Act Program: *pra@trade.gov.*

William Kimmitt,

Under Secretary for International Trade, United States Department of Commerce.

Annex

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on April 23, 2026, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified as follows:

1. U.S. note 16 is modified by adding the following new subdivision (h):

''(h) Heading 9903.82.18 applies to limited quantities of articles of steel described in subdivision (c)(iii) of this note that: (1) were melted and poured in Canada or Mexico; (2) qualify for preferential treatment under the United States-Mexico-Canada Agreement, as provided in general note 11 of the HTSUS; and (3) are authorized by the Secretary of Commerce as eligible for a tariff reduction under this heading pursuant to clause 13 of Presidential Proclamation 10984 of October 17, 2025. Proclamation 10984 authorized the Secretary of Commerce to reduce the applicable rate of duty for limited quantities of articles of steel imported by steel producers that operate production facilities in Canada or Mexico and that supply steel to U.S. manufacturers of automobiles, medium- and heavy-duty vehicles, automobile parts, and medium- and heavy-duty vehicle parts.

Any importer entering an article of steel covered by this note under heading 9903.82.18 shall provide any information that may be required, and in such form, as is deemed necessary by U.S. Customs and Border Protection in order to permit the administration of this heading.''

2. U.S. note 16 is modified by adding the following new subdivision (i):

''(i) Heading 9903.82.19 applies to limited quantities of articles of aluminum described in subdivision (c)(i) of this note that: (1) were smelted and cast in Canada or Mexico; (2) qualify for preferential treatment under the United States-Mexico-Canada Agreement, as provided in general note 11 of the HTSUS; and (3) are authorized by the Secretary of Commerce as eligible for a tariff reduction under this heading pursuant to clause 13 of Presidential Proclamation 10984 or October 17, 2025. Proclamation 10984 authorized the Secretary of Commerce to reduce the applicable rate of duty for certain quantities of aluminum imported by aluminum producers that operate production facilities in Canada or Mexico and supply aluminum to U.S. manufacturers of automobiles, medium- and heavy-duty vehicles, automobile parts, and medium- and heavy-duty vehicle parts.

Any importer entering an article of aluminum covered by this note under heading 9903.82.19 shall provide any information that may be required, and in such form, as is deemed necessary by U.S. Customs and Border Protection in order to permit the administration of this heading.''

3. Subdivision (aa)(v)(1) of U.S. note 2 is modified by deleting ''99903.82.04–9903.82.17'' and inserting ''9903.82.04–9903.82.19'' in lieu thereof.

4. Subdivision (a) of U.S. note 16 is modified by deleting ''headings 9903.82.02– 9903.82.17'' and inserting ''headings 9903.82.02–9903.82.19'' in lieu thereof.

5. Subdivision (b) of U.S. note 16 is modified by deleting ''9903.82.02–9903.82.17'' and inserting ''9903.82.02–9903.82.19'' in lieu thereof.

6. Subdivision (c) of U.S. note 16 is modified by deleting ''9903.82.02–9903.82.17'' and inserting ''9903.82.02–9903.82.19'' in lieu thereof.

7. U.S. note 33 modified by deleting ''9903.82.04–9903.82.17'' in each place it appears and inserting ''9903.82.04–9903.82.19'' in lieu thereof.

8. U.S. note 38 is modified by deleting ''9903.82.04–9903.82.17'' in each place it appears and inserting ''9903.82.04–9903.82.19'' in lieu thereof.

9. Subdivision (a) of U.S. note 39 is modified by deleting ''9903.82.04–9903.82.17'' and inserting ''9903.82.04–9903.82.19'' in lieu thereof.

10. The following new headings are inserted in numerical sequence, with the material in each new heading inserted in the columns of the HTSUS labeled ''Heading/Subheading'', ''Article Description'', ''Rates of Duty 1-General'', ''Rates of Duty 1-Special'' and ''Rates of Duty 2'', respectively:

Heading/subheading	Article description	Rates of duty		
		1		2
		General	Special	
''9903.82.18	Certain articles of steel, as provided for in subdivisions (c)(iii) and (h) of U.S. note 16 to this subchapter . . .	no change ...	The duty provided in the applicable subheading + 25%.	no change.
9903.82.19	Certain articles of aluminum, as provided for in subdivision (c)(i) and subdivision (i) of U.S. note 16 to this subchapter . . .	no change ...	The duty provided in the applicable subheading + 25%.	no change.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–815]

Certain Preserved Mushrooms From the Netherlands: Final Results of Antidumping Duty Administrative Review; 2022–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Okechamp B.V. (Okechamp) made sales of subject merchandise at less than normal value during the period of review (POR), November 3, 2022, through April 30, 2024.

DATES: Applicable April 23, 2026.

FOR FURTHER INFORMATION CONTACT: Alexander Cipolla, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4956.

SUPPLEMENTARY INFORMATION:

Background

On September 11, 2025, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register** and invited interested parties to comment.[1] On November 17, 2025, Giorgio Foods, Inc. (the petitioner) and Okechamp filed timely case briefs.[2] On December 10, 2025, the petitioner and Okechamp filed timely rebuttal briefs.[3]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[4] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[5] On March 5, 2026, Commerce extended the deadline to issues these final results by 30 days.[6] Accordingly, the deadline for these final results is now April 17, 2026.

For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[7] Commerce

[1] *See Certain Preserved Mushrooms from the Netherlands: Preliminary Results of Antidumping Duty Administrative Review; 2022–2024,* 90 FR 44033 (September 11, 2025).

[2] *See* Petitioners' Letter, ''Petitioner's Affirmative Case Brief,'' dated November 17, 2025; *see also* Okechamp's Letter, ''Okechamp B.V. Case Brief,'' dated November 17, 2025.

[3] *See* Petitioners' Letter, ''Petitioner's Rebuttal Case Brief,'' dated December 10, 2025; *see also* Okechamp's Letter, ''Rebuttal Brief of Okechamp B.V.,'' dated December 10, 2025.

[4] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[5] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[6] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2022–2024,'' dated March 5, 2026.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Certain Preserved Mushrooms from the Netherlands; 2022–2024,'' dated concurrently with,

conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [8]

The merchandise subject to the *Order* is certain preserved mushrooms from the Netherlands. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of Comment Received

All issues raised in the case and rebuttal briefs are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Changes Since the Preliminary Results

Based on our review and analysis of the comments received from interested parties regarding our *Preliminary Results,* we made no changes to the margin calculations for Okechamp.[9]

Final Results of Review

Commerce determines the following weighted-average dumping margin exists for the period November 3, 2022, through April 30, 2024:

Exporter/producer	Weighted-average dumping margin (U.S. dollars per kilogram of net drained weight)
Okechamp B.V	0.44

Disclosure

Normally, Commerce discloses to interested parties the calculations of the final results of an administrative review within five days of a public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we have made no changes to the *Preliminary Results,* there are no new calculations to disclose.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Where the respondent reported reliable entered values, we calculated importer- (or customer-) specific *ad valorem* antidumping duty assessment rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).[10] Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.[11] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis* (*i.e.,* 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.[12] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[13]

Consistent with Commerce's assessment practice, for entries of subject merchandise during the POR produced by Okechamp for which the producer did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[14]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for each specific company listed above will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate established in the less-than-fair-value investigation (*i.e.,* 132.97 percent).[15]

As we stated in the *Preliminary Results,* based on an analysis of Okechamp's submitted entered value data, we have determined that there is a substantial difference between Okechamp's net unit price for its sales of mushrooms and the entered value reported to CBP. While Commerce normally directs CBP to collect cash deposits on an *ad valorem* basis, we are not required to do so by statute or by our regulations and have in the past used quantity-based rates where appropriate.[16] As such, we intend to

and hereby adopted by, this notice (Issues and Decision Memorandum).

[8] *See Certain Preserved Mushrooms From the Netherlands, Poland, and Spain: Antidumping Duty Orders,* 88 FR 33096 (March 23, 2023) (*Order*).

[9] *See* Issues and Decision Memorandum.

[10] *See* 19 CFR 351.212(b)(1).

[11] *Id.*

[12] *Id.*

[13] *See* 19 CFR 351.106(c)(2).

[14] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[15] *See Order,* 88 FR at 33097.

[16] *See, e.g., Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review,* 67 FR 19546, 19549 (April 22, 2002); *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Sweden, and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews and Revocation of Orders in Part,* 66 FR 36551 (July 12, 2001); *Honey from the People's Republic of China: Final Results and Final Rescission, In Part, of Antidumping Duty Administrative Review,* 70 FR

Continued

direct CBP to collect cash deposits from Okechamp on a per-unit basis. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: April 17, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Whether to Deny Certain Home Market Rebates
Comment 2: Whether to Adjust Okechamp's Reported Cost of Manufacture
Comment 3: Whether Okechamp's STYLEU Reporting is Accurate
VI. Recommendation

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38873 (July 6, 2005); and *Fresh Garlic from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 70 FR 34082 (June 13, 2005).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–904]

Certain Activated Carbon From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain exporters under review sold certain activated carbon (activated carbon) from the People's Republic of China (China) in the United States at prices below normal value (NV) during the period of review (POR) April 1, 2023, through March 31, 2024.

DATES: Applicable April 23, 2026.

FOR FURTHER INFORMATION CONTACT: Andrew Hart or Nathan Araya, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1058 or (202) 482–3401, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 15, 2025, Commerce published the *Preliminary Results* in the **Federal Register** and invited interested parties to comment.[1]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[2] Additionally, due to the backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled the deadlines in administrative proceedings by an additional 21 days.[3] On February 9, 2026, Commerce extended the deadline for the final results by an additional 53 days.[4] Accordingly, the deadline for these final results is now April 20, 2026.

For a summary of the events that occurred since he *Preliminary Results, see* the Issues and Decision Memorandum.[5] The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Commerce is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order[6]

The merchandise covered by the *Order* is activated carbon. For a full description of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

We addressed all the issues raised in the case and rebuttal briefs in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum is provided in Appendix I to this notice.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding the *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, Commerce made certain changes to the preliminary weighted-average dumping margin calculations for Datong Juqiang Activated Carbon Co., Ltd. (DJAC) and Ningxia Huahui Environmental Technology Co., Ltd. (Ningxia Huahui) for the final results of this review.[7] As a result of the changes to DJAC and Ningxia Huahui's weighted-average dumping margins, we also revised the calculation of the rate assigned to the non-selected companies granted a

[1] *See Certain Activated Carbon from the People's Republic of China: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024,* 90 FR 39378 (August 15, 2025), and accompanying Preliminary Decision Memorandum (PDM) (*Preliminary Results*).

[2] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[3] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 25, 2025.

[4] *See* Memorandum, ''Extension of Deadline for Final Results of 2023–2024 Antidumping Duty Administrative Review,'' dated February 9, 2026.

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Certain Activated Carbon from the People's Republic of China; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *See Notice of Antidumping Duty Order: Certain Activated Carbon from the People's Republic of China,* 72 FR 20988 (April 27, 2007) (*Order*).

[7] *See* the Issues and Decision Memorandum.

separate rate in this administrative review.

Separate Rates

No parties commented on Commerce's preliminary results to grant a separate rate to certain companies. We continue to grant both mandatory respondents and the companies listed in Appendix II a separate rate.

China-Wide Entity

As noted in the *Preliminary Results,* in accordance with Commerce's policy, the China-wide entity is not under review because no party specifically requested, and Commerce did not self-initiate, a review of the China-wide entity.[8] Thus, the China-wide entity's dumping margin, *i.e.,* 2.42 U.S. dollars per kilogram (USD/kg),[9] is not subject to change. Because each of the companies listed in Appendix III failed to timely file a separate rate application or separate rate certification in this proceeding, we continue to find that each company is ineligible for a separate rate and is considered part of the China-wide entity.

Final Results of Review

We have determined the following weighted-average dumping margins for the companies listed below for the period April 1, 2023, through March 31, 2024:

Exporter	Weighted-average dumping margin (USD/kg) [10]
Datong Juqiang Activated Carbon Co., Ltd	0.00
Ningxia Huahui Environmental Technology Co., Ltd	0.56
Separate Rate for Non-Examined Companies [11]	0.56

Disclosure

Commerce intends to disclose the calculations and analysis performed for these final results of review within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by the final results of this review.

For the individually-examined respondent in this review which has a final weighted-average dumping margin that is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate importer- (or customer-) specific per-unit duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's (or customer's) examined sales to the total sales quantity associated with those sales, in accordance with 19 CFR 351.212(b)(1).[12] We will also calculate (estimated) *ad valorem* importer-specific assessment rates with which to determine whether the per-unit assessment rates are *de minimis.*[13] Where either a respondent's weighted-average dumping margin is zero or de minimis, or an importer- (or customer-) specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[14]

For DJAC and Ningxia Huahui, Commerce will calculate importer-specific assessment rates for antidumping duties, in accordance with 19 CFR 351.212(b)(1). For entries that were not reported in the U.S. sales database submitted by each mandatory respondent individually examined during this review, Commerce will instruct CBP to liquidate such entries at the China-wide entity per-unit assessment rate (*i.e.,* 2.42 USD/kg).[15] For the respondents that were not selected for individual examination in this administrative review but qualified for a separate rate, the per unit assessment rate will be the rate established for these companies in these final results of review. For the five companies identified in Appendix III as part of the China-wide entity, we will instruct CBP to apply the China-wide per-unit assessment rate to all entries of subject merchandise during the POR which were exported by those companies.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Instructions

The following cash deposit requirements will be in effect for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on, or after, the date of publication of this notice in the **Federal Register**, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies identified above in the ''Final Results of Review'' section will be equal to the company-specific dumping margin established in the final results of this administrative review; (2) for a previously examined exporter of subject merchandise not under review that has a separate rate, the cash deposit rate will continue to be the exporter's existing cash deposit rate; (3) for all China exporters of subject merchandise that do not have a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin assigned to the China-wide entity, which is 2.42 USD/kg; and (4) for all non-China exporters of subject merchandise that do not have their own separate rate, the cash deposit rate will be equal to the weighted-average dumping margin applicable to the China exporter that supplied that non-China exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notifications to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return or destruction

[8] *See Preliminary Results* 90 FR at 39379.

[9] *See Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Order,* 75 FR 70208 (November 17, 2010) (*Carbon from China AR2*).

[10] In the second administrative review of the *Order,* Commerce determined that it would calculate per-unit weighted-average dumping margins and assessment amounts for all future reviews. *See Carbon from China AR2,* 75 FR at 70209, 70211.

[11] *See* Appendix II.

[12] We applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[13] *See* 19 CFR 351.212(b)(1)(i).

[14] *See* 19 CFR 351.106(c)(2).

[15] *See Carbon from China AR2,* 75 FR at 70209.

of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results and this notice are issued and published pursuant to sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(2) and 351.221(b)(5).

Dated: April 20, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Whether to Revise our Calculation and Application of Certain Movement Expenses
Comment 2: Whether to Revise the Selection of Surrogate Values (SVs) Used to Value Certain Factors of Production (FOPs)
Comment 3: Whether to Use Rani Transport Data to Value Freight
Comment 4: Whether to Use Century Chemicals Financial Statements for the Calculation of Surrogate Financial Ratios
Comment 5: Whether a By-Product Offset was Included in DJAC's SAS Program
VI. Recommendation

Appendix II

Companies Not Selected for Individual Examination

1. Beijing Pacific Activated Carbon Products Co., Ltd.
2. Bengbu Modern Environmental Co. Ltd.
3. Carbon Activated Tianjin Co., Ltd.
4. Ningxia Mineral & Chemical Limited
5. Shanxi Industry Technology Trading Co., Ltd.
6. Shanxi Sincere Industrial Co., Ltd.
7. Tancarb Activated Carbon Co., Ltd.

Appendix III

Companies Determined To Be Part of the China-Wide Entity

1. Shanxi Dapu International Trade Co., Ltd.
2. Shanxi DMD Corp.
3. Shanxi Tianxi Purification Filter Co., Ltd.
4. Sinoacarbon International Trading Co., Ltd.
5. Tianjin Maijin Industries Co., Ltd.

[FR Doc. 2026–07979 Filed 4–22–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF723]

Gulf Fishery Management Council; Public Meetings

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

ACTION: Notice; public hearings.

SUMMARY: The Gulf Fishery Management Council (Gulf Council) will hold two webinar public hearings to solicit public comments on *Reef Fish* Amendment 63: *Red Grouper* Commercial Quota Pool Under the *Grouper/Tilefish* Individual Fishing Quota Program.

DATES: The public hearings will take place May 13 and 14, 2026. The public hearings will begin at 6 p.m. and will conclude no later than 9 p.m., EST. For specific dates and times, see **SUPPLEMENTARY INFORMATION**. Written public comments must be received on or before 5 p.m. EDT on May 26, 2026.

ADDRESSES: Please visit the Gulf Council website at *www.gulfcouncil.org* for meeting materials and webinar registration information.

Council address: Gulf Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Emily Muehlstein; Public Information Officer; *emily.muehlstein@gulfcouncil.org,* Gulf Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The agenda for the following webinar public hearings is as follows: Council staff will begin with a presentation on the purpose, need, and proposed management alternatives in *Reef Fish* Amendment 63 which considers developing a 3-year pilot program to set aside a portion of the *Red Grouper* commercial quota for distribution to participants of the *Grouper/Tilefish* Individual Fishing Quota (IFQ) program.

Staff and a Council member will be available to answer any questions, and the public will have the opportunity to provide testimony on the amendment and other related testimony.

Scheduled Webinars:

Wednesday, May 13, 2026; 6 p.m. EDT via webinar

Thursday, May 14, 2026; 6 p.m. EDT via webinar

Visit *www.gulfcouncil.org* website and click on the ''meetings and public hearings'' tab for registration information. After registering, you will receive a confirmation email containing information about joining the webinar.

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

Dated: April 21, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–07969 Filed 4–22–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF693]

Gulf Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf Fishery Management Council (Gulf Council) will hold a 1-day virtual meeting of its Standing Scientific and Statistical Committee (SSC).

DATES: The meeting will be held virtually on Tuesday, May 5, 2026, from 8:30 a.m.–5:00 p.m., EDT.

ADDRESSES: The meeting will be held virtually. Virtual connection information will be available on the Council's website at *www.gulfcouncil.org* and clicking on the ''meeting tab''.

Council address: Gulf Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Rindone, Lead Fishery Biologist, Gulf Fishery Management Council; *ryan.rindone@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Tuesday, May 5, 2026; 8:30 a.m.–5:00 p.m. EDT

The meeting will begin with introductions and adoption of agenda, review and approval of Meeting Minutes from the February 2026 SSC meeting and Scope of Work.

The Standing SSC will receive a presentation on the Gulf Fishery-Independent Survey of Habitat and Ecosystem Resources (G–FISHER), including background materials and SSC Discussion. The Standing SSC then will hold discussions on the Fisheries Risk/Value Matrix, including presentations and SSC discussions.

Public comments, if any, will be heard at the end of the day followed by the review of any Other Business items, including SEDAR 100 Review Workshop Appointments.

—Meeting Adjourns

The meeting will also be broadcast via webinar. You may register to listen in only by visiting *www.gulfcouncil.org* and clicking on the SSC meeting on the calendar.

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on *www.gulfcouncil.org* as they become available.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committee will be restricted to those issues specifically identified in the agenda 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 Council's intent to take-action to address the emergency.

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

Dated: April 21, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–07971 Filed 4–22–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF722]

Gulf Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf Fishery Management Council (Gulf Council) will hold a 2-day virtual meeting of its Workgroup on *Shrimp* Bycatch Methodology for *Finfish* Species.

DATES: The meeting will be held virtually on May 11–12, 2026, from 12 p.m.–3 p.m., EDT daily.

ADDRESSES: The meeting will be held virtually. Virtual connection information will be available on the Council's website at *www.gulfcouncil.org* and clicking on the ''meeting tab''.

Council address: Gulf Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. John Froeschke, Deputy Director, Gulf Fishery Management Council; *john.froeschke@gulfcouncil.org.* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Monday, May 11, 2026; 12 p.m.–3 p.m. EDT

The meeting will begin with introductions and adoption of agenda, review and approval of the Meeting Summary from March 2026. The working group will receive a presentation on SEDAR 100: Estimation of *shrimp* trawl bycatch of *gray triggerfish* using SEAMAP data and the proxy species *lane snapper,* a presentation on use of 2025 observer data to estimate *gray triggerfish* bycatch rates, and a presentation demonstrating the protocols to expand bycatch estimates from the initial sample of observer data to the fleet level.

Tuesday, May 12, 2026; 12 p.m.–3 p.m. EDT

The working group will receive a presentation on gear selectivity and efficiency, and a presentation on species-specific *shrimp* effort estimates to better inform bycatch. The working group will then have a period for discussion before making recommendations to the Council's Scientific and Statistical Committee. Public comments, if any, will be heard at the end of the day.

—Meeting Adjourns

The meeting will be broadcast via webinar. You may register by visiting *www.gulfcouncil.org.*

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on *www.gulfcouncil.org* as they become available.

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

Dated: April 21, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–07972 Filed 4–22–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF621]

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's Tilefish Monitoring Committee will hold a public webinar meeting.

DATES: The meeting will be held on Tuesday, May 19, 2026, from 9:30 a.m. until 12 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Connection information, agenda items, and any additional information will be posted at *https://www.mafmc.org* prior to the meeting.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, 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.

SUPPLEMENTARY INFORMATION: The Tilefish Monitoring Committee will meet via webinar to discuss management measures for both golden and blueline tilefish. The objectives of this meeting are for the Monitoring Committee to: (1) Review recent stock assessment information/data update, fishery performance, and recommendations from the Advisory Panel, Scientific and Statistical Committee, and staff; (2) Recommend commercial and recreational annual catch limits, annual catch targets, and total allowable landing limits/quotas for blueline tilefish for 2027–2029 and review previously set commercial and recreational annual catch limits, annual catch targets, and total allowable landing limits/quotas for golden tilefish for 2027; and (3) set commercial and recreational management measures for blueline tilefish and review commercial and recreational management measures for golden tilefish and recommend changes if needed.

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: April 21, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–07967 Filed 4–22–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

National Integrated Drought Information System (NIDIS) Executive Council Meeting

AGENCY: Climate Program Office (CPO), Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open meeting.

SUMMARY: The National Integrated Drought Information System (NIDIS) Program Office will hold an organizational meeting of the NIDIS Executive Council on May 7, 2026.

DATES: The meeting will be held Thursday, May 7, 2026 from 9:00 a.m. EST to 3:30 p.m. EST. These times and the agenda topics are subject to change.

ADDRESSES: The meeting will be held at the Hall of the States, Room 333, 444 North Capitol St. NW, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Veva Deheza, NIDIS Executive Director, David Skaggs Research Center, Room GD102, 325 Broadway, Boulder, CO 80305. Email: *Veva.Deheza@noaa.gov;* or visit the NIDIS website at *www.drought.gov.*

SUPPLEMENTARY INFORMATION: The National Integrated Drought Information System (NIDIS) was established by Public Law 109–430 on December 20, 2006, and reauthorized by Public Law 113–86 on March 6, 2014 and Public Law 115–423 on January 7, 2019, with a mandate to provide an effective drought early warning system for the United States; coordinate, and integrate as practicable, Federal research in support of a drought early warning system; and build upon existing forecasting and assessment programs and partnerships. *See* 15 U.S.C. 313d. The Public Law also calls for consultation with ''relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector'' in the development of NIDIS. 15 U.S.C. 313d(c). The NIDIS Executive Council provides the NIDIS Program Office, housed in the Office of Oceanic and Atmospheric Research's Climate Program Office, with an opportunity to engage in individual consultation with senior resource officials from NIDIS's Federal partners, as well as leaders from state and local government, academia, nongovernmental organizations, and the private sector.

Status: This meeting is in-person and will be open to public participation. Individuals interested in attending should register at *https://cpaess.ucar.edu/meetings/2026-nidis-executive-council-spring-meeting.* Please refer to this web page for the most up-to-date meeting times and agenda. Seating at the meeting will be available on a first-come, first-served basis.

Special Accommodations: This meeting is physically accessible to people with disabilities. Requests for special accommodations may be directed no later than 12:00 p.m. on May 1, 2026, to Elizabeth Ossowski, Senior Program Manager, David Skaggs Research Center, Room GD102, 325 Broadway, Boulder, CO 80305; Email: *Elizabeth.Ossowski@noaa.gov.*

Matters to be Considered: The meeting will include the following topics: (1) NIDIS implementation updates and 2026 priorities; (2) Executive Council member updates and 2026 priorities relevant to Drought, Water, Fire, and Extreme Weather Events; (3) Next Generation Drought Planning and Monitoring resources; (4) NIDIS Strategic Plan Overview; and (5) Federal Agency Water and Drought Priorities.

Nikola Garber,

Deputy Director, National Sea Grant College Program, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–07896 Filed 4–22–26; 8:45 am]

BILLING CODE 3510–KB–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to and deleted from the Procurement List:* May 24, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION:

Deletions

On March 19, 2026 (91 FR 13295) the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):

6230–01–513–2533—Kit, Helicopter Landing Zone

6230–01–513–1920—Kit, Safety, Lighting, Red. Strobe

6230–01–513–1924—Kit, Safety, Lighting, Amber, Strobe

6230–01–513–1925—Kit, Safety, Lighting, Green, Strobe
6230–01–513–1930—Kit, Safety, Lighting, Red, LED
6230–01–513–1933—Kit, Safety, Lighting, Amber, LED
6230–01–513–1934—Kit, Safety, Lighting, Clear, LED
6230–01–514–0920—Kit, Safety, Lighting, Blue, Strobe
6230–01–514–0921—Kit, Safety, Lighting, Clear, Strobe
6230–01–513–2551—Kit, Safety, Lighting, Traffic Cone
Authorized Source of Supply: The Arc of Bergen and Passaic Counties, Inc., Hackensack, NJ
Mandatory For: DEPT OF DEFENSE
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT

Services(s)

Service Type: Base Supply Center
Mandatory for: BSC-Defense Supply Service—Washington: Jefferson Plaza #1,1411 Jefferson Davis Highway, Arlington, VA
Authorized Source of Supply: Virginia Industries for the Blind, Charlottesville, VA
Contracting Activity: DEPT OF DEFENSE, DOD/OFF OF SECRETARY OF DEF (EXC MIL DEPTS)

Service Type: Base Supply Center
Mandatory for: BSC-Defense Supply Service—Washington: Rosslyn,1401 Wilson Boulevard, Arlington, VA
Designated Source of Supply: Virginia Industries for the Blind, Charlottesville, VA
Contracting Activity: DEPT OF DEFENSE, DOD/OFF OF SECRETARY OF DEF (EXC MIL DEPTS)

Service Type: Office Supply Store
Mandatory for: BSC-Defense Supply Service—Washington: Hoffman Building II,200 Stovall Street, Alexandria, VA
Designated Source of Supply: Virginia Industries for the Blind, Charlottesville, VA
Contracting Activity: DEPT OF DEFENSE, DOD/OFF OF SECRETARY OF DEF (EXC MIL DEPTS)

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–07879 Filed 4–22–26; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete product(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: May 24, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) are proposed for deletion to the Procurement List:

Product(s)

NSN(s)—Product Name(s): 7125–01–667–2783—Shelf, Open Storage, 4 Shelves, 54″, Charcoal
Authorized Source of Supply: MidWest Enterprises for the Blind, Inc., Kalamazoo, MI
Mandatory For: Total Government Requirement
Contracting Activity: GENERAL SERVICES ADMINISTRATION, GSA/FAS FURNITURE SYSTEMS MGT DIV

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–07878 Filed 4–22–26; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–0166]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; FERPA and PPRA E-Complaint Forms

AGENCY: Office of Management (OM), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a reinstatement without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before May 26, 2026.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please email Frank Miller, *SAOP@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: FERPA and PPRA E-Complaint Forms.

OMB Control Number: 1880–0544.

Type of Review: Reinstatement without change of a currently approved ICR.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 500.

Total Estimated Number of Annual Burden Hours: 500.

Abstract: The Student Privacy Policy Office (SPPO) reviews, investigates, and processes complaints of alleged violations of Family Education Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA) filed by parents and eligible students. SPPO's authority to investigate, review, and process complaints extends to allegations of violations of FERPA by any recipient of Unites States Department of Education (Department) funds under a program administered by the Secretary (*e.g.,* schools, school

districts, postsecondary institutions, state educational agencies, and other third parties that receive Department funds).

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–07868 Filed 4–22–26; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Agency Information Collection Activities: 2026 Election Administration and Voting Survey

AGENCY: Election Assistance Commission.

ACTION: 30-Day notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Election Assistance Commission (EAC) announces an information collection and seeks public comment on the provisions thereof. The EAC intends to submit this proposed information collection (2026 Election Administration and Voting Survey, or EAVS) to the Director of the Office of Management and Budget for approval. The 2026 EAVS asks election officials questions concerning voting and election administration, including the following topics: voter registration; overseas and military voting; voting by mail; early in-person voting; polling operations; provisional voting; voter participation; election technology; election policy; and other related issues.

DATES: Written comments must be submitted on or before May 25, 2026.

ADDRESSES: Comments on 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 request by selecting ''Office of Personnel Management'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

Obtaining a Copy of the Survey: To obtain a free copy of the draft survey instrument: To obtain a free copy of the draft survey instrument: (1) Download a copy at *https://www.regulations.gov* (docket ID: EAC–2026–0166); or (2) send an email to *research@eac.gov,* Subject: 2026 EAVS.

FOR FURTHER INFORMATION CONTACT: For specific questions related to this information collection activities, please contact Raymond Williams at 202–924–0794, or email *research@eac.gov;* U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001.

SUPPLEMENTARY INFORMATION:

Comments: Public comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Title and OMB Number: 2026 Election Administration and Voting Survey; OMB Number Pending.

Needs and Uses: The EAC issues the EAVS to meet its obligations under the Help America Vote Act of 2002 (HAVA) to serve as a national clearinghouse and resource for the compilation of information with respect to the administration of Federal elections; to fulfill both the EAC and the Department of Defense Federal Voting Assistance Program's (FVAP) data collection requirements under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA); and meet its National Voter Registration Act (NVRA) mandate to collect information from states concerning the impact of that statute on the administration of Federal elections. In addition, under the NVRA, the EAC is responsible for collecting information and reporting, biennially, to Congress on the impact of that statute. The information the states are required to submit to the EAC for purposes of the NVRA report is found under *Title 11 of the Code of Federal Regulations.* States that respond to questions in this survey concerning voter registration-related matters will meet their NVRA reporting requirements under 52 U.S.C. 20508 and EAC regulations. Finally, UOCAVA mandates that FVAP work with the EAC and chief state election officials to develop standards for reporting UOCAVA voting information (52 U.S.C. 20302) and that FVAP will store the reported data and present the findings within the congressionally-mandated report to the President and Congress. Additionally, UOCAVA requires that ''not later than 90 days after the date of each regularly scheduled general election for Federal office, each state and unit of local government which administered the election shall (through the state, in the case of a unit of local government) submit a report to the EAC on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such a report available to the general public.'' States that complete and timely submit the UOCAVA section of the survey to the EAC will fulfill their UOCAVA reporting requirement under 52 U.S.C. 20302. In order to fulfill the above requirements, the EAC is seeking information relating to the period from the Federal general election day 2024 +1 through the November 2026 Federal general election. The EAC will provide the data regarding UOCAVA voting to FVAP after data collection is completed. This data sharing reduces the burden on local election offices because FVAP does not have to conduct its own data collection to meet its reporting requirements.

Affected Public (Respondents): State or local governments, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

Number of Respondents: 56.

Responses per Respondent: 1.

Estimated Burden per Response: 83 hours per collection, 41.5 hours annualized.

Estimated Total Annual Burden Hours: 4,648 hours per collection, 2,324 hours annualized.

Frequency: Biennially.

Seton Parsons

Associate Counsel, U.S. Election Assistance Commission.

[FR Doc. 2026–07930 Filed 4–22–26; 8:45 am]

BILLING CODE 4810–71–P

DEPARTMENT OF ENERGY

[Docket No. 12–101–LNG]

Gulf LNG Liquefaction Company, LLC; Request for Extension of Export Commencement Deadline

AGENCY: Hydrocarbons and Geothermal Energy Office, Department of Energy.

ACTION: Notice of request.

SUMMARY: The Hydrocarbons and Geothermal Energy Office (HGEO) of the Department of Energy (DOE) gives notice (Notice) of receipt of a request (Request), filed on March 31, 2026, by Gulf LNG Liquefaction Company, LLC (GLLC). GLLC asks DOE to amend its existing authorization to export domestically produced liquefied natural gas (LNG) to non-free trade agreement countries set forth in DOE/FE Order No. 4410 (as amended)—specifically, to

extend its current export commencement deadline. GLLC 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, May 26, 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–31) Office of Global Energy Security, Office of Strategic ResourcesHydrocarbons 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*

Cassandra Bernstein, 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) 780–1691, *cassandra.bernstein@hq.doe.gov*

SUPPLEMENTARY INFORMATION: On July 31, 2019, in DOE/FE Order No. 4410, as amended,[1] DOE's Office of Fossil Energy (now known as the Hydrocarbons and Geothermal Energy Office) [2] authorized GLLC to export domestically produced LNG by vessel from the proposed Gulf LNG Liquefaction Project (Project), to be located at the Gulf LNG Terminal [3] in Jackson County, Mississippi, near the city of Pascagoula, to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries), pursuant to NGA section 3(a).[4] GLLC is authorized to export this LNG in a volume equivalent to 558.9 billion cubic feet (Bcf) per year (Bcf/yr) of natural gas for a term extending through December 31, 2050.[5]

Under Order No. 4410, GLLC is required to ''commence export operations using the planned liquefaction facility no later than seven years from the date of issuance of this Order''—*i.e.,* by July 31, 2026.[6] In the Request, GLLC asks DOE to extend this export commencement deadline by five years, to July 31, 2031.[7]

In support of this Request, GLLC states that, in the period since the issuance of Order No. 4410, GLLC has been attempting to enter into commercial agreements for the export of LNG from the Gulf LNG Liquefaction Project and to proceed with the construction and operation of the terminal facilities to support its authorized export activities. GLLC states that ''those good faith efforts have been frustrated by events outside of GLLC's control,'' but that, notwithstanding these challenges, GLLC has been actively developing the project.[8]

Additionally, GLLC states that, on May 23, 2024, the Federal Energy Regulatory Commission (FERC) granted GLLC's request for an extension of its existing construction and in-service deadline for the Project until July 16, 2029.[9] GLLC states that the requested commencement extension until July 31, 2031, will provide GLLC with additional time after FERC's current construction and in-service deadline to execute commercial contracts and begin exports.

Additional details can be found in the Request, posted on the DOE website at *https://www.energy.gov/sites/default/files/2026-04/Gulf%20LNG%20Request%20for%20Ext.%20of%20Commencement%20Deadline%20%2812-101-LNG%29.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 GLLC's 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 GLLC' Request must file a motion to intervene or notice of intervention.[10] 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] *Gulf LNG Liquefaction Co., LLC,* DOE/FE Order No. 4410, Docket No. 12–101–LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (July 31, 2019), *amended by* DOE/FE Order No. 4410–A (Jan. 12, 2021) (extending export term).

[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] The Gulf LNG Terminal is an existing import terminal owned by GLLC's affiliate, Gulf LNG Energy, LLC. *See Gulf LNG Liquefaction Co., LLC,* DOE/FE Order No. 4410, at 1.

[4] 15 U.S.C. 717b(a).

[5] *See* DOE/FE Order No. 4410–A, at 10–11 (Ordering Para. C).

[6] DOE/FE Order No. 4410, at 66 (Ordering Para. D).

[7] *See* Gulf LNG Liquefaction Company, LLC, Request for Extension of Commencement Deadline, Docket No. 12–101–LNG, at 1, 2, 3, 6 (Mar. 31, 2026) [hereinafter Request].

[8] *Id.* at 4.

[9] *Id.* at 2 (citing *Gulf LNG Liquefaction Company, LLC, et al,* 187 FERC ¶ 61,096 (2024)).

[10] Status as an intervenor in prior proceeding(s) in this docket does not continue to this proceeding evaluating the GLLC's 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.

(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. 12–101–LNG'' or ''GLLC's Request for Extension'' in the title line. Filings must be submitted in English to be considered.[11]

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/hgeo/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 April 21, 2026.

Amy Sweeney,

Director, Office of Global Energy Security, Office of Strategic Resources.

[FR Doc. 2026–07980 Filed 4–22–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–218–000.

Applicants: Framingham BESS LLC.

Description: Framingham BESS LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 4/17/26.

Accession Number: 20260417–5283.

Comment Date: 5 p.m. ET 5/8/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER26–1523–001.

Applicants: Atlas Solar V, LLC.

Description: Tariff Amendment: Amended and Restated CTV to be effective 2/27/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5001.

Comment Date: 5 p.m. ET 4/27/26.

Docket Numbers: ER26–1524–002.

Applicants: Atlas Solar V, LLC.

Description: Tariff Amendment: Atlas Solar V Amended SFA to be effective 2/27/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5000.

Comment Date: 5 p.m. ET 4/27/26.

Docket Numbers: ER26–1524–003.

Applicants: Atlas Solar V, LLC.

Description: Tariff Amendment: Amended and Restated SFA to be effective 2/27/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5002.

Comment Date: 5 p.m. ET 4/27/26.

Docket Numbers: ER26–1528–001.

Applicants: Atlas Solar VI, LLC.

Description: Tariff Amendment: Amended and Restated CTV to be effective 2/28/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5004.

Comment Date: 5 p.m. ET 4/27/26.

Docket Numbers: ER26–1529–002.

Applicants: Atlas Solar VI, LLC.

Description: Tariff Amendment: Amended and Restated AFA to be effective 2/28/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5006.

Comment Date: 5 p.m. ET 4/27/26.

Docket Numbers: ER26–2033–001.

Applicants: Atlas Solar V, LLC.

Description: Tariff Amendment: Amended and Restated CTA to be effective 4/4/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5003.

Comment Date: 5 p.m. ET 4/27/26.

Docket Numbers: ER26–2034–001.

Applicants: Atlas Solar VI, LLC.

Description: Tariff Amendment: Amended and Restated CTA to be effective 4/4/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5005.

Comment Date: 5 p.m. ET 4/27/26.

Docket Numbers: ER26–2248–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2026–04–17 EDAM Addendum—Powerex to be effective 5/1/2026.

Filed Date: 4/17/26.

Accession Number: 20260417–5221.

Comment Date: 5 p.m. ET 5/8/26.

Docket Numbers: ER26–2249–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions Regarding the Peak Demand Assessment and Demand Response to be effective 1/1/2027.

Filed Date: 4/17/26.

Accession Number: 20260417–5228.

Comment Date: 5 p.m. ET 5/8/26.

Docket Numbers: ER26–2250–000.

Applicants: Interstate Power and Light Company.

Description: § 205(d) Rate Filing: Rock Creek LBA to be effective 6/16/2026.

Filed Date: 4/17/26.

Accession Number: 20260417–5236.

Comment Date: 5 p.m. ET 5/8/26.

Docket Numbers: ER26–2251–000.

Applicants: Florida Power & Light Company.

Description: § 205(d) Rate Filing: Tenth Amendment to FERC Rate Schedule No. 317 to be effective 9/1/2021.

Filed Date: 4/17/26.

Accession Number: 20260417–5239.

Comment Date: 5 p.m. ET 5/8/26.

Docket Numbers: ER26–2253–000.

Applicants: American Transmission Systems, Incorporated.

Description: § 205(d) Rate Filing: ATSI submits two new Construction Agmts—SA Nos. 7209 & 7785 to be effective 6/20/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5033.

Comment Date: 5 p.m. ET 5/11/26.

Docket Numbers: ER26–2254–000.

Applicants: PacifiCorp.

Description: Tariff Amendment: Termination of Ochoco Irrigation District Construction Agreement (RS No. 784) to be effective 6/20/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5054.

Comment Date: 5 p.m. ET 5/11/26.

Docket Numbers: ER26–2255–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2026–04–20_SA 4743 METC-Freshwater Storage GIA (S1069) to be effective 4/13/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5078.

Comment Date: 5 p.m. ET 5/11/26.

Docket Numbers: ER26–2256–000.

[11] Executive Order 14224 of March 1, 2025, *Designating English as the Official Language of the United States,* 90 FR 11363 (Mar. 6, 2025).

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: SA 901 Second Revised—WAPA-Malstrom NITSA_NOA to be effective 5/1/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5116.

Comment Date: 5 p.m. ET 5/11/26.

Docket Numbers: ER26–2257–000.

Applicants: Chicopee Energy BESS LLC.

Description: § 205(d) Rate Filing: Chicopee Energy BESS, LLC MBR Tariff to be effective 6/5/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5133.

Comment Date: 5 p.m. ET 5/11/26.

Docket Numbers: ER26–2258–000.

Applicants: Framingham BESS LLC.

Description: § 205(d) Rate Filing: Framingham BESS, LLC MBR Tariff to be effective 6/5/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5136.

Comment Date: 5 p.m. ET 5/11/26.

Docket Numbers: ER26–2259–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Double Run Solar Amended and Restated LGIA Termination Filing to be effective 4/20/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5177.

Comment Date: 5 p.m. ET 5/11/26.

Docket Numbers: ER26–2260–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Magnolia Energy Park LGIA Termination Filing to be effective 4/20/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5180.

Comment Date: 5 p.m. ET 5/11/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: April 20, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–07914 Filed 4–22–26; 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 exempt wholesale generator filings:

Docket Numbers: EG26–217–000.

Applicants: Chicopee Energy BESS LLC.

Description: Chicopee Energy BESS LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 4/17/26.

Accession Number: 20260417–5250.

Comment Date: 5 p.m. ET 5/8/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–266–005.

Applicants: Invenergy Nelson LLC.

Description: Compliance filing: PJM Entities Report to be effective N/A.

Filed Date: 4/17/26.

Accession Number: 20260417–5232.

Comment Date: 5 p.m. ET 5/8/26.

Docket Numbers: ER23–2040–005.

Applicants: New York Independent System Operator, Inc.

Description: The New York Independent System Operator, Inc. submits an informational filing in response to the Federal Energy Regulatory Commission's directive requiring such filing in its 04/16/2024, Order Accepting Tariff Revisions.

Filed Date: 4/15/26.

Accession Number: 20260415–5239.

Comment Date: 5 p.m. ET 5/6/26.

Docket Numbers: ER24–2166–004.

Applicants: Invenergy Nelson Expansion LLC.

Description: Compliance filing: PJM Entities Report to be effective N/A.

Filed Date: 4/17/26.

Accession Number: 20260417–5230.

Comment Date: 5 p.m. ET 5/8/26.

Docket Numbers: ER26–297–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2026–04–20_SA 4579 OTP–DISIS–2017–001 MPFCA 2nd Sub Orig to be effective 4/14/2026.

Filed Date: 4/20/26.

Accession Number: 20260420–5061.

Comment Date: 5 p.m. ET 5/11/26.

Docket Numbers: ER26–1923–000; ER26–1924–000; ER26–1925–000; ER26–1926–000.

Applicants: Piney River VA BESS 1 LLC, Meadow Creek VA BESS 1 LLC, Colleen VA BESS 1 LLC, Salem VA BESS 1 LLC.

Description: Salem VA BESS 1 LLC, Colleen VA BESS 1 LLC, Meadow Creek VA BESS 1 LLC, and Piney River VA BESS 1 LLC submit Supplement to its 03/26/2026 Application for Order.

Filed Date: 3/26/26.

Accession Number: 20260326–5250.

Comment Date: 5 p.m. ET 4/30/26.

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: April 20, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–07913 Filed 4–22–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP03–75–000]

Freeport LNG Development, L.P.; Notice of Motion To Vacate Certificate in Part

Take notice that on April 6, 2026, Freeport LNG Development, L.P. (Freeport LNG), 333 Clay Street, Suite 5050, Houston, Texas 77002, filed in the above-referenced docket a motion to partially vacate certain authorizations granted by the Commission on June 18, 2004, and further amended in 2005 and 2009.[1] In the Certificate Order, the Commission granted Freeport LNG authorization to construct, own, and operate a liquefied natural gas (LNG) import terminal located on Quintana Island in Brazoria County, Texas. The proposal involves the decommissioning, disconnection, and removal of certain regasification facilities that are no longer in use.

In its motion, Freeport LNG states that it has operated the terminal exclusively for liquefaction and export purposes for more than a decade, and that it no longer utilizes certain regasification facilities authorized in the Certificate Order. Freeport LNG states that it has constructed and continues to operate the remaining facilities but seeks to remove the obsolete regasification facilities. Freeport LNG explains that these facilities are not necessary to support current operations but will continue to support the terminal's safe and efficient operation through their removal. Freeport LNG explains that removal of these facilities will enhance safety and operational efficiency by reducing maintenance of non-operational assets and allowing personnel to focus on active systems. Therefore, Freeport LNG requests that the Commission terminate the portion of the authorization for the project that authorizes the regasification facilities.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions regarding the application should be directed to Michael Stephenson, Freeport LNG Development, L.P., 333 Clay Street, Suite 5050, Houston, Texas 77002, by phone at (713) 980–2888, or by email at *mstephenson@FreeportLNG.com.*

Public Participation

There are three ways to become involved in the Commission's review of Overthrust's request: you can file comments on the application, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on May 11, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Comments

Any person wishing to comment on the application may do so. Comments may include statements of support or objections, to the application as a whole or specific aspects of the application. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)[2] and 385.211[3] of the Commission's regulations under the NGA, any person[4] may file a protest to the application. Protests must comply with the requirements specified in section 385.2001[5] of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on May 11, 2026.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP03–75–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP03–75–000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

[1] *Freeport LNG Development, L.P.,* 107 FERC ¶ 61,278 (2004), *granting reh'g and clarification,* 108 FERC ¶ 61,253 (2004); *amended, Freeport LNG Development, L.P.,* 112 FERC ¶ 61,194 (2005); *further amended, Freeport LNG Development, L.P.,* 127 FERC ¶ 61,105 (2009) (Certificate Order).

[2] 18 CFR 157.10(a)(4).

[3] 18 CFR 385.211.

[4] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[5] 18 CFR § 385.2001.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[6] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [7] and the regulations under the NGA [8] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on May 11, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP03–75–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP03–75–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: Michael Stephenson, Freeport LNG Development, L.P., 333 Clay Street, Suite 5050, Houston, Texas 77002, or by email (with a link to the document) at *mstephenson@FreeportLNG.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [9] motions to intervene are automatically granted by operation of Rule 214(c)(1).[10] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[11] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on May 11, 2026.

(Authority: 18 CFR 2.1)

Dated: April 20, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–07908 Filed 4–22–26; 8:45 am]

BILLING CODE 6717–01–P

[6] 18 CFR 385.102(d).

[7] 18 CFR 385.214.

[8] 18 CFR 157.10.

[9] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[10] 18 CFR 385.214(c)(1).

[11] 18 CFR 385.214(b)(3) and (d).

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 and Accounting Request filings:

Filings Instituting Proceedings

Docket Numbers: AC26–55–000.

Applicants: Eastern Gas Transmission and Storage, Inc.

Description: Eastern Gas Transmission and Storage, Inc. submits proposed journal entries requesting to use Account 182.2 re cancelled projects at Boom, Bridgeport, and Sweeney compressor stations.

Filed Date: 4/16/26.

Accession Number: 20260416–5077.

Comment Date: 5 p.m. ET 5/7/26.

Docket Numbers: RP26–764–000.

Applicants: Gillis Hub Pipeline, LLC.

Description: § 4(d) Rate Filing: Filing of Negotiated Rate, Conforming IW Agreement 4.17.2026 to be effective 4/20/2026.

Filed Date: 4/17/26.

Accession Number: 20260417–5151.

Comment Date: 5 p.m. ET 4/29/26.

Docket Numbers: RP26–765–000.

Applicants: Centra Pipelines Minnesota Inc.

Description: § 4(d) Rate Filing: Updated Index of Shippers April 2026 to be effective 6/1/2026.

Filed Date: 4/17/26.

Accession Number: 20260417–5153.

Comment Date: 5 p.m. ET 4/29/26.

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: April 20, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–07915 Filed 4–22–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0318; FRL–13346–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Request for Contractor Access to TSCA Confidential Business information (CBI)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Request for Contractor Access to TSCA Confidential Business Information (EPA ICR Number 1250.13, OMB Control Number 2070–0075) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2026. Public comments were previously requested via the **Federal Register** on June 25, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before May 26, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPPT–2017–0318, to EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Katherine Sleasman, Office of Program Support (Mail Code 7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566–1204; email address: *sleasman.katherine@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through April 30, 2026. 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.

Public comments were previously requested via the **Federal Register** on June 25, 2025 during a 60-day comment period (90 FR 27016). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: EPA procures contract support to facilitate the performance of certain duties. EPA may require contractors to handle Toxic Substances Control Act (TSCA) Confidential Business Information (CBI). Each contractor employee who will use TSCA CBI in the performance of his or her duties must be authorized for access to TSCA CBI through a multi-step process. The TSCA CBI Protection Manual (EPA Publication 7700 A2, revised October 2003) provides Federal and contractor employees with guidelines and operating procedures for handling TSCA CBI while performing their official duties, as well as the procedures to obtain authorization for access to TSCA CBI.

Specifically, for purposes of this information collection, contractor personnel must submit to EPA the EPA form titled ''TSCA CBI Access Request, Agreement, and Approval'' (EPA Form 7740–6). The Office of Pollution Prevention and Toxics (OPPT), uses EPA Form 7740–6 to collect information about contractor personnel so that the Agency can evaluate their suitability for access to TSCA CBI. EPA stores the information on the OPPT Chemical Information System (CIS).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form Numbers: 7740–6.

Respondents/affected entities: Entities potentially affected by this ICR include North American Industrial Classification System (NAICS) codes 514 Information Services and 561 Administrative and Support Services.

Respondent's obligation to respond: Mandatory, per TSCA section 14 (15 U.S.C. 2613).

Estimated number of respondents: 288 (total).

Frequency of response: On occasion.

Total estimated burden: 461 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $25,220 (per year), which includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of 120 hours in the total estimated respondent burden compared with that identified in ICR currently approved by OMB. This increase reflects the increase in the number of contractors requesting CBI access from 214 to 288. This change is an adjustment.

Courtney Kerwin,

Deputy Director, Data & Enterprise Programs Division.

[FR Doc. 2026–07938 Filed 4–22–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2015–0744; FRL–13345–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Notification of Substantial Risk of Injury to Health and the Environment Under TSCA Section 8(e) (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Notification of Substantial Risk of Injury to Health and the Environment under TSCA Section 8(e) (EPA ICR Number 0794.18, OMB Control Number 2070–0046) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2026. Public comments were previously requested via the **Federal Register** on July 2, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before May 26, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPPT–2015–0744, to EPA online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Katherine Sleasman, Office of Program Support (Mail Code 7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566–1204; email address: *sleasman.katherine@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through April 30, 2026. 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.

Public comments were previously requested via the **Federal Register** on July 2, 2025 during a 60-day comment period (90 FR 29005). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Section 8(e) of the Toxic Substances Control Act (TSCA) states, ''any person who manufactures, [imports] processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment shall immediately inform the [EPA] Administrator of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information.'' (15 U.S.C. 2607(e)).

EPA receives and screens TSCA section 8(e) submissions covering a large number of chemical substances and mixtures on a wide range of chemical toxicity/exposure information. Although EPA's receipt of TSCA section 8(e) information does not necessarily trigger immediate regulatory action under TSCA or other authorities administered by EPA, all section 8(e) submissions receive screening level evaluations by EPA's Office of Pollution Prevention and Toxics (OPPT) to identify priorities for further Agency action and appropriate referrals to other programs.

EPA is offering an electronic reporting option for use both by those who are required to submit a notification of substantial risk under section 8(e) and by those who wish voluntarily to submit ''For Your Information'' (FYI) notices by registering and submitting information electronically using the Agency's Central Data Exchange (CDX).

TSCA section 8(e) data on newly discovered chemical hazards/risks are available via EPA's ChemView website (*https://chemview.epa.gov/chemview*).

Form Number: 9600–030.

Respondents/affected entities: Entities potentially affected by this ICR include North American Industrial Classification System (NAICS) Codes 325—Chemicals and Allied Products Manufacturers and 32411—Petroleum and Coal Products Manufacturing.

Respondent's obligation to respond: Mandatory, as per 15 U.S.C. 2607(e).

Estimated number of respondents: 40 (total).

Frequency of response: On occasion.

Total estimated burden: 27,883 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $2,829,844 (per year), which includes $138.75 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase in industry reporting burden of 10,248 hours in the total estimated respondent burden compared with the ICR currently approved by OMB (from 17,635 to 27,883 hours). This reflects an overall increase in the number of Section 8(e) submissions, which increased from 343 to 552. This change is an adjustment.

Courtney Kerwin,

Deputy Director, Data & Enterprise Programs Division.

[FR Doc. 2026–07936 Filed 4–22–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0081; FRL–13276–01–OLEM]

Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases Under CERCLA Sec. 123

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Application for Reimbursement to

Local Governments for Emergency Response to Hazardous Substance Releases Under CERCLA Sec. 123'' (EPA ICR Number 1425.14, OMB Control Number 2050–0077) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through October 31, 2026. This document allows 60 days for public comments.

DATES: Comments must be submitted on or before June 22, 2026.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0081, to EPA online using *https://www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Miranda Magdangal, Response Readiness and Development Division, Office of Superfund and Emergency Management, MC–5101–T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (240) 618–0660; email address: *magdangal.miranda@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through October 31, 2026. 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.

This document allows 60 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *https://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** document to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The Agency requires applicants for reimbursement under this program authorized under section 123 of CERCLA to submit an application that demonstrates consistency with program eligibility requirements. This is necessary to ensure proper use of the Superfund. EPA reviews the information to ensure compliance with all statutory and program requirements. The applicants are local governments who have incurred expenses, above and beyond their budgets, for hazardous substance response. Submission of this information is voluntary and to the applicant's benefit.

The burden estimates, numbers and types of respondents, wage rates and unit, and total costs for this ICR renewal will be revised and updated, if needed, during the 60-day comment period while the ICR Supporting statement is undergoing review at OMB.

Form numbers: 9310–1.

Respondents/affected entities: Entities potentially affected by this action are local governments that apply for reimbursement under this program.

Respondent's obligation to respond: Voluntary (CERCLA section 123).

Estimated number of respondents: 15.

Frequency of response: On occasion.

Total estimated burden: 131.25 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $3,937.50 (per year), based on an estimated hourly rate of $30.00/hour. There are no annualized capital or operation & maintenance costs.

Changes in the estimates: There is a decrease in hours for the total estimated respondent burden compared with the ICR currently approved by OMB. This is primarily due to a reduction in the number of respondents, as the average number of applications received per year has decreased. The updated electronic form collects four new pieces of information (email under 1d and additional dates and 'Other' definition under 3b), but three pieces of information have been removed (time under 2a, time under 3a, and time under 3b). Thus, the overall burden for completing the form increased from 8.5 hours to 8.75 hours. Even though the hourly rate was increased by about $4 to account for inflation, and the estimated time to complete a form increased, the reduction in number of respondents and corresponding total number of hours resulted in the overall burden decreasing by $455.30.

Mark Barolo,

Director, Office of Superfund and Emergency Management.

[FR Doc. 2026–07933 Filed 4–22–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0315; FRL–13347–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Submission of Protocols and Study Reports for Environmental Research Involving Human Subjects (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Submission of Protocols and Study Reports for Environmental Research Involving Human Subjects (EPA ICR Number 2195.07, OMB Control Number 2070–0169), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2026. Public comments were previously requested via the **Federal Register** on July 23, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before May 26, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPP–2021–0315, to EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Carolyn Siu, Office of Mission Critical Operations (Mail Code 7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–1205; email address: *siu.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through April 30, 2026. 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.

Public comments were previously requested via the **Federal Register** on July 23, 2025, during a 60-day comment period (90 FR 34657). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit http://www.epa.gov/dockets.

Abstract: The EPA is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Based on this regulation EPA aims to assess the risks of exposure based on studies that may occasionally use humans. Specifically, the EPA regulations at 40 CFR 26 protect subjects of ''third-party'' human research (*i.e.,* research that is not conducted or supported by the EPA) that may be submitted to EPA in support of pesticide product registration and/or labeling or conducted to provide data for generic exposure databases. In addition to other protections, the regulations require affected entities to submit information to EPA and an institutional review board (IRB) prior to initiating, and to the EPA upon the completion of, certain studies that involve human research participants. The information collection activity consists of activity-driven reporting and recordkeeping requirements for those who intend to conduct research for submission to EPA under the pesticide laws. If such research involves intentional exposure of human subjects, these individuals (respondents) are required to submit study protocols to the EPA and an IRB before such research is initiated so that the scientific design and ethical standards that will be employed during the proposed study may be reviewed and approved. Also, respondents are required to submit information about the ethical conduct of completed research that involved human subjects when such research is submitted to the EPA. As such, the purpose of this document is to estimate the third-party response burden from complying with the requirements in 40 CFR 26.

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here.

Form number(s): None.

Respondents/affected entities: Entities potentially affected by this ICR include those that submit to EPA under FIFRA and/or FFDCA protocols and study reports for environmental research involving human subjects. North American Industrial Classification System (NAICS) codes identified in question 12 of the ICR.

Respondent's obligation to respond: Mandatory. 40 CFR 26.

Estimated number of respondents: 13 (total).

Frequency of response: On occasion.

Total estimated burden: 6,237 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated costs: $742,361 (per year), which includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 2,039 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This change, which is discussed in more detail in the ICR, reflects the decrease in anticipated number of respondent responses per year from 4 to 3 for the next three years. This change is an adjustment.

Courtney Kerwin,

Deputy Director, Data & Enterprise Programs Division.

[FR Doc. 2026–07939 Filed 4–22–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13298–01–OLEM]

Forty-Ninth Update of the Federal Agency Hazardous Waste Compliance Docket

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Since 1988, the Environmental Protection Agency (EPA) has maintained a Federal Agency Hazardous Waste Compliance Docket (''Docket'') under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLA requires EPA to establish a Docket that contains certain information reported to EPA by Federal facilities that manage hazardous waste or from which a reportable quantity of hazardous substances has been released. This document identifies the Federal facilities not previously listed on the Docket and identifies Federal facilities reported to EPA since the last update on November 28, 2025. In addition to the list of additions to the Docket, this document includes a section with revisions of the previous Docket list and a section of Federal facilities that are to be deleted from the Docket. Thus, the revisions in this update include two additions, zero deletions, and zero corrections to the Docket since the previous update.

DATES: This list is current as of April 1, 2026.

FOR FURTHER INFORMATION CONTACT: Electronic versions of the Docket and more information on its implementation can be obtained at *https://www.epa.gov/fedfac/federal-agency-hazardous-waste-compliance-docket* by clicking on the

link for *Cleanups at Federal Facilities* or by contacting Jonathan Tso; email address: *tso.jonathan@epa.gov,* Federal Agency Hazardous Waste Compliance Docket Coordinator, Office of Superfund and Emergency Management. Additional information on the Docket and a complete list of Docket sites can be obtained at: *https://www.epa.gov/fedfac/federal-agency-hazardous-waste-compliance-docket-1.*

SUPPLEMENTARY INFORMATION:

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5.0 Facilities Not Included
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7.0 Information Contained on Docket Listing

1.0 Introduction

Section 120(c) of CERCLA, 42 U.S.C. 9620(c), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), requires EPA to establish the Federal Agency Hazardous Waste Compliance Docket. The Docket contains information on Federal facilities that manage hazardous waste and such information is submitted by Federal agencies to EPA under sections 3005, 3010, and 3016 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6925, 6930, and 6937. Additionally, the Docket contains information on Federal facilities with a reportable quantity of hazardous substances that has been released and such information is submitted by Federal agencies to EPA under section 103 of CERCLA, 42 U.S.C. 9603. Specifically, RCRA section 3005 establishes a permitting system for certain hazardous waste treatment, storage, and disposal (TSD) facilities; RCRA section 3010 requires waste generators, transporters and TSD facilities to notify EPA of their hazardous waste activities; and RCRA section 3016 requires Federal agencies to submit biennially to EPA an inventory of their Federal hazardous waste facilities. CERCLA section 103(a) requires the owner or operator of a vessel or onshore or offshore facility to notify the National Response Center (NRC) of any spill or other release of a hazardous substance that equals or exceeds a reportable quantity (RQ), as defined by CERCLA section 101. Additionally, CERCLA section 103(c) requires facilities that have ''stored, treated, or disposed of'' hazardous wastes and where there is ''known, suspected, or likely releases'' of hazardous substances to report their activities to EPA.

CERCLA section 120(d) requires EPA to take steps to assure that a Preliminary Assessment (PA) be completed for those sites identified in the Docket and that the evaluation and listing of sites with a PA be completed within a reasonable time frame. The PA is designed to provide information for EPA to consider when evaluating the site for potential response action or inclusion on the National Priorities List (NPL).

The Docket serves three major purposes: (1) to identify all Federal facilities that must be evaluated to determine whether they pose a threat to human health and the environment sufficient to warrant inclusion on the National Priorities List (NPL); (2) to compile and maintain the information submitted to EPA on such facilities under the provisions listed in section 120(c) of CERCLA; and (3) to provide a mechanism to make the information available to the public. Previous Docket updates are available at *https://www.epa.gov/fedfac/previous-federal-agency-hazardous-waste-compliance-docket-updates.*

This document provides some background information on the Docket. Additional information on the Docket requirements and implementation are found in the Docket Reference Manual, Federal Agency Hazardous Waste Compliance Docket found at *https://www.epa.gov/fedfac/docket-reference-manual-federal-agency-hazardous-waste-compliance-docket-interim-final* or obtained by calling the Regional Docket Coordinators listed below. This document also provides changes to the list of sites included on the Docket in three areas: (1) Additions, (2) Deletions, and (3) Corrections. Specifically, additions are newly identified Federal facilities that have been reported to EPA since the last update and now are included on the Docket; the deletions section lists Federal facilities that EPA is deleting from the Docket.[1] The information submitted to EPA on each Federal facility is maintained in the Docket repository located in the EPA Regional office of the Region in which the Federal facility is located; for a description of the information required under those provisions, *see* 53 FR 4280 (February 12, 1988). Each repository contains the documents submitted to EPA under the reporting provisions and correspondence relevant to the reporting provisions for each Federal facility.

In prior updates, information was also provided regarding No Further Remedial Action Planned (NFRAP) status changes. However, information on NFRAP and NPL status is no longer being provided separately in the Docket update as it is now available at: *https://www.epa.gov/fedfacts/federal-facility-cleanup-sites-searchable-list* or by contacting the EPA HQ Docket Coordinator at the address provided in the **FOR FURTHER INFORMATION CONTACT** section of this document.

[1] See section 3.2 for the criteria for being deleted from the Docket.

2.0 Regional Docket Coordinators

Contact the following Docket Coordinators for information on Regional Docket repositories:

- *US EPA Region 1.* Mya Winslow (HBS), 5 Post Office Square, Suite 100, Mail Code: 01–5, Boston MA 02109–3912, (617) 918–1594.
- *US EPA Region 2.* James Desir, 290 Broadway, New York, NY 10007–1866, (212) 637–4342.
- *US EPA Region 3.* Connor O'Loughlin (3HS12), 1650 Arch Street, Philadelphia, PA 19107, (215) 814–3304.
- *US EPA Region 4.* Emily Jones (9T25), 61 Forsyth St. SW, Atlanta, GA 30303, (404) 562–8334.
- *US EPA Region 5.* David Brauner (SR–6J), 77 W Jackson Blvd., Chicago, IL 60604, (312) 886–1526.
- *US EPA Region 6.* Philip Ofosu (6SF–RA), 1445 Ross Avenue, Dallas, TX 75202–2733, (214) 665–3178.
- *US EPA Region 7.* Matthew Smith (SUPRERSB), 11201 Renner Blvd., Lenexa, KS 66219, (913) 551–7527.
- *US EPA Region 8.* Ryan Dunham (EPR–F), 1595 Wynkoop Street, Denver, CO 80202, (303) 312–6627.
- *US EPA Region 9.* Ashley Mrzljak (SFD–6–1), 600 Wilshire Boulevard, Suite 940, Los Angeles, CA 90017, (213) 244–1839.
- *US EPA Region 10.* Brandon Perkins, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553–6396.

3.0 Revisions of the Previous Docket

This section includes a discussion of the additions, deletions and corrections to the list of Docket facilities since the previous Docket update.

3.1 Additions

These Federal facilities are being added primarily because of new information obtained by EPA (for example, recent reporting of a facility pursuant to RCRA sections 3005, 3010, or 3016 or CERCLA section 103). CERCLA section 120, as amended by the Defense Authorization Act of 1997, specifies that EPA take steps to assure that a Preliminary Assessment (PA) be completed within a reasonable time frame for those Federal facilities that are

included on the Docket. Among other things, the PA is designed to provide information for EPA to consider when evaluating the site for potential response action or listing on the NPL. This document includes two additions.

3.2 Deletions

There are no statutory or regulatory provisions that address deletion of a facility from the Docket. However, if a facility is incorrectly included on the Docket, it may be deleted from the Docket. The criteria EPA uses in deleting sites from the Docket include: a facility for which there was an incorrect report submitted for hazardous waste activity under RCRA (*e.g.,* 40 CFR 262.44); a facility that was not Federally-owned or operated at the time of the listing; a facility included more than once (*i.e.,* redundant listings); or when multiple facilities are combined under one listing. (*See* Docket Codes (*Reasons for Deletion of Facilities*)) for a more refined list of the criteria EPA uses for deleting sites from the Docket.) Facilities being deleted no longer will be subject to the requirements of CERCLA section 120(d). This document includes zero deletions.

3.3 Corrections

Changes necessary to correct the previous Docket are identified by both EPA and Federal agencies. The corrections section may include changes in addresses or spelling, and corrections of the recorded name and ownership of a Federal facility. In addition, changes in the names of Federal facilities may be made to establish consistency in the Docket or between the Superfund Enterprise Management System (SEMS) and the Docket. For the Federal facility for which a correction is entered, the original entry is as it appeared in previous Docket updates. The corrected update is shown directly below, for easy comparison. This document includes zero corrections.

4.0 Process for Compiling the Updated Docket

In compiling the newly reported Federal facilities for the update being published in this document, EPA extracted the names, addresses, and identification numbers of facilities from four EPA databases—the WebEOC, the Biennial Inventory of Federal Agency Hazardous Waste Activities, the Resource Conservation and Recovery Act Information System (RCRAInfo), and SEMS—that contain information about Federal facilities submitted under the four provisions listed in CERCLA section 120(c).

EPA assures the quality of the information on the Docket by conducting extensive evaluation of the current Docket list and contacts the other Federal Agency (OFA) with the information obtained from the databases identified above to determine which Federal facilities were, in fact, newly reported and qualified for inclusion on the update. EPA is also striving to correct errors for Federal facilities that were previously reported. For example, state-owned or privately-owned facilities that are not operated by the Federal government may have been included. Such problems are sometimes caused by procedures historically used to report and track Federal facilities data. Representatives of Federal agencies are asked to contact the EPA HQ Docket Coordinator at the address provided in the **FOR FURTHER INFORMATION CONTACT** section of this document if revisions of this update information are necessary.

5.0 Facilities Not Included

Certain categories of facilities may not be included on the Docket, such as: (1) Federal facilities formerly owned by a Federal agency that at the time of consideration was not Federally-owned or operated; (2) Federal facilities that are small quantity generators (SQGs) that have not, more than once per calendar year, generated more than 1,000 kg of hazardous waste in any single month; (3) Federal facilities that are very small quantity generators (VSQGs) that have never generated more than 100 kg of hazardous waste in any month; (4) Federal facilities that are solely hazardous waste transportation facilities, as reported under RCRA section 3010; and (5) Federal facilities that have mixed mine or mill site ownership.

An EPA policy issued in June 2003 provided guidance for a site-by-site evaluation as to whether ''mixed ownership'' mine or mill sites, typically created as a result of activities conducted pursuant to the General Mining Law of 1872 and never reported under section 103(a) of CERCLA, should be included on the Docket. For purposes of that policy, mixed ownership mine or mill sites are those located partially on private land and partially on public land. This policy is found at *https://www.epa.gov/fedfac/policy-listing-mixed-ownership-mine-or-mill-sites-created-result-general-mining-law-1872.* The policy of not including these facilities may change; facilities now omitted may be added at some point if EPA determines that they should be included.

6.0 Facility NPL Status Reporting, Including NFRAP Status

EPA tracks the NPL status of Federal facilities listed on the Docket. An updated list of the NPL status of all Docket facilities, as well as their NFRAP status, is available at *https://www.epa.gov/fedfacts/federal-facility-cleanup-sites-searchable-list* or by contacting the EPA HQ Docket Coordinator at the address provided in the **FOR FURTHER INFORMATION CONTACT** section of this document. In prior updates, information regarding NFRAP status changes was provided separately.

7.0 Information Contained on Docket Listing

The information is provided in three tables. The first table is a list of additional Federal facilities that are being added to the Docket. The second table is a list of Federal facilities that are being deleted from the Docket. The third table is for corrections.

The Federal facilities listed in each table are organized by the date reported. Under each heading is listed the name and address of the facility, the Federal agency responsible for the facility, the statutory provision(s) under which the facility was reported to EPA, and a code.[2]

The statutory provisions under which a Federal facility is reported are listed in a column titled ''Reporting Mechanism.'' Applicable mechanisms are listed for each Federal facility: for example, sections 3005, 3010, 3016 of RCRA, 103(c) of CERCLA, or Other. ''Other'' has been added as a reporting mechanism to indicate those Federal facilities that otherwise have been identified to have releases or threat of releases of hazardous substances. The National Contingency Plan at 40 CFR 300.405 addresses discovery or notification, outlines what constitutes discovery of a hazardous substance release, and states that a release may be discovered in several ways, including: (1) a report submitted in accordance with section 103(a) of CERCLA, *i.e.,* reportable quantities codified at 40 CFR part 302; (2) a report submitted to EPA in accordance with section 103(c) of CERCLA; (3) investigation by government authorities conducted in accordance with section 104(e) of CERCLA or other statutory authority; (4) notification of a release by a Federal or state permit holder when required by its permit; (5) inventory or survey efforts or random or incidental observation

[2] Each Federal facility listed in the update has been assigned a code that indicates a specific reason for the addition or deletion. The code precedes this list.

reported by government agencies or the public; (6) submission of a citizen petition to EPA or the appropriate Federal facility requesting a preliminary assessment, in accordance with section 105(d) of CERCLA; (7) a report submitted in accordance with section 311(b)(5) of the Clean Water Act; and (8) other sources. As a policy matter, EPA generally believes it is appropriate for Federal facilities identified through the CERCLA discovery and notification process to be included on the Docket.

The complete list of Federal facilities that now make up the Docket and the NPL and NFRAP status are available to interested parties and can be obtained at *https://www.epa.gov/fedfacts/federal-facility-cleanup-sites-searchable-list* or by contacting the EPA HQ Docket Coordinator at the address provided in the **FOR FURTHER INFORMATION CONTACT** section of this document. As of the date of this document, the total number of Federal facilities that appear on the Docket is 2,401.

7.1 Docket Codes/Reasons for Deletion of Facilities

- *Code 1.* Small-Quantity Generator and Very Small Quantity Generator. Show citation box.
- *Code 2.* Never Federally Owned and/or Operated.
- *Code 3.* Formerly Federally Owned and/or Operated but not at time of listing.
- *Code 4.* No Hazardous Waste Generated.
- *Code 5.* This code is no longer used.
- *Code 6.* Redundant Listing/Site on Facility.
- *Code 7.* Combining Sites Into One Facility/Entries Combined.
- *Code 8.* Does Not Fit Facility Definition.

7.2 Docket Codes/Reasons for Addition of Facilities

- *Code 15.* Small-Quantity Generator with either a RCRA 3016 or CERCLA 103 Reporting Mechanism.
- *Code 16.* One Entry Being Split Into Two (or more)/Federal Agency Responsibility Being Split. • *Code 16A.* NPL site that is part of a Facility already listed on the Docket.
- *Code 17.* New Information Obtained Showing That Facility Should Be Included.
- *Code 18.* Facility Was a Site on a Facility That Was Disbanded; Now a Separate Facility.
- *Code 19.* Sites Were Combined Into One Facility.
- *Code 19A.* New Currently Federally Owned and/or Operated Facility Site.

7.3 Docket Codes/Types of Corrections of Information About Facilities

- *Code 20.* Reporting Provisions Change.
- *Code 20A.* Typo Correction/Name Change/Address Change.
- *Code 21.* Changing Responsible Federal Agency. (If applicable, new responsible Federal agency submits proof of previously performed PA, which is subject to approval by EPA.)
- *Code 22.* Changing Responsible Federal Agency and Facility Name. (If applicable, new responsible Federal Agency submits proof of previously performed PA, which is subject to approval by EPA.)
- *Code 24.* Reporting Mechanism Determined To Be Not Applicable After Review of Regional Files.

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #49—ADDITIONS

Facility name	Address	City	State	Zip code	Agency	Reporting mechanism	Code	Date
FOOD AND DRUG ADMINISTRATION.	10903 NEW HAMPSHIRE AVE.	SILVER SPRING.	MD	20903	AGRICULTURE.	RCRA 3010	17	UPDATE #49.
GSA FRANK E. MOSS COURTHOUSE.	350 SOUTH MAIN STREET.	SALT LAKE CITY.	UT	84101	GENERAL SERVICES ADMINISTRATION.	RCRA 3010	17	UPDATE #49.

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #49—DELETIONS

Facility name	Address	City	State	Zip code	Agency	Reporting mechanism	Code	Date

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #49—CORRECTIONS

Facility name	Address	City	State	Zip code	Agency	Reporting mechanism	Code	Date

Mark Barolo,

Director, Office of Superfund and Emergency Management, Office of Land and Emergency Management.

[FR Doc. 2026–07934 Filed 4–22–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0298; FR ID 342115]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before June 22, 2026. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

OMB Control Number: 3060–0298.

Title: Part 61, Tariffs (Other than the Tariff Review Plan).

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 3,756 respondents; 4,581 responses.

Estimated Time per Response: 1 hour–50 hours.

Frequency of Response: On occasion, annual, biennial and one-time reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in sections 151–155, 201–205, 208, 251–271, 403, 502 and 503 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. 151–155, 201–205, 208, 251–271, 403, 502 and 503.

Total Annual Burden: 170,314 hours.

Total Annual Cost: $477,800.

Needs and Uses: This collection will be submitted as a revision of an existing collection in order to obtain Office of Management and Budget (OMB) approval for the full three-year clearance.

The information collected through a carrier's tariff is used by the Commission and state commissions to determine whether services offered are just and reasonable as the Act requires. The tariffs and any supporting documentation and cost support are examined in order to determine if the services are offered in a just and reasonable manner. The information provided by local exchange carriers regarding detariffed services, including business data services, informs the Commission, customers, and interested parties of the detariffing. The information provided by internet Protocol Enabled Service (IPES) Providers pursuant to rules adopted in the Access Arbitrage Second Report and Order informs interested parties of an entities' engagement in Access Stimulation.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–07858 Filed 4–22–26; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974; System of Records

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Federal Deposit Insurance Corporation (FDIC) is modifying an existing system of records titled FDIC–012, ''Financial Information Management Records.'' The FDIC is updating this system of records to modify numerous sections of the notice including the Authority for Maintenance of the System; Purpose(s) of the System; Category of Individuals; Category of Records; Record Source Categories; Routine Uses; Policies and Practices for Storage, Retention and Disposal of Records; and Record Access, Contesting Records, and Notification Procedures. Additionally, this notice includes non-substantive changes to simplify the formatting, clarify the text of the previously published notice, and improve consistency across FDIC system of records notices.

DATES: This action will become effective on April 23, 2026. The routine uses in this action will become effective May 26, 2026, unless the FDIC makes changes based on comments received. Written comments should be submitted on or before May 26, 2026.

ADDRESSES: Interested parties are invited to submit written comments identified by Privacy Act System of Records (FDIC–012) by any of the following methods:

- *Agency website: https://www.fdic.gov/resources/regulations/federal-register-publications* . Follow the instructions for submitting comments on the FDIC website.
- *Email: comments@fdic.gov.* Include ''Comments-SORN (FDIC–012)'' in the subject line of communication.
- *Mail:* Jennifer M. Jones, Deputy Executive Secretary, Attention: Comments SORN (FDIC–012), Legal Division, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery/Courier:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street NW) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: Comments received, including any personal information provided, may be posted without change to *https://www.fdic.gov/resources/regulations/federal-register-publications/.* Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be

inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of this document will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act (FOIA).

FOR FURTHER INFORMATION CONTACT: Shannon Dahn, Assistant Director, Privacy, 703–516–5500, *privacy@fdic.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, FDIC is modifying an existing system of records, FDIC–012, Financial Information Management Records. FDIC uses this system of records to manage and account for financial transactions and financial activities of the FDIC in both its Corporate and Receivership capacities. This system of records notice (SORN) is being updated to modify the Routine Uses, which authorizes disclosure of information from this system to individuals and entities outside of the FDIC, and to make other substantive and clarifying changes to various sections of the notice.

This system of records contains FDIC financial transactions and activity records, including employee payroll, benefit and disbursement-related records; travel expense and reimbursement records; accounts payable and receivable records; cash or in-kind assistance or payments; and receivership payment and receipt records. The system supports FDIC's Corporate financial transactions associated with FDIC's status as an employer (such as payroll, taxation, benefit, travel, and relocation), accounts payable and receivable, asset and liability management, and FDIC's financial activities related to contracted goods and services. The records also support similar or summarized financial transactions associated with FDIC resolution-related activity, including appointment as receiver. The system also supports internal and external management reporting associated with the financial operations of the FDIC.

The Routine Uses section is being modified to list FDIC's standard routine uses (routine uses 1–10) first and to propose three new routine uses and two substantially modified routine uses. Proposed standard Routine Use 8 is new and supports the disclosure of information from the system of records as may be required by Federal statute or treaty. Proposed standard Routine Use 9 is new and supports the disclosure of information as may be needed to support the comparison of FDIC's records to another agency's system of records or to non-Federal records, in coordination with an Office of Inspector General in conducting an audit, investigation, inspection, evaluation, or other review. Routine Use 13 (previously Routine Use 12) is being modified to expand the recipients to include the entire Department of the Treasury, not just the Internal Revenue Service, and to include the purposes for which information may be shared. Routine Use 14 is being modified to expand the recipients to include the Department of Justice and other agencies, and to expand the purpose to include investigations related to surety bonds. Proposed Routine Use 16 is new and would permit disclosures to the General Services Administration, other Federal agencies, and third parties under contract to the Federal Government to provide travel administration, oversight, and assistance to FDIC employees and other individuals who travel or relocate for FDIC. Previous Routine Uses 8 (records management inspections) and 11 (U.S. Government Accountability Office) have been removed from the SORN as they are not needed. Note that other Routine Uses were not substantially modified but may have been edited and renumbered.

The System Location section was updated to reflect that the records may be maintained at various FDIC locations, including authorized cloud environments.

The Purpose section was changed to clarify the purpose of this system of records as it relates to FDIC's Corporate and Receivership capacities. It was also modified to clarify that FDIC may use the data during the development or operation of information technologies.

The Categories of Individuals and Categories of Records sections were updated to improve clarity and public understanding of the individuals who are covered by this system of records and the data maintained about them.

The Sources of Records section was modified to add financial institutions as a source and otherwise edited for clarity.

The Storage of Records section was updated to clarify that electronic records may be stored locally on digital media or in FDIC-owned or authorized vendor cloud environments.

The Retention and Disposal of Records section was modified to add retention and disposition policies for audio records related to verification of payment transactions. It was also modified to update or clarify the retention and disposition policies for financial records maintained in FDIC's primary financial system and for financial transaction records related to procuring goods and/or services, making cash or in-kind assistance or payments, and collecting debts, including wage garnishments.

The Record Access, Contesting Records, and Notification Procedures sections were all updated to include the website address for the FDIC FOIA Service Center.

This modified system of records will be included in FDIC's inventory of record systems.

SYSTEM NAME AND NUMBER:

Financial Information Management Records, FDIC–012.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The Federal Deposit Insurance Corporation (FDIC) located at 550 17th Street NW, Washington, DC 20429, and other FDIC office locations. Information may also be stored within an appropriately authorized cloud environment or in other secure locations.

SYSTEM MANAGER(S):

Director, Division of Finance, FDIC, 3501 Fairfax Drive, Arlington, VA 22226. For records about FDIC employees concerning garnishments, attachments, wage assignments and related records, the system manager is the Assistant General Counsel, Professional Liability & Financial Crimes Section, Legal Division, FDIC, 3501 Fairfax Drive, Arlington, VA 22226.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 9 and 10(a) of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1820(a)); Payment Integrity Information Act of 2019 (PIIA); 12 U.S.C. 1822; 31 U.S.C. 3325(d) and 7701(c); 12 CFR 366; FAR 4.902(a) (48 CFR 4.902(a)) and (48 CFR 4.902(a) FAR 32.905); E.O. 14249, Protecting America's Bank Account Against Fraud, Waste, and Abuse; and E.O. 9397.

PURPOSE(S) OF THE SYSTEM:

The records are used to manage and account for financial transactions and financial activities of the FDIC in both its Corporate and Receivership

capacities. The system supports the FDIC's Corporate financial transactions associated with FDIC's status as an employer (such as pay, taxation, benefit, travel, and relocation), accounts payable and receivable, asset and liability management, and FDIC's financial activities related to contracted goods and services. The records also support similar or summarized financial transactions associated with FDIC resolution-related activity, including appointment as receiver. Information in the system of records may also be used to support the development and operation of current and future information technology to support the purposes listed above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FDIC employees; individuals who provided goods and services to the FDIC as vendors or contractors; individuals who engaged in travel or relocation paid for by the FDIC; individuals who owe money to the FDIC (referred to herein as customers); and individuals who were depositors, claimants, payees, obligees, obligors, former employees, or affiliates of financial institutions for which the FDIC was involved in resolution-related activity, including appointment as receiver.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the following categories of records:

(1) *Employee payroll, benefit, and disbursement-related records.* The payroll and/or disbursement records contain information such as employee names, dates of birth, name changes, mailing addresses and home addresses; email addresses (work and personal); telephone numbers (work, home, and mobile); spouse/domestic partner names and work telephone numbers; dependents' names and dates of birth; financial institution account information; Social Security numbers (SSN) and unique employee identification numbers; rates and amounts of pay; tax exemptions; tax deductions for employee payments; and corporate payments information for tax reporting.

Other records maintained on employees include reimbursement claims for supplemental or incidental payment reimbursement and relocation expenses consisting of authorizations, advances, vouchers of amounts claimed and amounts paid, and, as applicable, supporting documentation, such as legal documents, records and notes necessary for assisting certain relocating employees with residential transactions (*e.g.,* home sales and purchases) (these records may include any of the aforementioned information about employees and their family members, as well as names, SSNs, and other information about sellers/purchasers involved in said residential transactions); reimbursement for educational expenses or professional membership dues and licensing fees and similar reimbursements; awards, bonuses, and buyout payments; advances or other funds owed to the FDIC; and garnishments, attachments, wage assignments or related records. Copies of receipts/invoices provided to the FDIC for reimbursement may contain credit card or other identifying account information.

(2) *Travel expense and reimbursement records.* Records relating to claims for reimbursement of official travel expenses such as travel authorizations, vouchers showing amounts claimed, medical certification and narratives with information about the traveler's medical or physical conditions, exceptions taken as a result of audit, and amounts paid. Copies of receipts/invoices provided to the FDIC for reimbursement may contain credit card or other identifying account information.

Note: This system covers only travel expense and reimbursement records maintained by the FDIC. Associated travel records maintained by the government travel and purchase card issuer and travel services provider are part of the following government-wide systems of records: GSA/GOVT–3, Travel Charge Card Program; GSA/GOVT–4, Contracted Travel Services Program (E–TRAVEL); and GSA/GOVT–6, GSA SmartPay Purchase Charge Card Program.

(3) *Accounts payable records.* Contractor and vendor invoices and other accounts payable records. These records consist of documents relating to the purchase of goods and/or services from individuals, such as contracts, vendor invoice statements, and other supporting documentation provided by the contractor/vendor. These documents may include information such as payee or vendor contact information (names, email addresses, telephone numbers, mailing addresses); financial institution account information; amounts paid; audio recordings verifying payment transactions; and identification numbers [*e.g.,* vendor identification numbers, tax identification numbers (TINs), SSNs in the case of sole proprietors, and employer identification numbers]. Documentation supporting payee status or vendor invoice statements may contain other identifying data not listed here.

(4) *Accounts receivable records.* Documentation relating to monies owed to FDIC by individual customers, such as contractual documents or agreements, invoice statements and supporting documents, and payment receipts. These documents contain information such as customer names, contact information (email addresses, mailing addresses, telephone numbers), financial institution account information, TINs/SSNs, and amounts owed. Supporting documentation may contain other identifying data not listed here.

(5) *Receivership payment records.* Records of payments to individuals, or their authorized representative, who were depositors, claimants, payees, obligees, obligors, former employees, or affiliates of failed financial institutions for which the FDIC was involved in resolution-related activity, including appointment as receiver. Payment records include name and mailing address; email address and telephone numbers; bank account and routing numbers, payment amount; and audio recordings verifying payment transactions. TINs, SSNs or foreign reference numbers are also included for depositors, claimants, or affiliates when an informational tax return must be filed.

The records also include general ledger and detailed trial balances and supporting data. Additionally, the records may include claim, asset, system-assigned, or other specialized identifying numbers.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the individual about whom the record is maintained or an authorized representative; other government agencies; or financial institutions for which FDIC was involved in resolution-related activity, including appointment as receiver. When an employee is subject to a tax lien, bankruptcy, an attachment, or a wage garnishment, information also is obtained from the appropriate taxing or judicial authority.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, local, tribal, territorial, and foreign agencies responsible for investigating or

prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

(2) To a court or adjudicative body before which the FDIC is authorized to appear when, (a) the FDIC or any component thereof; or (b) any employee of the FDIC in his or her official capacity; or (c) any employee of the FDIC in his or her individual capacity where the FDIC has agreed to represent the employee; or (d) the United States; where the FDIC determines that litigation is likely to affect the FDIC or any of its components, is a party to litigation or has an interest in such litigation, and the FDIC determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the FDIC determines that disclosure of the records is a use of the information contained in the records which is compatible with the purpose for which the records were collected.

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record.

(4) To appropriate agencies, entities, and persons when (a) the FDIC suspects or has confirmed that there has been a breach of the system of records; (b) the FDIC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the FDIC (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the FDIC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(5) To another Federal agency or Federal entity when the FDIC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach; or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(6) To appropriate Federal, State, local, tribal, and territorial agencies in connection with hiring or retaining an individual; conducting a background security or suitability investigation; adjudication of liability; or eligibility for a license, contract, grant, or other benefit, to the extent that the information shared is relevant and necessary to the requesting agency's decision on the matter.

(7) To contractors, grantees, experts, consultants, students, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the FDIC or the Office of Inspector General for use in carrying out their obligations under such contract, grant, agreement or project.

(8) To such recipients and under such circumstances and procedures as are mandated by Federal statute, or treaty.

(9) To a Federal, State, local, tribal, or territorial agency for the purpose of comparing to the agency's system of records or to non-Federal records, in coordination with an Office of Inspector General in conducting an audit, investigation, inspection, evaluation, or other review as authorized by the Inspector General Act of 1978, as amended.

(10) To Federal agencies, and to those Federal employees designated by the President or Agency Heads pursuant to Executive Order 14243, for the purposes of identifying and eliminating waste, fraud, and abuse, including the elimination of bureaucratic duplication and inefficiency and the enhancement of the Government's ability to detect overpayments and fraud.

(11) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties to the extent it is relevant and necessary to process any personnel actions or conduct administrative hearings or corrective actions or grievances or appeals, or it is relevant and necessary to the conduct of other authorized duties by the recipient.

(12) To officials of a labor organization when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

(13) To the Department of the Treasury and its bureaus and other appropriate Federal, State, local, and foreign agencies to carry out financial transactions and any debt- or tax-related reporting, withholding, collection, and/or processing activities required or permitted by Federal law, regulation or policy.

(14) To the Department of Justice, the Department of the Treasury, other appropriate Federal agencies, state insurance regulators, consumer reporting agencies, debt collection agencies, legal representatives for surety companies and bonding agencies, and insurance investigators to provide information relevant to (1) investigations of an agent or bonding agency that posts surety bonds, or (2) activities related to collection of unpaid monies owed to the FDIC.

(15) To the U.S. Department of the Treasury when disclosure of the information is relevant to review payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered, federally funded program.

(16) To the General Services Administration, other Federal agencies, and third parties contracted by the Federal Government to provide travel administration, oversight and assistance to FDIC employees and other individuals who travel or relocate for FDIC.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored electronically or in paper format in secure facilities. Electronic records may be stored locally on digital media, in FDIC-operated cloud environments, or in vendor cloud service offerings that are appropriately authorized and/or certified.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name, SSN/TIN, email address, foreign reference number, vendor identification number, employee identification number, claim or asset identification number or other specialized identifying number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Except as otherwise noted below, records covered by FDIC–012 are primarily maintained in FDIC's New Financial Environment (NFE) system and are maintained for the life of the system in accordance with the approved records retention schedule for NFE. Financial transaction records related to procuring goods and/or services, making payments, collecting debts, garnishments, attachments and wage assignments are maintained for six years

after final payment, and then dispositioned. Records and reports maintained outside of NFE are maintained for three (3) years then destroyed. Records relating to banking transaction authorization forms are maintained three years after termination of agreement and then dispositioned. Audio recordings of payees verifying wire or other payment transactions are maintained no longer than one hundred and eighty (180) days and dispositioned. Records containing information about current and former FDIC employees and vendors for processing and mailing recipients their 1099 and/or Supplemental W–2 tax-reporting statements are maintained in a separate IT system and disposed after seven (7) years. Receivership accounting and receivership tax records are generally maintained ten (10) years after termination of the receivership and dispositioned.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are protected from unauthorized access and improper use through administrative, technical, and physical security measures. Administrative safeguards include written guidelines on handling personal information including agency-wide procedures for safeguarding personally identifiable information. In addition, all FDIC staff are required to take annual privacy and security training. Additional safeguards include quarterly Business Owner Certification reviews of privileged system access, annual Business Owner Certification reviews of all system access, and multiple approvals required for all system access above default. Technical security measures within FDIC include restrictions on computer access to authorized individuals who have a legitimate need to know the information; multi-factor authentication for remote access and access to many FDIC systems; strong passwords when multi-factor authentication is not available; use of encryption for certain data types and transfers; firewalls and intrusion detection applications; and regular review of security procedures and best practices to enhance security. Physical safeguards include restrictions on building access to authorized individuals, security guard service, and maintenance of records in lockable offices and filing cabinets.

RECORD ACCESS PROCEDURES:

Individuals requesting access to records about them in this system of records should submit their request online through the FDIC FOIA Service Center at *fdic.gov/foia.* Alternatively, individuals can send a request in writing to the FDIC FOIA & Privacy Act Group, 550 17th Street NW, Washington, DC 20429, or email *efoia@fdic.gov.* Individuals will be required to provide a detailed description of the records they seek including time period when the records were created and other supporting information where possible. Individuals will be required to provide proof of identity in accordance with FDIC regulations at 12 CFR part 310.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of or requesting an amendment to their records in this system of records should submit their request online through the FDIC FOIA Service Center at *fdic.gov/foia.* Alternatively, individuals can send a request in writing to the FDIC FOIA & Privacy Act Group, 550 17th Street NW, Washington, DC 20429, or email *efoia@fdic.gov* . The request should contain the individual's reason for requesting the amendment and a description of the record (including the name of the appropriate designated system and category thereof) sufficient to enable the FDIC to identify the particular record or portion thereof with respect to which amendment is sought. Requests must specify which information is being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR part 310. Individuals will be required to provide proof of identity in accordance with FDIC regulations at 12 CFR part 310.

NOTIFICATION PROCEDURES:

Individuals seeking to know whether this system contains information about them should submit their request online through the FDIC FOIA Service Center at *fdic.gov/foia.* Alternatively, individuals can send a request in writing to the FDIC FOIA & Privacy Act Group, 550 17th Street NW, Washington, DC 20429, or email *efoia@fdic.gov.* Individuals will be required to provide proof of identity in accordance with FDIC regulations at 12 CFR part 310.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

80 FR 66981 (Oct. 30, 2015); 84 FR 35184 (Jul. 22, 2019); 90 FR 51316 (Nov. 17, 2025).

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on April 21, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–07923 Filed 4–22–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–127]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on this extension without change of the existing information collection described below (OMB Control No. 3064–0127).

DATES: Comments must be submitted on or before June 22, 2026.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website: https://www.fdic.gov/resources/regulations/federal-register-publications/.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Robert Meiers, Regulatory Counsel, MB–3013, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7 a.m. and 5 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Robert Meiers, Regulatory Attorney, *Romeiers@fdic.gov,* MB–3013, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: *Proposal to renew the following currently approved collection of information:*

1. *Title:* Fast-Track Generic Clearance for the Collection of Qualitative Feedback.

OMB Number: 3064–0127.

Form Number: n/a.

Affected Public: Private sector, business and other for-profit entities.

Burden Estimate:

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0127]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
1. Fast-Track Generic Clearance for the Collection of Qualitative Feedback, (Voluntary)	Reporting (Once)	17,000	1	01:00	17,000
Total Annual Burden (Hours)					17,000

Source: FDIC.

Note: The estimated annual IC time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB's consolidated information system.

General Description of Collection: This information collection establishes ongoing authority for FDIC to conduct yet-to-be-determined occasional quality of service surveys under OMB's generic survey program. Once this information collection extension request is approved by OMB, FDIC will be able to obtain expedited approval of individual surveys by following a special submission process that does not require the publication of **Federal Register** notices for each individual survey. Generic clearance requests should be approved by OMB within five business days of submission. FDIC estimates that the generic surveys to be deployed under this information collection each will involve an average of 850 respondents, generally should not require more than one hour per respondent to complete, and are always voluntary in nature. FDIC estimates that it will deploy approximately 20 such surveys annually. The purpose of the surveys is, in general terms, to obtain anecdotal information on a voluntary basis about quality of service, regulatory burden, problems or successes in the bank supervisory process (including exams related to both safety and soundness, and compliance with consumer protection laws and regulations), the perceived need for regulatory or statutory change, and similar concerns. There is no change in the substance or methodology of this information collection and the estimated annual burden remains unchanged.

Request for Comment

Comments are invited on: (a) whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on April 21, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

[FR Doc. 2026–07920 Filed 4–22–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm*. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than May 8, 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. *The Gregory L. Massey 2026 Irrevocable Trust, Gregory L. Massey, as trustee, both of Dallas, Texas;* to become a member of the Massey Family Group, a group acting in concert, to acquire voting shares of Spend Life Wisely Company, Inc., and thereby indirectly acquire voting shares of First United Bank and Trust Company, both of Durant, Oklahoma. Gregory Massey was previously permitted by the Federal Reserve System to acquire voting shares

of Spend Life Wisely Company, Inc. in his individual capacity.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–07976 Filed 4–22–26; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Request of Nominations: U.S. Preventive Services Task Force

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Solicitation of nominations.

SUMMARY: The Agency for Healthcare Research and Quality invites nominations of individuals qualified to serve as members of the U.S. Preventive Services Task Force (USPSTF).

DATES: Nominations must be received electronically by May 23, 2026 to be considered for appointment to begin in June, 2026.

ADDRESSES: Submit your responses electronically via: *https://uspstfnominations.ahrq.gov/register.*

FOR FURTHER INFORMATION CONTACT: Beatriz Canas at (301) 427–1629.

SUPPLEMENTARY INFORMATION:

Arrangement for Public Inspection

Nominations and applications are kept on file at the Center for Evidence and Practice Improvement, AHRQ, and are available for review during business hours. AHRQ does not reply to individual nominations but considers all nominations in making recommendation for appointment. Information regarded as private and personal, such as a nominee's social security number, home and email addresses, home telephone and fax numbers, or names of family members will not be disclosed to the public in accordance with the Freedom of Information Act. 5 U.S.C. 552(b)(6); 45 CFR 5.31(f).

Nomination Submissions

Nominations must be submitted electronically, and should include:

1. The applicant's current curriculum vitae and contact information, including mailing address, and email address; and

2. A letter explaining how this individual meets the qualification requirements and how he or she would contribute to the USPSTF. The letter should also attest to the nominee's willingness to serve as a member of the USPSTF.

AHRQ will later ask people under serious consideration for USPSTF membership to provide detailed information that will permit evaluation of possible significant conflicts of interest. Such information will concern matters such as financial holdings, consultancies, non-financial scientific interests, and research grants or contracts.

To obtain a broad range of expertise, AHRQ encourages nominations of physician specialists in anesthesiology/pain management, cardiology, endocrinology, family medicine, gastroenterology, hematology/oncology, internal medicine, obstetrics and gynecology, pediatrics, preventive medicine, radiology, and experts in health economics. However, applications from physicians in other relevant specialties including but not limited to surgery, laboratory medicine/molecular pathology, and clinical genetics are also desired. AHRQ also seeks wide geographic representation and practice experience in diverse setting, including individuals with expertise in rural medicine. Interested individuals can nominate themselves. Organizations and individuals may nominate one or more people qualified for membership on the USPSTF for consideration in this or future nomination cycles.

Qualification Requirements

To qualify for the USPSTF and support its mission, an applicant or nominee should possess expertise in reviewing scientific evidence related to the effectiveness, appropriateness, and cost-effectiveness of clinical preventive services for the purpose of developing recommendations for the health care community, and updating previous clinical preventive recommendations for individuals and organizations delivering clinical services, including primary care professionals, health care systems, professional societies, employers, community organizations, non-profit organizations, Congress and other policy-makers, governmental public health agencies, health care quality organizations, and organizations developing national health objectives.

These skills include:

1. The critical evaluation of research published in peer-reviewed literature;

2. Clinical prevention and health promotion in primary care and specialty settings.

3. Implementation of evidence-based recommendations in clinical practice including at the clinician-patient level, practice level, and health-system level.

Additionally, the Task Force benefits from members with expertise in the following areas:

Public health;

Application of science to health policy; and

Communication of scientific findings to multiple audiences including health care professionals, policymakers, and the general public.

Candidates with experience and skills in any of these areas should highlight them in their nomination materials.

Applicants must have no substantial conflicts of interest, whether financial, professional, or intellectual, that would impair the scientific integrity of the work of the USPSTF and must be willing to complete regular conflict of interest disclosures.

Applicants must have the ability to work collaboratively with a team of diverse professionals who support the mission of the USPSTF. Applicants must have adequate time to contribute substantively to the work products of the USPSTF.

Nominee Selection

Nominated individuals will be selected for the USPSTF on the basis of how well they meet the required qualifications, and the current expertise needs of the USPSTF. It is anticipated that new members will be invited to serve on the USPSTF beginning in July 2026. All nominated individuals will be considered. AHRQ will retain and may consider for future vacancies nominations received this year and not selected during this cycle.

Background

Under title IX of the Public Health Service Act, AHRQ is charged with enhancing the quality, appropriateness, and effectiveness of health care services and access to such services. 42 U.S.C. 299(b). AHRQ accomplishes these goals through scientific research and promotion of improvements in clinical practice, including clinical prevention of diseases and other health conditions. See 42 U.S.C. 299(b).

The USPSTF, a body of experts in prevention and evidence-based medicine, works to improve the health of people nationwide by making evidence-based recommendations about the effectiveness of clinical preventive services and health promotion. The recommendations made by the USPSTF address clinical preventive services for adults and children, and include screening tests, counseling services, and preventive medications.

The USPSTF was first established in 1984 under the auspices of the U.S. Public Health Service. AHRQ provides ongoing scientific, administrative, and dissemination support for the USPSTF's operation. See 42 U.S.C. 299b–4(a)(3). Members are appointed by the Secretary of the U.S. Department of Health and Human Services to serve four-year terms. New members are selected each year to replace those members who are completing their appointments.

The USPSTF rigorously evaluates the effectiveness of clinical preventive services and formulating or updating recommendations regarding the appropriate provision of preventive services. Current USPSTF recommendations and associated evidence reviews are available on the internet (*www.uspreventive servicestaskforce.org*).

USPSTF members meet three times a year for two days in the Washington, DC area or virtually if necessary. A significant portion of the USPSTF's work occurs between meetings during video conference calls and via email discussions. Member duties include prioritizing topics, designing research plans, reviewing and commenting on systematic evidence review reports, discussing evidence and making recommendations on preventive services, reviewing stakeholder comments, drafting final recommendation documents, and participating in workgroups on specific topics and methods. Members can expect to receive frequent emails, participate in multiple video conference calls each month, and have periodic interaction with stakeholders. AHRQ estimates that members devote approximately 250 hours a year outside of in-person meetings to their USPSTF duties. The members are all volunteers and do not receive any compensation beyond support for travel to attend the thrice yearly meetings and trainings.

Dated: April 21, 2026.

Roger D. Klein,

Director.

[FR Doc. 2026–07921 Filed 4–22–26; 8:45 am]

BILLING CODE 4160–90–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; Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an amendment to the notice of the public hearing related to the Commissioner's National Priority Voucher (CNPV) Pilot Program. This meeting was announced in the **Federal Register** of March 23, 2026. The amendment is being made to reflect a change in the **DATES, ADDRESSES, FOR FURTHER INFORMATION CONTACT,** and *IV. Participating in Public Hearing* portions of the document. There are no other changes.

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, *CNPVPublicMeeting@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 23, 2026, 91 FR 13849, FDA announced that a public hearing related to the CNPV Pilot Program would be held on June 12, 2026. On page 13849, in the third column, the **DATES** portion of the document is changed to read as follows:

- The public hearing will be held with an in-person and virtual option (*i.e.,* hybrid) on June 4, 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/fda-meetings-conferences-and-workshops/commissioners-national-priority-voucher-cnpv-pilot-program-public-hearing-06042026.* All requests for participation, including those who wish to present during the public hearing, must be received by April 24, 2026, through the meeting registration page. Questions about meeting registration and participation should be sent to *CNPVPublicMeeting@fda.hhs.gov* and include the title of this notice: ''Commissioner's National Priority Voucher (CNPV) Pilot Program; Public Hearing; Request for Comments'').

On page 13850, in the first column, the second and third paragraphs of the **ADDRESSES** portion of the document are changed to read as follows:

- Additional details, such as any changes to the time of the public hearing and registration information, will be posted at *https://www.fda.gov/news-events/fda-meetings-conferences-and-workshops/commissioners-national-priority-voucher-cnpv-pilot-program-public-hearing-06042026.* The online web conference meeting link can be accessed at *https://www.fda.gov/news-events/fda-meetings-conferences-and-workshops/commissioners-national-priority-voucher-cnpv-pilot-program-public-hearing-06042026* on the day of the meeting.

- All written requests for participation in the pilot program must be received by April 24, 2026 (email to: *CNPVPublicMeeting@fda.hhs.gov*).

On page 13850, in the third column, the **FOR FURTHER INFORMATION CONTACT** portion of the document is changed to read as follows:

- 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, *CNPVPublicMeeting@fda.hhs.gov.*

On page 13852, in the second column, the *IV. Participating in Public Hearing* portion of the **SUPPLEMENTARY INFORMATION** section is changed to read as follows:

- *Registration:* To register to attend or participate in the free public hearing, please visit the following website: *https://www.fda.gov/news-events/fda-meetings-conferences-and-workshops/commissioners-national-priority-voucher-cnpv-pilot-program-public-hearing-06042026.*

- *Written Notice of Participation:* All written requests for participation must be received by April 24, 2026, 11:59 p.m. Eastern Time (email to: *CNPVPublicMeeting@fda.hhs.gov*).

- *Transcripts:* A link to the transcript will also be available on the internet at *https://www.fda.gov/news-events/fda-meetings-conferences-and-workshops/commissioners-national-priority-voucher-cnpv-pilot-program-public-hearing-06042026.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–07916 Filed 4–22–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–7055]

Kimberly Schaff Kiehl: Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) debarring Kimberly Schaff Kiehl for a period of 10 years from importing or offering for import any drug into the United States. FDA bases this order on a finding that Ms. Kiehl was convicted of two felonies under federal law. The factual basis supporting Ms. Kiehl's conviction, as described below, is conduct relating to the importation into the United States of a drug or controlled substance. Ms. Kiehl was given notice of the proposed debarment and was given an opportunity to request a hearing to show why she should not be debarred. As of March 9, 2026 (30 days after receipt of the notice), Ms. Kiehl had not responded. Ms. Kiehl's failure to respond and request a hearing constitutes a waiver of her right to a hearing concerning this matter.

DATES: This order is applicable April 23, 2026.

ADDRESSES: Any application by Ms. Kiehl for termination of debarment under section 306(d)(1) of the FD&C Act (21 U.S.C. 335a(d)(1)) may be submitted at any time as follows:

Electronic Submissions

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. An application submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your application will be made public, you are solely responsible for ensuring that your application 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 application, that information will be posted on *https://www.regulations.gov.*
- If you want to submit an application with confidential information that you do not wish to be made available to the public, submit the application as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

- *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 a written/paper application submitted to the Dockets Management Staff, FDA will post your application, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All applications must include the Docket No. FDA–2025–N–7055. Received applications 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 an application with confidential information that you do not wish to be made publicly available, submit your application 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 your application. 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. 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, 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 between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500. Publicly available submissions may be seen in the docket.

FOR FURTHER INFORMATION CONTACT: Jaime Espinosa, Division of Field Enforcement, Office of Field Regulatory Operations, Office of Inspections and Investigations, Food and Drug Administration, at 240–402–8743, or *debarments@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(1)(D) of the FD&C Act permits debarment of an individual from importing or offering for import any drug into the United States if FDA finds, as required by section 306(b)(3)(C) of the FD&C Act, that the individual has been convicted of a felony for conduct relating to the importation into the United States of any drug or controlled substance.

On July 3, 2025, Ms. Kiehl was convicted as defined in section 306(l)(1) of the FD&C Act, in the U.S. District Court for the Middle District of Florida, Tampa Division, when the court accepted her plea of guilty and entered judgment against her for the felony offenses of mail fraud in violation of 18 U.S.C. 1341 and causing counterfeit drugs to be made, sold, or held for sale in violation of 21 U.S.C. 331(i)(3) and 333(a)(2) (sections 301(i)(3) and 303(a)(2) of the FD&C Act). The underlying facts supporting the conviction are as follows:

As contained in the Superseding Information and in the Plea Agreement from her case, Ms. Kiehl was the registered agent and authorized member for Focus Beauty, LLC (Focus Beauty) and she operated Focus Beauty's website to market and offer for sale drugs and other products. Between January 2020 and September 2021, several packages destined for Ms. Kiehl's address were seized by the Department of Homeland Security (DHS). Additionally, Ms. Kiehl received notices from the FDA and/or Customs and Border Protection about the violative nature of the products she was importing from China and other foreign countries.

On or about April 1, 2020, a DHL package shipped from China and destined for Ms. Kiehl's residence was intercepted. The package was addressed to the fake name of ''Cathy Ryan'' and the shipping documents identified the contents as engraving pen kits and glass bottles. Special Agents from DHS Homeland Security Investigations (HSI) conducted a border search of the package and determined that it contained 15 boxes marked ''Restylane Injectable 1 x 1 ML;'' eight boxes

marked ''Galderma Restylane Injectable Lyft Lidocaine 1 ML, The Perlane Collection, Injectable Gel with Lidocaine;'' and, seven boxes marked ''Galderma Restylane Injectable Lidocaine 1 ML, Injectable Gel with Lidocaine.''

Following this seizure, and others, on September 2, 2021, a Special Agent from FDA's Office of Criminal Investigations acting in an undercover capacity purchased items through the website *www.focusisbeauty.com.* The agent ordered, (1) Intense Repair Serum, which bore the image of Botox, and was found in the section of the website titled: ''Botox, Anesthetics, & Diluents;'' and, (2) Intense Repair Serum, which bore the image of a product titled Daewoong Boulinum Toxin Type A Nabota and was found in the section of the website titled: ''Botox, Anesthetics, & Diluents.''

On or about September 17, 2021, agents retrieved the box shipped by Ms. Kiehl. The box contained five products marked as ''Botox'' with writing in the Turkish language. The products were determined to be counterfeit versions of the Botox product manufactured for and only distributed in Turkey. Botox is the brand name, owned by AbbVie Inc. (AbbVie), of a drug derived from botulinum toxin type A. Botulinum toxin type A is a highly potent toxin which can cause the disease botulism when present in human beings in a sufficient amount. The FDA has approved a biological products license for Botox and a supplement to the license application for the treatment of what is commonly referred to as wrinkles. Both FDA approved licenses for Botox products limits them to use pursuant to a prescription from a licensed practitioner. While Botox products may be purchased through intermediary sources, all purchases are shipped from an AbbVie warehouse facility in Houston, Texas. This occurs to meet the strict temperature controls required for botulinum toxin-containing products.

On October 14, 2021, a search warrant was executed at Ms. Kiehl's residence. During the execution of the warrant, agents discovered hundreds of counterfeit products violative of the FD&C Act that were imported into the United States from foreign countries. These products were discovered throughout the residence, including in a freezer among frozen food items, in a pantry among dry goods, and hidden behind a false wall. Ms. Kiehl was present during the execution of the search warrant and agreed to speak with agents. Ms. Kiehl acknowledged ordering and receiving drugs and other products from foreign countries. She admitted to using fake recipient names on packages shipped to her from China, in an effort to avoid the seizure of the products, which were violative products. When using fake names did not stop the packages from being seized, Ms. Kiehl began using her son's address to receive the products, which were violative products. Ms. Kiehl acknowledged selling unapproved and counterfeit drugs and other products on the website, *www.focusisbeauty.com,* and shipping those products in interstate commerce to customers.

Shipping records obtained by DHS/HSI revealed approximately 176 foreign based packages were imported by Ms. Kiehl and shipped to her residence between January 9, 2019, and September 19, 2021. Additionally, between approximately July 2017, and October 2021, Ms. Kiehl received approximately $341,218 for the sale of misbranded and counterfeit drugs and other products that lacked the required FDA approval.

FDA sent Ms. Kiehl, by certified mail, on February 3, 2026, a notice proposing to debar her for a 10-year period from importing or offering for import any drug into the United States. The proposal was based on a finding under section 306(b)(3)(C) of the FD&C Act that Ms. Kiehl's felony conviction under Federal law for mail fraud in violation of 18 U.S.C. 1341 and causing counterfeit drugs to be made, sold, or held for sale in violation of 21 U.S.C. 331(i)(3) and 333(a)(2) was for conduct relating to the importation of any drug or controlled substance into the United States because she illegally imported and introduced misbranded prescription drug products into interstate commerce.

In proposing a debarment period, FDA weighed the considerations set forth in section 306(c)(3) of the FD&C Act that the Agency considered applicable to Ms. Kiehl's offense and concluded that the offense warranted the imposition of a 10-year period of debarment.

The proposal informed Ms. Kiehl of the proposed debarment and offered her an opportunity to request a hearing, providing her 30 days from the date of receipt of the letter in which to file the request, and advised her that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Ms. Kiehl received the proposal and notice of opportunity for a hearing on February 7, 2026. Ms. Kiehl failed to request a hearing within the timeframe prescribed by regulation and has, therefore, waived her opportunity for a hearing and waived any contentions concerning her debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Division of Field Enforcement Director, Office of Inspections and Investigations, under section 306(b)(3)(C) of the FD&C Act, under authority delegated to the Director, Division of Enforcement, finds that Ms. Kimberly Schaff Kiehl has been convicted of a felony under Federal law for conduct relating to the importation into the United States of any drug or controlled substance. FDA finds that the offense should be accorded a debarment period of 10 years as provided by section 306(c)(2)(A)(iii) of the FD&C Act.

As a result of the foregoing finding, Ms. Kiehl is debarred for a period of 10 years from importing or offering for import any drug into the United States, effective (see **DATES**). Pursuant to section 301(cc) of the FD&C Act (21 U.S.C. 331(cc)), the importing or offering for import into the United States of any drug by, with the assistance of, or at the direction of Ms. Kiehl is a prohibited act.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–07864 Filed 4–22–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–2642]

Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke; Established List Additions and Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; established list additions and request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is adding constituents to the list of harmful and potentially harmful constituents (HPHCs) in tobacco products and tobacco smoke (the established HPHC list) as required by the Federal Food, Drug, and Cosmetic Act (the FD&C Act).

DATES: Either electronic or written comments on the notice must be submitted by May 26, 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 26, 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–2642 for ''Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke; Established List Additions and 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: Anna Julia Adams or Matthew Brenner, Center for Tobacco Products, Food and Drug Administration, Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002; 1–877–287–1373, *CTPRegulations@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Family Smoking Prevention and Tobacco Control Act (Pub. L. 111–31), enacted on June 22, 2009, amended the FD&C Act by, among other things, adding a new chapter (chapter IX) granting FDA the authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health. Cigarettes, cigarette tobacco, roll-your-own (RYO) tobacco, and smokeless tobacco were immediately subject to chapter IX.

For other types of tobacco products, the statute authorizes FDA to issue regulations ''deeming'' them to be subject to chapter IX. FDA published a final rule on May 10, 2016, deeming all products that meet the statutory definition of ''tobacco product'' set forth in section 201(rr) of the FD&C Act (21 U.S.C. 321(rr)), including components and parts, but excluding accessories of deemed products, to be subject to chapter IX of the FD&C Act.[1]

Section 904(e) of the FD&C Act (21 U.S.C. 387d(e)) requires FDA to establish, and periodically revise as appropriate, ''a list of harmful and potentially harmful constituents, including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand.''

In 2011, FDA provided guidance that discussed the meaning of ''harmful and potentially harmful constituent'' in the context of the HPHC list requirement (76 FR 5387, January 31, 2011).[2] In 2012, after considering comments solicited from the public, as well as scientific and other information, FDA developed a list of 93 constituents in tobacco products and tobacco smoke that are believed to be harmful or potentially harmful to health (the HPHC established list).[3]

In August 2016, FDA extended its authority under the Deeming Rule to all products, including components and parts (but excluding accessories of deemed products) that met the statutory definition of tobacco product, including electronic nicotine delivery systems (ENDS). Therefore, consistent with section 904(e) of the FD&C Act, the Agency considered revising the HPHC established list to reflect the current range of tobacco products now subject to the Agency's tobacco product

[1] *See* ''Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act,'' 81 FR 28974 (May 10, 2016), codified at 21 CFR part 1100. On August 9, 2023, the U.S. District Court for the District of Columbia issued an order vacating FDA's rule deeming tobacco products to be subject to FDA's tobacco product authorities ''insofar as it applies to premium cigars.'' *Cigar Ass'n of Am.* v. *FDA,* No. 16–cv–01460, 2023 WL 5094869, at *6 (D.D.C. Aug. 9, 2023), affirmed in part, reversed in part, and remanded, 132 F.4th 535 (D.C. Cir. 2025).

[2] FDA revised the 2011 Guidance that discusses the meaning of HPHC in the context of the HPHC list requirement in August 2016. ''Harmful and Potentially Harmful Constituents'' in Tobacco Products as Used in Section 904(e) of the Federal Food, Drug, and Cosmetic Act available at *https://www.fda.gov/media/80109/download*.

[3] ''Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke; Established List,'' 77 FR 20034 (April 3, 2012).

authorities as well as the Agency's growing scientific expertise with respect to all tobacco products. In 2019, the Agency requested comments on whether 19 additional constituents should be added to the HPHC established list. The Agency has considered comments solicited from the public, as well as scientific and other information, and has added tobacco product constituents to the established HPHC list that FDA currently believes are harmful or potentially harmful to health based on scientific evidence. FDA is adding 18 new constituents to the established list consistent with the requirement in section 904(e) of the FD&C Act to periodically revise, as appropriate, the established HPHC list (Table 1). In this document, we are also finalizing the addition of a new criterion for whether a constituent should be added to the list and seeking comments on the proposed addition of three new constituents to the list.

II. Background

FDA first established the HPHC list on April 3, 2012 (77 FR 20034) (the April 2012 notice).[4] The list currently contains 93 HPHCs. The April 2012 notice describes the history of the HPHC established list, and for additional background, we refer readers to that notice and the notice FDA published in the **Federal Register** on August 12, 2011 (76 FR 50226) (the August 2011 notice), in which we solicited public comment, including scientific and other information, concerning the HPHCs in tobacco products and tobacco smoke, such as constituents that should be included on the HPHC established list, and the criteria used in determining whether a constituent is harmful or potentially harmful such that it should be included on the HPHC list.[5]

Further, on August 5, 2019 (84 FR 38032) (the August 2019 notice), FDA published a request for comments on 19 additional constituents proposed to be added to the established list to reflect the current range of tobacco products subject to the Agency's tobacco product authorities as well as the Agency's growing scientific expertise with respect to all tobacco products. The August 2019 notice mentions FDA's application of existing criteria to deemed tobacco products to propose the addition of glycidol and ethylene glycol. Glycidol is a thermal byproduct of glycerol and a common component in e-liquids. Ethylene glycol, which has also been identified in e-liquids, adversely affects reproduction and development. The notice also stated that FDA would tentatively apply one additional criterion regarding whether a constituent should be included on the HPHC list: constituents identified by the National Institute for Occupational Safety and Health (NIOSH) as having adverse respiratory effects. The notice also proposed diethylene glycol (DEG) be added to the list due to it being a potential contaminant in either glycerol or propylene glycol. If ingested, DEG can cause kidney failure, neurological damage, and death.

When determining whether a constituent should be included on the established HPHC list, FDA considers whether there is evidence that the constituent meets established criteria, such as determinations from third-party scientific and public health organizations like NIOSH, the Environmental Protection Agency (EPA) or the Agency for Toxic Substances and Disease Registry (ATSDR). As part of the Centers for Disease Control and Prevention, NIOSH is the Federal agency responsible for conducting research and making science-based recommendations to prevent work-related illness and injuries, including those related to human health hazards and respiratory disease from inhalation exposures to toxicants. FDA has now finalized its previously tentative conclusion that constituents identified by NIOSH as respiratory toxicants will be an additional criterion that will be applied for determining whether a constituent should be included on the HPHC established list. The previously established criteria for determining whether a constituent should be included on the established HPHC list includes constituents identified by the EPA or ATSDR as having adverse respiratory or cardiac effects. Considering information from NIOSH in this regard is consistent with FDA's current practice of looking to other recognized, government experts such as EPA or ATSDR for their ability to identify constituents as having adverse respiratory or cardiac effects. As indicated by the original criteria (the April 2012 notice), FDA has previously considered this information from NIOSH when determining whether a constituent is harmful or potentially harmful by including constituents identified by NIOSH as a potential occupational carcinogen as a current criterion.

After review and consideration of the relevant comments received from the August 2019 notice, FDA is adding 18 of the 19 proposed constituents to the HPHC list. Although FDA proposed that ethyl acetoacetate be added to the list, based on it having been tentatively identified as a respiratory toxicant, FDA has determined that there is insufficient information to warrant its inclusion on the list at this time. FDA's determination is based on the fact that ethyl acetoacetate does not meet any of the criteria for adding constituents to the HPHC list, including that NIOSH has not identified it as having adverse respiratory effects. This determination may be revised, consistent with the directive in section 904(e) of the FD&C Act that FDA periodically revise the established list as appropriate. The list of the constituents added to the established HPHC list is in Table 1.[6]

TABLE 1—LIST OF THE ADDITIONAL CHEMICALS AND CHEMICAL COMPOUNDS IDENTIFIED BY FDA AS HARMFUL AND POTENTIALLY HARMFUL CONSTITUENTS IN TOBACCO PRODUCTS AND TOBACCO SMOKE

Constituent	Carcinogen (CA), respiratory toxicant (RT), reproductive or developmental toxicant (RDT), poisonous chemical (PC)
Acetic Acid	RT
Acetoin (also known as 3-hydroxy-2-butanone)	RT
Acetyl Propionyl (also known as 2,3-pentanedione)	RT
Benzyl Acetate	RT
Butyraldehyde	RT
Diacetyl	RT
Diethylene Glycol	PC

[4] ''Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke; Established List,'' 77 FR 20034 (April 3, 2012).

[5] ''Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke; Request for Comments,'' 76 FR 50226 (August 12, 2011).

[6] See Appendix A for complete HPHC established list.

TABLE 1—LIST OF THE ADDITIONAL CHEMICALS AND CHEMICAL COMPOUNDS IDENTIFIED BY FDA AS HARMFUL AND POTENTIALLY HARMFUL CONSTITUENTS IN TOBACCO PRODUCTS AND TOBACCO SMOKE—Continued

Constituent	Carcinogen (CA), respiratory toxicant (RT), reproductive or developmental toxicant (RDT), poisonous chemical (PC)
Ethyl Acetate	RT
Ethylene Glycol	RT, RDT
Furfural	RT
Glycerol	RT
Glycidol	CA
Isoamyl Acetate	RT
Isobutyl Acetate	RT
Methyl Acetate	RT
n-Butanol	RT
Propionic Acid	RT
Propylene Glycol	RT

III. Request for Comments and Information

Based on the August 2019 notice, FDA received several comments that suggested adding constituents to the established HPHC list beyond those proposed in the notice. FDA has statutory authority under section 904(e) of the FD&C Act and intends to continue to revise the established HPHC list as additional criteria are defined and additional scientific information becomes available. As a result of comments to the August 2019 notice, FDA is proposing to add three additional constituents to the established list and requests comments on the three proposed additions: pulegone, furfuryl alcohol, and methyl eugenol. These constituents are often added to e-liquid formulations as flavors, but may also be present in other tobacco products, such as cigarettes and smokeless tobacco. FDA has tentatively concluded that these three constituents meet the criteria used in determining whether a constituent is harmful or potentially harmful and should be included on the HPHC established list, unless other scientific information obtained by or submitted to the Agency shows that the constituent is not, in fact, harmful or potentially harmful.

IV. Identification of HPHCs Is an Ongoing Effort

FDA continues to review relevant science to determine whether to add additional constituents to the list. That a constituent has not been so identified by FDA or other entities could be because it does not currently meet established criteria, it has not been adequately studied, or it has not yet been systematically reviewed. Consistent with the obligations under section 904(e) of the FD&C Act, FDA intends to continue: (1) our efforts to review other disease outcomes to assess whether additional chemicals or chemical compounds in tobacco products or tobacco smoke, including chemicals or chemical compounds in the emissions from the range of tobacco products now deemed to be subject to chapter IX of the FD&C Act, are harmful or potentially harmful constituents that contribute to the risk of other diseases; (2) our consideration of whether additional or different criteria should be selected to help identify other classes of harmful or potentially harmful chemicals and chemical compounds for inclusion on the HPHC established list and whether individual constituents should be added; and (3) our efforts to review new information to determine if it would be appropriate to remove one or more of the constituents that appear on the HPHC established list, or to add additional constituents to the list.

APPENDIX A—ESTABLISHED LIST OF THE CHEMICALS AND CHEMICAL COMPOUNDS IDENTIFIED BY FDA AS HARMFUL AND POTENTIALLY HARMFUL CONSTITUENTS IN TOBACCO PRODUCTS AND TOBACCO SMOKE

Constituent	Carcinogen (CA), respiratory toxicant (RT), cardiovascular toxicant (CT), reproductive or developmental toxicant (RDT), addictive (AD), poisonous chemical (PC), banned in food (in smokeless tobacco products)
Acetaldehyde	CA, RT, AD
Acetamide	CA
Acetic Acid	RT
Acetoin (also known as 3-hydroxy-2-butanone)	RT
Acetone	RT
Acetyl Propionyl (also known as 2,3-pentanedione)	RT
Acrolein	RT, CT
Acrylamide	CA
Acrylonitrile	CA, RT
Aflatoxin B1	CA
4-Aminobiphenyl	CA
1-Aminonaphthalene	CA
2-Aminonaphthalene	CA
Ammonia	RT
Anabasine	AD
o-Anisidine	CA
Arsenic	CA, CT, RDT

APPENDIX A—ESTABLISHED LIST OF THE CHEMICALS AND CHEMICAL COMPOUNDS IDENTIFIED BY FDA AS HARMFUL AND POTENTIALLY HARMFUL CONSTITUENTS IN TOBACCO PRODUCTS AND TOBACCO SMOKE—Continued

Constituent	Carcinogen (CA), respiratory toxicant (RT), cardiovascular toxicant (CT), reproductive or developmental toxicant (RDT), addictive (AD), poisonous chemical (PC), banned in food (in smokeless tobacco products)
A-α-C (2-Amino-9*H*-pyrido[2,3-*b*]indole)	CA
Benz[*a*]anthracene	CA, CT
Benz[*j*]aceanthrylene	CA
Benzene	CA, CT, RDT
Benzo[*b*]fluoranthene	CA, CT
Benzo[*k*]fluoranthene	CA, CT
Benzo[*b*]furan	CA
Benzo[*a*]pyrene	CA
Benzo[*c*]phenanthrene	CA
Benzyl Acetate	RT
Beryllium	CA
1,3-Butadiene	CA, RT, RDT
Butyraldehyde	RT
Cadmium	CA, RT, RDT
Caffeic acid	CA
Carbon monoxide	RDT
Catechol	CA
Chlorinated dioxins/furans	CA, RDT
Chromium	CA, RT, RDT
Chrysene	CA, CT
Cobalt	CA, CT
Coumarin	Banned in food
Cresols (o-, m-, and p-cresol)	CA, RT
Crotonaldehyde	CA
Cyclopenta[*c,d*]pyrene	CA
Diacetyl	RT
Dibenz[*a,h*]anthracene	CA
Dibenzo[*a,e*]pyrene	CA
Dibenzo[*a,h*]pyrene	CA
Dibenzo[*a,i*]pyrene	CA
Dibenzo[*a,l*]pyrene	CA
Diethylene Glycol	PC
2,6-Dimethylaniline	CA
Ethyl Acetate	RT
Ethyl carbamate (urethane)	CA, RDT
Ethylbenzene	CA
Ethylene Glycol	RT, RDT
Ethylene oxide	CA, RT, RDT
Formaldehyde	CA, RT
Furan	CA
Furfural	RT
Glu-P–1 (2-Amino-6-methyldipyrido[1,2-*a*:3′,2′-*d*]imidazole)	CA
Glu-P–2 (2-Aminodipyrido[1,2-*a*:3′,2′-*d*]imidazole)	CA
Glycerol	RT
Glycidol	CA
Hydrazine	CA, RT
Hydrogen cyanide	RT, CT
Indeno[*1,2,3-cd*]pyrene	CA
IQ (2-Amino-3-methylimidazo[4,5-*f*]quinoline)	CA
Isoamyl Acetate	RT
Isobutyl Acetate	RT
Isoprene	CA
Lead	CA, CT, RDT
MeA-α-C (2-Amino-3-methyl)-9*H*-pyrido[2,3-*b*]indole)	CA
Mercury	CA, RDT
Methyl Acetate	RT
Methyl Ethyl Ketone	RT
5-Methylchrysene	CA
4-(Methylnitrosamino)-1-(3-pyridyl)-1-butanone (NNK)	CA
Naphthalene	CA, RT
n-Butanol	RT
Nickel	CA, RT
Nicotine	RDT, AD
Nitrobenzene	CA, RT, RDT
Nitromethane	CA
2-Nitropropane	CA

APPENDIX A—ESTABLISHED LIST OF THE CHEMICALS AND CHEMICAL COMPOUNDS IDENTIFIED BY FDA AS HARMFUL AND POTENTIALLY HARMFUL CONSTITUENTS IN TOBACCO PRODUCTS AND TOBACCO SMOKE—Continued

Constituent	Carcinogen (CA), respiratory toxicant (RT), cardiovascular toxicant (CT), reproductive or developmental toxicant (RDT), addictive (AD), poisonous chemical (PC), banned in food (in smokeless tobacco products)
N-Nitrosodiethanolamine (NDELA)	CA
N-Nitrosodiethylamine	CA
N-Nitrosodimethylamine (NDMA)	CA
N-Nitrosomethylethylamine	CA
N-Nitrosomorpholine (NMOR)	CA
N-Nitrosonornicotine (NNN)	CA
N-Nitrosopiperidine (NPIP)	CA
N-Nitrosopyrrolidine (NPYR)	CA
N-Nitrososarcosine (NSAR)	CA
Nornicotine	AD
Phenol	RT, CT
PhIP (2-Amino-1-methyl-6-phenylimidazo[4,5-*b*]pyridine)	CA
Polonium-210	CA
Propionic Acid	RT
Propionaldehyde	RT, CT
Propylene Glycol	RT
Propylene oxide	CA, RT
Quinoline	CA
Selenium	RT
Styrene	CA
o-Toluidine	CA
Toluene	RT, RDT
Trp-P–1 (3-Amino-1,4-dimethyl-5*H*-pyrido[4,3-*b*]indole)	CA
Trp-P–2 (1-Methyl-3-amino-5*H*-pyrido[4,3-*b*]indole)	CA
Uranium-235	CA, RT
Uranium-238	CA, RT
Vinyl acetate	CA, RT
Vinyl chloride	CA

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–07910 Filed 4–22–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Funding Extension for the Rural Communities Opioid Response Program—Behavioral Health Care Technical Assistance

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of funding extension.

SUMMARY: The Rural Communities Opioid Response Program—Behavioral Health Care Technical Assistance (RCORP–TA) strengthens, through technical assistance, rural organizations' capacity to develop multi-sector consortia that can plan, implement, and sustain programs that improve access to and quality of behavioral health care services, including substance use disorder/opioid use disorder services. This funded extension extends RCORP–TA's one cooperative agreement award recipient from cohort fiscal year 2022, HRSA–22–064, for a one-time 1-year period (September 1, 2026, through August 31, 2027). The current recipient, JBS International, Inc (U6BRH32364) was funded for a 4-year period of performance (September 1, 2022, through August 31, 2026).

FOR FURTHER INFORMATION CONTACT: Jillian Causey, Deputy Director, Rural Strategic Initiatives Division, Federal Office of Rural Health Policy, HRSA, at *jcausey@hrsa.gov* and (301) 443–1493.

SUPPLEMENTARY INFORMATION:

Intended Recipient(s) of the Award: 1 Rural Communities Opioid Response Program—Behavioral Health Care Technical Assistance award.

Amount of Non-Competitive Award: $10,000,000.

Project Period: September 1, 2026, to August 31, 2027.

Assistance Listing Number: 93.912.

Award Instrument: Cooperative Agreement.

Authority: Section 711(b)(5) of the Social Security Act (42 U.S.C. 912(b)(5)).

TABLE 1—RECIPIENT(S) AND AWARD AMOUNT(S)

Grant No.	Award recipient name	City, state	Award amount
U6BRH32364	JBS International, Inc	North Bethesda, MD	$10,000,000

Justification: This funding provides a one-time 1-year extension of funding to Rural Communities Opioid Response Program—Behavioral Health Care Technical Assistance award recipient with a budget period of September 1,

2026–August 31, 2027. This extension will allow JBS International, Inc. to build on past and ongoing technical assistance provided to HRSA grant-recipients, providing subject matter expertise to help improve access and quality of behavioral health care services, including substance use disorder and opioid use disorder in rural communities. Project activities that are within their currently approved scope of work and will be extended for one budget period include trainings/webinars, coordination of peer networking and coaching opportunities, site visits, learning collaboratives, and the annual in-person grantee meeting.

Margaret. M. Bush,

Deputy Administrator.

[FR Doc. 2026–07876 Filed 4–22–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: June 9, 2026.

Closed: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Claude D. Pepper Building, 31 Center Drive, Bethesda, MD 20894.

Meeting Format: In-Person.

Contact Person: Charisee Lamar, Ph.D., M.P.H., R.R.T., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206–Q, Bethesda, MD 20892, 301–827–5517, *lamarc@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at *https://security.nih.gov/visitors/Pages/visitor-campus-access.aspx* for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 21, 2026.

Denise M. Santeufemio,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–07912 Filed 4–22–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, Training and Career Development: Behavioral Neuroscience, May 13, 2026, 09:00 a.m. to May 14, 2026, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on April 16, 2026, 91 FR 20473, Doc. No. 2026–07338.

This meeting is being amended to change the Panel Name from Training and Career Development: Behavioral Neuroscience to Training and Career Development Review. The meeting is closed to the public.

Dated: April 21, 2026.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–07978 Filed 4–22–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Therapeutics and Mammalian Models in Cancer.

Date: May 28, 2026.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Maureen Shuh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4097, *maureen.shuh@nih.gov*.

Name of Committee: Cell Biology Integrated Review Group; Cellular Signaling and Regulatory Systems Study Section.

Date: June 2, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jimok Kim, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–6918, *jimok.kim@nih.gov*.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neuroscience of Basic Visual Processes Study Section.

Date: June 4, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Kirk Thompson, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, *kgt@mail.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel Combined Cardiovascular Biology and Hematology.

Date: June 11, 2026.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–435–1206, *komissar@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 21, 2026.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–07977 Filed 4–22–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Open Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website at *https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council*.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: June 9, 2026.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Claude D. Pepper Building, 31 Center Drive, Bethesda, MD 20894.

Meeting Format: In-Person.

Contact Person: Charisee Lamar, Ph.D., M.P.H., R.R.T., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206–Q, Bethesda, MD 20892, 301–827–5517, *lamarc@mail.nih.gov*.

Registration is not required to attend the open portion of this meeting.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of an organization may submit a letter of intent, a brief description of the organization represented and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at *https://security.nih.gov/visitors/Pages/visitor-campus-access.aspx* for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 21, 2026.

Denise M. Santeufemio,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–07911 Filed 4–22–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Approval From OMB of One New Public Collection of Information: Insider Threat Incident Reporting Tool

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on a new Information Collection Request (ICR) abstracted below that we will submit to the Office of Management and Budget (OMB) for approval in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of details by the public, concerning potential insider threats, as well as any pertinent information regarding the person(s) involved in the reported event.

DATES: Send your comments by June 22, 2026.

ADDRESSES: Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Information Technology, TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *https://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Under the Aviation and Transportation Security Act, TSA is responsible for security in all modes of transportation, including screening operations for passenger air transportation and for carrying out such other duties it considers appropriate relating to transportation security.[1] Under DHS Instruction 262–05–002, ''*Information Sharing and Safeguarding: Insider Threat Program,*'' issued on October 1, 2019, DHS established requirements, standards, and assigned responsibilities for DHS agencies to implement an insider threat detection and prevention program. This documents also defines ''Insider Threat'' and ''Insider.'' An ''insider'' is any person who has or who had authorized access to any DHS facility, information, equipment, network, or system. An ''Insider Threat'' is defined as the threat that an insider will use his or her authorized access, wittingly or unwittingly, to do harm to the Department's mission, resources, personnel, facilities, information, equipment, networks, or systems.

TSA created the Insider Threat Program in compliance with the DHS Instruction's requirements for DHS components. The program's purpose is to detect, deter, and mitigate threats that an individual with authorized access to sensitive areas and/or information, wittingly or unwittingly misuse or allow others to misuse this access to exploit vulnerabilities in an effort to compromise security, facilitate criminal activity, terrorism, or other illicit actions that inflict harm to people, organizations, the transportation system, or national security, including transportation sector personnel, operations, information, systems and critical infrastructure. The program operates as a partnership among TSA, aviation, mass transit, and maritime sectors, as well as with state and local law enforcement.

To ensure consistency with the directive, TSA created the Insider Threat Reporting Tool, which collects information on potential insider threats. TSA is requesting OMB's approval of the Insider Threat Incident Reporting Tool as a Common Form to permit Federal agency users beyond the agency that created the form (*e.g.,* DHS or U.S. Office of Personnel Management) to streamline the information collection process in coordination with OMB.

Purpose and Description of Data Collection

The Insider Threat Incident Reporting Tool is an online application where the public can submit inquiries regarding potential insider threats by providing personal information and other specific data regarding the person or situation deemed to be an insider threat. TSA uses the information collected to review the potential insider threats and to determine if further evaluation and follow-up is necessary. The collection may include individual personal information and/or appearance, and the details surrounding the situation alleged to be the potential insider threat. TSA requires submitters to attest that all information submitted is true.

The likely respondents to this proposed information collection are any person who has or who had authorized access to any DHS facility, information, equipment, network, or system, including individuals detailed or assigned to DHS. TSA estimates that an average of approximately 312 respondents will be completing the Insider Threat Incident Reporting Tool annually. TSA estimates that it takes approximately 10 minutes (0.16667 hours) to complete and submit the report, resulting in the annual burden of 52 hours.

Use of Results

TSA Insider Threat Reporting Tool will use the reported information to detect, prevent and mitigate threats. In compliance with the Government Paperwork Elimination Act, the collection uses an online web tool, available at *https://www.tsa.gov/travel/insider-threat.* All submissions are sent through a secure TSA internal network drive accessible only by authorized personnel. TSA will protect the information in accordance with DHS Directive 262–05–002.

Dated: April 20, 2026.

Christina A. Walsh,

Paperwork Reduction Act Officer, Information Technology, Transportation Security Administration.

[FR Doc. 2026–07857 Filed 4–22–26; 8:45 am]

BILLING CODE 9110–05–P

[1] *See* sec. 101(a) of the Aviation and Transportation Security Act, Public Law 107–71 (115 Stat. 597–598, Nov. 19, 2001), as codified at 49 U.S.C. 114(d) and (f). *See also* Memorandum, *Expanding the Scope of the Department of Homeland Security Insider Threat Program* (submitted Dec. 7, 2016, approved Jan. 3, 2017); Presidential Memorandum, *National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs* (Nov. 21, 2012); Executive Order 13587, *Structural Reforms To Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information,* 76 FR 63811 (October 7, 2011).

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2025–0672; FXIA16710900000–267–FF09A30000]

Foreign Endangered Species; Receipt of Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), invite the public to comment on an application to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by May 26, 2026.

To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES:

Obtaining Documents: The application, application supporting materials, and any comments and other materials that we receive will be available for public inspection at *https://www.regulations.gov* in Docket No. FWS–HQ–IA–2025–0672.

Submitting Comments: All submissions must include the docket number FWS–HQ–IA–2025–0672 for this document. You must submit comments using one of the following methods:

- *Internet: https://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2025–0672.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2025–0672; U.S. Fish and Wildlife

Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Timothy MacDonald, by phone at 703–358–2185 or via email at *DMAFR@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on this application. Before issuing the requested permit, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *https://www.regulations.gov* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Application

We invite comments on the following application.

Applicant: Atlanta-Fulton County Zoo dba Zoo Atlanta, Atlanta, GA; Permit No. PER22760642

The applicant requests a permit to import one male and one female captive-bred giant panda (*Ailuropoda melanoleuca*) from the Chengdu Research Base of Giant Panda Breeding, Sichuan, the People's Republic of China, for the purpose of enhancing the propagation or survival of the species. This notification is for a single import.

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to the applicant listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *https://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to *https://www.regulations.gov* and search for ''12345A''.

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Scott Carleton,

Acting Branch Manager, Branch of Permits, Division of Management Authority.

[FR Doc. 2026–07929 Filed 4–22–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[267A2100DD/AAKC001030/A0A501010.000000]

Notice of Public Meeting of the Advisory Board for Exceptional Children

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA) of 1972, the Bureau of Indian Education (BIE) is publishing this notice to announce that the Advisory Board for Exceptional Children (Advisory Board) will hold a two-day in-person and virtual meeting. The purpose of the meeting is to meet the mandates of the Individuals with Disabilities Education Act of 2004 (IDEA) for Indian children with disabilities.

DATES: The BIE Advisory Board meeting will be held Thursday, April 30, 2026, from 12:30 p.m. to 4:00 p.m., Mountain Daylight Time (MDT) and Friday, May 1, 2026, from 8:00 a.m. to 4:00 p.m. (MDT).

ADDRESSES: The Advisory Board meetings will be conducted in-person and online. The onsite meeting location will be located at the National Indian

Programs Training Center, 1011 Indian School Rd. NW, Albuquerque, NM 87104. To attend virtually, participants may use this link to register: *https://www.zoomgov.com/meeting/register/ADahVSYgQm2KnSdJZPOmtg.*

Attendees register once and can attend one or both meeting events. After registering, you will receive a confirmation email containing information about joining the meeting.

Comments: Public comments can be emailed to the Designated Federal Officer (DFO), Jennifer Davis, at *Jennifer.Davis@bie.edu;* or faxed to (602) 265–0293 Attention: Jennifer Davis, DFO; or mailed or hand delivered to the Bureau of Indian Education, Attention: Jennifer Davis, DFO, 2600 N Central Ave., 12th floor, Suite 250, Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT: Jennifer Davis, Designated Federal Officer, Bureau of Indian Education, 2600 N Central Ave., 12th floor, Suite 250, Phoenix, AZ 85004; *Jennifer.Davis@bie.edu;* or (202) 860–7845. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the FACA of 1972 (5 U.S.C. Ch. 10), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR part 102–3. The Advisory Board was established under the Individuals with Disabilities Act of 2004 (20 U.S.C. 1400 *et seq.*) to advise the Secretary of the Interior, through the Assistant Secretary—Indian Affairs, on the needs of Indian children with disabilities. All meetings, including virtual sessions, are open to the public in their entirety.

Prior to the start of the public meeting on April 30, 2026, the Advisory Board members will be provided with an orientation and Department of the Interior Ethics Training from 8:00 a.m. to 11:00 a.m. (MDT). This presentation is for Advisory Board members only.

Meeting Agenda Items

The following agenda items will be for the April 30, 2026, and May 1, 2026, meetings:

- On April 30, 2026, at 12:30 p.m. (MDT), the BIE Advisory Board meeting will begin, and the agenda is as follows:
  - Roll call, new business, and old business.
  - The Sovereignty in Indian Education Office will provide Special Education, Part C, Early Childhood Program information regarding trends, strengths and challenges.
  - The BIE's Division of Performance and Accountability will provide BIE Special Education updates about: Special Education Handbook rollout update and the FFY 2024 SPP/APR Update and participant input. In conclusion, the Advisory Board will be provided work time, and there will be one public comment session provided.
- On May 1, 2026, at 8:00 a.m. (MDT) the BIE Advisory Board meeting will begin, and the agenda is as follows:
  - Roll call, new business, and old business.
  - The Advisory Board will be provided with time to work on priorities and the next meeting logistics.
- Opportunities to provide public comment will be offered on Thursday, April 30, 2026, from 2:00 p.m.to 2:15 p.m. (MDT) and Friday, May 1, 2026, from 9:45 a.m. to 4:00 p.m. (MDT).
  - Public comments can be provided verbally via webinar or in writing using the chat box. Please use the online access codes as listed below.

Public comments can also be emailed to the DFO (see **FOR FURTHER INFORMATION CONTACT**).

Request for Accommodations: Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. Please contact the person listed in the section (see **FOR FURTHER INFORMATION CONTACT**) at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Ch. 10.

William Henry Kirkland, III,

Assistant Secretary—Indian Affairs.

[FR Doc. 2026–07856 Filed 4–22–26; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7104; NPS–WASO–NAGPRA–NPS0042663; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Thornton W. Burgess Society, East Sandwich, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Thornton W. Burgess Society intends to repatriate a certain cultural item that meets the definition of a sacred object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after May 26, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Stephen Miles Uzzo, Thornton W. Burges Society, 6 Discovery Hill Road, East Sandwich, MA 02537, email *suzzo@ccmnh.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Thornton W. Burgess Society, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation in this notice. The one sacred object is *Kapa (Tapa).* It is recorded as probably of Pacific Island origin which came to the Thornton W. Burgess Society in 1983. The item was part of a donation from the collections of Alfred E. Hoxie of East Sandwich and were donated to the Society by his daughter.

Determinations

The Thornton W. Burgess Society has determined that:

- The one sacred object described in this notice is a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant,

Indian Tribe, or Native Hawaiian organization.

• There is a connection between the cultural item described in this notice and the Hui Iwi Kuamoʻo.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the Thornton W. Burgess Society must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Thornton W. Burgess Society is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 17, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07954 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7094; NPS–WASO–NAGPRA–NPS0042625; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Mesa Verde National Park, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), U.S. Department of the Interior, National Park Service, Mesa Verde National Park has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after May 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Kathryn Cook Collins, Mesa Verde National Park, P.O. Box 8, Mesa Verde National Park, CO 81330, email *kayci_cook@nps.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Mesa Verde National Park, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records.

Abstract of Information Available

Human remains representing, at least, one individual has been identified. No associated funerary objects are present. The individual, represented by two long strands of human hair cordage and two corn husks with human hair matting came from the Canyon Diablo, Arizona area in 1900, was donated by a private individual to Mesa Verde National Park in 1963. Each item is identified in the catalog record as belonging to the Hopi. There is no known lineal descendant. There is no record or evidence of treatment with a hazardous substance.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

Mesa Verde National Park has determined that:

• The human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• There is a connection between the human remains described in this notice and the Hopi Tribe of Arizona.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, Mesa Verde National Park must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Mesa Verde National Park is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07943 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7107; NPS–WASO–NAGPRA–NPS0042667; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Yale Peabody Museum, Yale University, New Haven, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Yale Peabody Museum, Yale University, intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 26, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Professor Erika Edwards, Interim Director, Yale Peabody Museum, P.O. Box 208118, New Haven, CT 06520–8118, email *erika.edwards@yale.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the

National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Yale Peabody Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of eight cultural items have been requested for repatriation.

A total of one unassociated funerary object is one lot of commingled items that are quartz and soapstone fragments, unmodified faunal remains, and a clay pipe stem. The cultural items were removed from the Tubbs Site in Niantic, Connecticut, during a Yale University archaeological field school at an adjacent site in 1946, with the permission of landowner Chapin Hubbell. Yale faculty and curators donated the collection to the Peabody Museum on March 24, 1946.

A total of four unassociated funerary objects are one lot of ceramic vessel fragments, one lot of clay pipe fragments, one lot of stone items, and one lot of faunal remains that were removed from the Tubbs Site between 1932 and 1934 by Edward H. Rogers. Rogers donated the items to the Peabody Museum on December 1, 1960.

A total of three unassociated funerary objects are one lot of ceramic vessel fragments, one lot of clay pipe fragments, and one lot of commingled and assorted items were also removed by Rogers from the Tubbs Site. Rogers removed the collections between 1932 and 1935 and donated the items to the Peabody Museum on January 15, 1970.

Determinations

The Yale Peabody Museum has determined that:

- The eight unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Mashantucket Pequot Indian Tribe and the Mohegan Tribe of Indians of Connecticut.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the Yale Peabody Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Yale Peabody Museum is responsible for sending a copy of this notice to the Indian Tribes identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 17, 2026,

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07957 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7108; NPS–WASO–NAGPRA–NPS0042668; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Yale Peabody Museum, Yale University, New Haven, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Yale Peabody Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after May 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Professor Erika Edwards, Interim Director, Yale Peabody Museum, P.O. Box 208118, New Haven, CT 06520–8118, email *erika.edwards@yale.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Yale Peabody Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, five individuals have been identified. No associated funerary objects are present. The collection was donated to the Yale Peabody Museum on February 9, 1899, by Gertrude McCurdy Lord Griffin on behalf of her husband, Dr. Edward Dorr Griffin. Peabody Museum records indicate that Dr. Griffin collected the remains; however, an exact provenience beyond Old Lyme, Connecticut, where the Griffins resided, was not recorded.

Human remains representing, at least, two individuals have been identified. The four associated funerary objects are one quartz projectile fragment, one lot of faunal remains, one bird bone whistle, and one polished stone ax. The collection was excavated from the Old Lyme Site, an extensive shell heap, in Old Lyme, Connecticut, by George A. Jackson, representing the Yale University Department of Anthropology and Yale Peabody Museum summer archaeology field expedition of 1939. The collection was received at the Peabody Museum on July 1, 1939.

Human remains representing, at least, two individuals have been identified. The 11 associated funerary objects are five quartz projectile points, one lot of quartz projectile rejects, one projectile fragment, one bone (faunal) projectile point, two antler tines, and one ceramic pottery fragment. The collection was excavated from the Old Lyme Site during a second field season in 1940, by Alexis A. Praus, and additional students from the Yale University Department of

Anthropology and Yale Peabody Museum. The collection was received at the Peabody Museum on September 20, 1941.

Human remains representing, at least, one individual have been identified. The five associated funerary objects are one lot of incised ceramic pottery fragments, one lot of quartz chips, one lot of charcoal, one lot of food (faunal) refuse, and one lot of comingled and assorted pottery, stone chips, charcoal, and bone (faunal) fragments. Collections removed from the Clark Site, private farmland in Niantic, Connecticut, situated off Smith's Cove and the Niantic River, were excavated in 1946 by Byron Clark, landowner, and Chapin Hubbell, a member of the Archaeological Society of Connecticut. Excavations were also supported by the Yale University Department of Anthropology and Yale Peabody Museum. The collection removed from the Clark Site in 1946, was received at the Peabody Museum on March 24, 1946.

Human remains representing, at least, one individual have been identified. The three associated funerary objects are two ceramic pottery fragments and one lot of ceramic pottery fragments. A subsequent field season at the Clark Site in 1947 was supported by the Yale University Department of Anthropology, Yale Peabody Museum, and Archaeological Society of Connecticut. The collection was donated to the Peabody Museum on March 15, 1947.

Human remains representing, at least, five individuals have been identified. The one associated funerary object is a quartz pecking stone. Beginning in 1907, the collection was removed from the South Woodstock Site, South Woodstock, Connecticut, over several decades by landowner, Arthur Basto. In cooperation with Basto, between August and September 1940, the Yale University Department of Anthropology and Yale Peabody Museum field school also removed collections from the South Woodstock Site. The field school collections were donated to the Peabody Museum on September 20, 1940, while Basto donated his collections on April 26, 1947.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The Yale Peabody Museum has determined that:

- The human remains described in this notice represent the physical remains of 16 individuals of Native American ancestry.
- The 24 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Mashantucket Pequot Indian Tribe and the Mohegan Tribe of Indians of Connecticut.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the Yale Peabody Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Yale Peabody Museum is responsible for sending a copy of this notice to the Indian Tribes identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 17, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07958 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7092; NPS–WASO–NAGPRA–NPS0042621; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Brooklyn Museum, Brooklyn, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Brooklyn Museum intends to repatriate a certain cultural item that meets the definition of an unassociated funerary object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after May 26, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Dare Turner, Brooklyn Museum, 200 Eastern Parkway, Brooklyn, NY 11238–6052, email *dare.turner@brooklynmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Brooklyn Museum and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is a steatite manta ray effigy with Olivella shell inlays. The item was acquired by Alistair Martin of New York in 1951 from an unknown source. Martin donated the item to the Brooklyn Museum in 1977. Museum records and archaeological and anthropological scholarship identify the item as Chumash in origin. This cultural affiliation was confirmed through Tribal consultation and traditional knowledge.

There is no specific record of hazardous substances used in the treatment of the unassociated funerary object. However, the Brooklyn Museum has historically used pesticides containing arsenic and heavy metals on other collections and in collection spaces.

Determinations

The Brooklyn Museum has determined that:

- The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the Brooklyn Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Brooklyn Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07941 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7097; NPS–WASO–NAGPRA–NPS0042630; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Martha's Vineyard Museum, Vineyard Haven, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Martha's Vineyard Museum (formerly Dukes County Historical Society) intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 26, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Anna Barber, Martha's Vineyard Museum, 151 Lagoon Pond Road, Vineyard Haven, MA 02568, email *abarber@mvmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Martha's Vineyard Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of three cultural items have been requested for repatriation. The three sacred objects are a canoe, a grass skirt and tapa cloth, and a poi pounder. The canoe and poi pounder were donated by Elmer J. Bliss who had acquired them in Hawaii and brought them to Martha's Vineyard before donating them to the Museum in 1941. The grass skirt and tapa cloth were brought to the Vineyard from Hawaii by whaler Manuel Norton c. 1870 before being donated to the Museum by Mrs. Arthur Vincent in 1956.

Determinations

The Martha's Vineyard Museum has determined that:

- The three sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Hui Iwi Kuamoʻo.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the Martha's Vineyard Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Martha's Vineyard Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07946 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7102; NPS–WASO–NAGPRA–NPS0042661; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: San Bernardino County Museum, Redlands, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), San Bernardino County Museum intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 26, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Gabrielle Carpentier, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, email *gabrielle.carpentier@sbcm.sbcounty.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of San Bernardino County Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 14 cultural items have been requested for repatriation.

The eight lots of objects of cultural patrimony are one lot of shell beads, one lot of ceramic disc, one lot of ceramic sherds, one lot of spindle whorl, one lot of lithics, one lot of unworked faunal bone, one lot of stone, one lot of ground stone. CA–SBR–00216 (SBCM–126), Coyote Holes Cyn, Coyote Well was recorded December 30, 1962 by P. Chace. Objects were also recorded on July 2, 1991 by Kenneth Becker and Juanita Shinn.

The one lot of objects of cultural patrimony are lithics. CA–SBR–02379 (SBCM–1971), Montgomery Peak #2 (R–2); UCRARU #74; #1A–1B, was collected by D. Decker. These objects of cultural patrimony were recorded in April 1973.

The one lot of objects of cultural patrimony are lithics. CA–SBR–03429 (SBCM–4074), Joshua Tree-N., was recorded in 1980 by Gerald Smith and Mike Quinn.

The two lots of objects of cultural patrimony are one lot of lithics and one lot of ground stone. CA–SBR–04851 (SBCM–5053), Bankus 1, was collected by Allen E. Bankus and M.K. Lerch. Objects were recorded on November 29, 1981.

The one lot of objects of cultural patrimony are faunal bone. CA–SBR–04852 (SBCM–5054), Bankus 2, was collected by Allen E. Bankus and M.K. Lerch. Objects were recorded on November 29, 1981.

The one lot of objects of cultural patrimony are lithics. CA–SBR–04854 (SBCM–5056), Bankus 4, was collected by Allen E. Bankus and M.K. Lerch. Objects were recorded on November 29, 1981.

Determinations

San Bernardino County Museum has determined that:

- The 14 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Morongo Band of Mission Indians, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, San Bernardino County Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. San Bernardino County Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 17, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07952 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7096; NPS–WASO–NAGPRA–NPS0042629; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the American Museum of Natural History (AMNH) intends to repatriate a certain cultural item that meets the definition of an unassociated funerary object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after May 26, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Nell Murphy, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, email *nmurphy@amnh.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the American Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is a ceramic vessel. Charles R. Olberg removed this vessel from the Coachella Valley, Riverside County, California at an unknown time and sold it to the Museum of the American Indian, Heye Foundation in 1917. The AMNH accessioned the vessel in 1919 when it was acquired through exchange.

While it no longer does so, in the past, the Museum applied potentially

hazardous pesticides to items in the collections. Museum records do not list specific objects treated or which of several chemicals used were applied to a particular item. Therefore, those handling this material should follow the advice of industrial hygienists or medical personnel with specialized training in occupational health or with potentially hazardous substances.

Determinations

The American Museum of Natural History has determined that:

- The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Reservation, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the American Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The American Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07945 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7103; NPS–WASO–NAGPRA–NPS0042662; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Michigan, Ann Arbor, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Michigan has completed an inventory of human remains (hereinafter referred to as ''Ancestral remains'' or ''Ancestors'') and associated funerary objects and has determined that there is a cultural affiliation between the Ancestral remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the Ancestral remains and associated funerary objects in this notice may occur on or after May 26, 2026.

ADDRESSES: Send written requests for repatriation of the Ancestral remains and associated funerary objects in this notice to Dr. Ben Secunda, NAGPRA Office Managing Director, University of Michigan, Office of Research, Suite G269, Lane Hall, Ann Arbor, MI 48109–1274, email *bsecunda@umich.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Michigan, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Ancestral remains representing, at least, three individuals have been identified. The seven associated funerary objects are one lot of small silver crosses; one lot of thin silver brooches; one lot of silver ear bob; one lot of various archaeological materials; one lot of lithic flake; one lot of iron nails and nail fragments; one lot of unworked animal bone. The Ancestors and associated funerary objects were removed from the Herron site (20BE21) in Berrien County, Michigan, in June of 1958 as an inadvertent discovery made by the property owner. The site was subsequently excavated by faculty from the University of Michigan Museum of Anthropological Archaeology (UMMAA). Dating for the site is to the Late Historic A.D. 1820–1830 based on diagnostic artifacts.

Ancestral remains representing, at least, four individuals have been identified. The five associated funerary objects are one lot brass kettle with iron bail, one lot iron spoon, one lot brass hawk bells, one lot stone pipe, and one lot brooch fragments. The Ancestral remains and associated funerary objects were removed from the Logan site (20BE16) in Berrien County, Michigan, while excavating a cellar of a private residence, and were subsequently donated to the UMMAA in 1935. Dating for the site is to the Late Historic A.D. 1760–1820 based on diagnostic artifacts.

A total of one associated funerary object has been identified. The one associated funerary object is one lot brass bracelet. The bracelet was removed from the Niles site (20BE14), Berrien County, Michigan, prior to 1937 by the property owner and donated to UMMAA in 1937. Dating for the site is to the Historic A.D. 1610–1820 based on diagnostic artifacts.

The University of Michigan has no record of, nor do its officials have any knowledge of, any treatment of the Ancestral remains and associated funerary objects with pesticides, preservatives, or other substances that represent a potential hazard to the collections or to persons handling the collections.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the Ancestral remains and associated funerary objects described in this notice.

Determinations

The University of Michigan has determined that:

- The Ancestral remains described in this notice represent the physical

remains of seven individuals of Native American ancestry.

• The 13 objects described in this notice are reasonably believed to have been placed intentionally with or near individual Ancestral remains at the time of death or later as part of the death rite or ceremony.

• There is a connection between the Ancestral remains and associated funerary objects described in this notice and the Bay Mills Indian Community, Michigan; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-E-Be-Nash-She-Wish Band of Pottawatomi (previously listed as Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan); Nottawaseppi Huron Band of the Potawatomi, Michigan; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Saginaw Chippewa Indian Tribe of Michigan; and the Sault Ste. Marie Tribe of Chippewa Indians, Michigan.

Requests for Repatriation

Written requests for repatriation of the Ancestral remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice and, if joined to a request from one or more of the Indian Tribes, the Burt Lake Band of Ottawa and Chippewa Indians or Grand River Bands of Ottawa Indians, as non-federally recognized Indian groups.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the Ancestral remains and associated funerary objects described in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the University of Michigan must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the Ancestral remains and associated funerary objects are considered a single request and not competing requests. The University of Michigan is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 17, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07953 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7101; NPS–WASO–NAGPRA–NPS0042660; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Corps of Engineers, Tulsa District, Tulsa, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Tulsa District (USACE) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after May 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Jacqueline Rodgers, U.S. Army Corps of Engineers, Tulsa District, 2488 East 81st Street, Tulsa, OK 74137, email *jacqueline.rodgers@usace.army.mil.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the USACE, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual has been identified. The 32 associated funerary objects are four lots of baked clay, four lots of precontact ceramic sherds, five lots of chipped stone, five lots of faunal remains, one lot of iron objects, six lots of natural stone, four lots of ochre, and three lots of lithic points. In spring 1967, materials including human remains and funerary objects were recovered at site 41LR12 during an archaeological reconnaissance survey of Pat Mayse Lake in Lamar County, Texas. This site is a late precontact village that dates to A.D. 800–1500. The occupation date, material culture, and geographic location of the site are consistent with Caddo Nation cultural affiliation. Human remains and associated funerary objects from site 41LR12 were previously published in a Notice of Inventory Completion in the **Federal Register** on November 24, 1998 (63 FR 64970–64971). In 2026, USACE confirmed additional human remains and funerary objects are present in the collections from site 41LR12 that were not included in the 1998 Notice. No known hazardous substances were used to treat the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The USACE has determined that:

• The human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• The 32 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• There is a connection between the human remains and associated funerary objects described in this notice and the Caddo Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that

the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the USACE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The USACE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 17, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07951 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7099; NPS–WASO–NAGPRA–NPS0042632; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Field Museum, Chicago, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Field Museum has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after May 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to June Carpenter, NAGPRA Director, Field Museum, 1400 S Lake Shore Drive, Chicago, IL 60605, email *jcarpenter@fieldmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Field Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The human remains are hair clippings belonging to one individual, identified with the tribal designation ''Assiniboine'' (Field Museum catalog number 193211.6). Field Museum staff believe they were collected under the direction of Franz Boas and Frederick Ward Putnam for the 1893 World's Columbian Exposition in Chicago. The hair clippings were accessioned into the Field Museum's collection in 1939. No information regarding the individual's name, sex, age, or geographic location has been found. There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The Field Museum has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana and the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the Field Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Field Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07948 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7098; NPS–WASO–NAGPRA–NPS0042631; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Robert S. Peabody Institute of Archaeology, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Robert S. Peabody Institute of Archaeology has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after May 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Ryan Wheeler, Robert S. Peabody Institute of Archaeology, 180 Main Street, Andover, MA 01810, email *rwheeler@andover.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Robert S. Peabody Institute of Archaeology, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The

National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. No associated funerary objects are present. The human remains were removed from the Hagan Mound Group (11SC365) in Schuyler County, Illinois by Warren K. Moorehead as part of the Illinois Valley Survey during the 1920s. There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The Robert S. Peabody Institute of Archaeology has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Kickapoo Traditional Tribe of Texas; Little River Band of Ottawa Indians, Michigan; Match-E-Be-Nash-She-Wish Band of Pottawatomi (previously listed as Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan); Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Bois Forte Band (Nett Lake); Fond du Lac Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Omaha Tribe of Nebraska; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; The Osage Nation; Turtle Mountain Band of Chippewa Indians of North Dakota; and the Winnebago Tribe of Nebraska.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the Robert S. Peabody Institute of Archaeology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Robert S. Peabody Institute of Archaeology is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07947 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7074; NPS–WASO–NAGPRA–NPS0042658; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Nebraska State Museum, Lincoln, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Nebraska State Museum has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after May 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Taylor Ronquillo, University of Nebraska State Museum, 645 N 14th Street, Lincoln, NE 68588, email *Tronquillo2@unl.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Nebraska State Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least two individuals have been identified. No associated funerary objects are present.

Human remains that represent two MNI were removed from the valley of the Salt River near Mesa in Maricopa County, AZ by E.H. Murdock. In 2003, these remains were discovered on the front steps of Morrill Hall when staff opened the museum. With the remains was found two labels that said, ''These items found while emptying house'' and ''Prehistoric Hohokam Culture bones. Age 8-to-15 centuries. Grave between 3½ and 4 feet deep. Evacuated by E.H. Murdock, Phoenix''. The bone pieces were wired into five picture frames with no glass. The two MNI consist of two adult individuals of unknown sex. The human remains include: one mandible, two patella's, three fibulas, one sternum, 17 vertebrae, 65 hand elements, 21-foot elements, three ribs, one sacrum. There were no associated funerary objects found with the bones.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The University of Nebraska State Museum has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the University of Nebraska State Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The University of Nebraska State Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 21, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07965 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7105; NPS–WASO–NAGPRA–NPS0042664; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Florida Department of State, Tallahassee, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Florida Department of State has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after May 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Tea Kaplan, Florida Department of State, 2100 W Tennessee Street, Tallahassee, FL 32304, email *Tea.Kaplan@dos.fl.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Florida Department of State, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. Ancestral remains were transferred to the Department in 2018 by the Volusia County (District 7/24) Medical Examiner's Office under 872.05, Florida Statutes. The remains were discovered in a private residence in De Leon Springs, Volusia County, Florida. Information written in ink on the remains indicates that they were removed from an unidentified location in Jefferson County, New York on October 25th, 1931.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Florida Department of State has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Onondaga Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the Florida Department of State must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Florida Department of State is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 17, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07955 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7106; NPS–WASO–NAGPRA–NPS0042666; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Texas at San Antonio Center for Archaeological Research, San Antonio, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Texas at San Antonio Center for Archaeological Research (CAR) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after May 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Emily Moes, Center for

Archaeological Research, One UTSA Circle, San Antonio, TX 78249, email *emily.moes@utsa.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the CAR, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. The five associated funerary objects are four pot sherds and one projectile point. The remains and associated funerary objects were commingled in a box donated to CAR in 1979. No records or provenience information is known besides a note in the accession record that the contents originate from Georgia. The curation history prior to arriving at CAR is also unknown. Human remains represent one adult of unknown sex and an adolescent of unknown sex. Two stamped pot sherds are identified as a variety of Swift Creek (associated with the Woodland Period, 1000 BC—A.D. 900) and Savannah check stamp (associated with Middle Mississippian, A.D. 1200–1350). The presence of a Morrow Mountain (or similar) projectile point indicates a time period around 3000–1000 BC. No known hazardous substances were used to treat the remains or objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The CAR has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The five objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Alabama-Coushatta Tribe of Texas and The Muscogee (Creek) Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the CAR must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The CAR is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 17, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07956 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7093; NPS–WASO–NAGPRA–NPS0042622; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Garvies Point Museum and Preserve, Nassau County Department of Parks, Recreation and Museums, Glen Cove, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Garvies Point Museum and Preserve, Nassau County Department of Parks, Recreation and Museums (Garvies Point Museum and Preserve) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after May 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Veronica Natale, Museum Director, Garvies Point Museum and Preserve, 50 Barry Drive, Glen Cove, NY 11542, email *vnatale@nassaucountyny.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Garvies Point Museum and Preserve and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. There are 16 teeth in a fragmented maxilla, eight teeth in a section of mandible, and seven teeth stored in a vial from Ocean County, New Jersey. They were donated to the museum by Columbia University in 1970.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The Garvies Point Museum and Preserve has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Delaware Nation, Oklahoma and the Delaware Tribe of Indians.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the Garvies Point Museum and Preserve must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Garvies Point Museum and Preserve is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07942 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7100; NPS–WASO–NAGPRA–NPS0042659; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Indiana University, Bloomington, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Indiana University has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after May 26, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Jayne-Leigh Thomas, Indiana University, Office of the Native American Graves Protection and Repatriation Act, Student Building 318, 701 E. Kirkwood Avenue, Bloomington, IN 47405, email *thomajay@iu.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Indiana University and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 17 individuals and 13 associated funerary objects from various sites in Kentucky have been identified.

There is one lot of beads from an unknown location in Graves County, Kentucky.

There are five associated funerary objects (one lot of ceramics, one lot of worked shell, one lot of lithics, one lot of faunal bone and one lot of worked bone) excavated an unknown location named 'Rockshelter' in 1931 in Russell County, Kentucky.

There are nine individuals and two associated funerary objects (one lot of worked bone, one lot of faunal bones) from an unknown site in Kentucky. This collection was donated to IU from Dr. C.C. Kennedy of Ohio State University on an unknown date.

There is one individual and one associated funerary object (one lot faunal bone) found in 1946 from the Nugent Farm site in Henderson County, Kentucky.

There are three associated funerary objects (one lot shell, one lot copper, one lot fiber) from an unknown location in Kentucky that was donated as a part of the Plank Collection to IU.

There is one individual and one lot of lithics from an unknown site near Leavenworth, Kentucky. This collection was received in 1989.

There are five individuals from unknown locations in Daviess and Henderson Counties, Kentucky. These were donated to IU in 1999 by George Martin.

There is one individual from an unknown site labeled 'Rockshelter' in Christian County, Kentucky.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

Indiana University has determined that:

- The human remains described in this notice represent the physical remains of 17 individuals of Native American ancestry.
- The 13 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Miami Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Quapaw Nation; Shawnee Tribe; The Osage Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, Indiana University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. Indiana University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 17, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07950 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7095; NPS–WASO–NAGPRA–NPS0042626; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Denver Museum of Nature & Science (DMNS) intends to repatriate certain cultural items that meet the definition of sacred objects/objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 26, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Michele Koons, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205–5798, email *Michele.Koons@dmns.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the DMNS, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two sacred objects/objects of cultural patrimony are one kukui hele pō (stone lamp) and one 'umeke lā'au (wood bowl). The kukui hele pō (stone lamp), unknown catalog number, was accessioned into the DMNS Collection in 1968 and is currently missing. No other provenance information is known currently. The object is described as a ''Kukui nut lamp, DMNH [Denver Museum of Natural History, now DMNS] Education Collection Hawaii.''

The 'umeke lā'au (wood bowl), A1012.1, was acquired by Ernst Giesecke from Honolulu, Hawaii, and gifted to Mrs. Albert Giesecke. The object was donated to DMNS in 1978 by Carl Blaurock, the conservator of Mrs. Albert Giesecke's estate.

Determinations

The DMNS has determined that:

- The two sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Hui Iwi Kuamo'o.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the DMNS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The DMNS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07944 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7082; NPS–WASO–NAGPRA–NPS0042618; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Miami University, Oxford, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Miami University intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 26, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Richard Page, Vice President for Research and Innovation, Miami University, Roudebush Hall, Suite 102, 501 E High Street, Oxford, OH 45056, email *ori@MiamiOH.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Miami University, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two sacred objects are specific ceremonial objects needed by a traditional Native Hawaiian religious leader for present-day adherents to practice traditional Native Hawaiian religion, according to the Native Hawaiian traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. There is a connection between the cultural items described in this notice and the Native Hawaiian Organization Hui Iwi Kuamo'o.

Determinations

The Miami University has determined that:

- The two sacred objects described in this notice are specific ceremonial

objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

• There is a connection between the cultural items described in this notice and the Hui Iwi Kuamoʻo.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 26, 2026. If competing requests for repatriation are received, the Miami University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Miami University is responsible for sending a copy of this notice to all requestors and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 15, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–07940 Filed 4–22–26; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–790 and 731–TA–1778 (Preliminary)]

Lithium Hexafluorophosphate From China

AGENCY: United States International Trade Commission.

ACTION: Notice of withdrawal of petitions in antidumping and countervailing duty investigations.

SUMMARY: On April 14, 2026, the Department of Commerce and the Commission received a letter from petitioner in the subject investigations, Mexichem Fluor Inc. dba Orbia Fluor & Energy Materials, Boston, Massachusetts, withdrawing its petitions. Commerce has not initiated investigations as provided for in sections 702(c) and 732(c) of the Tariff Act of 1930 (19 U.S.C. 1671a(c) and 1673a(c)). Accordingly, the Commission gives notice that its antidumping and countervailing duty investigations concerning lithium hexafluorophosphate from China (Investigation Nos. 701–TA–790 and 731–TA–1778 (Preliminary)) are discontinued.

DATES: April 14, 2026.

FOR FURTHER INFORMATION CONTACT: Peter Stebbins (202–205–2039), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

By order of the Commission.

Issued: April 20, 2026.

Susan Orndoff,

Supervisory Attorney.

[FR Doc. 2026–07875 Filed 4–22–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Energy Drinks and Labeling and Packaging Thereof, DN 3902;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Monster Energy Company on April 17, 2026. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain energy drinks and labeling and packaging thereof. The complaint names as respondents: Gig Wholesale Corp. of Valrico, FL; The Elegant Inc. of Sri Lanka; Hamilton Trading Corp. of Bronx, NY; Pal Global Imports Inc. of Elmhurst, IL; Asia Link Inc. of New Zealand; Creative Trading of Cedarhurst, NY; MBCH Solutions LLC of Farmington Hills, MI; Simple Shipping Solutions LLC of Farmington Hills, MI; JDC Trading Inc. of Panama; Apollo Produce LLC of Houston, TX; 232 Barren Springs LLC of Houston, TX; Sigmai (Asia) Limited Inc. of Miami Lakes, FL; and Cats Media Inc. of Basking Ridge, NJ. The complainant requests that the Commission issue a general exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing.

Comments should address whether issuance of the relief specifically

requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3902'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[1] Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: April 21, 2026.

Susan Orndoff,

Supervisory Attorney.

[FR Doc. 2026–07962 Filed 4–22–26; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the Defense Production Act of 1950

AGENCY: Antitrust Division, U.S. Department of Justice.

ACTION: Notice of review of revised voluntary agreement.

SUMMARY: Notice is hereby given pursuant to section 708 of the Defense Production Act of 1950 (''DPA''), that the Acting Assistant Attorney General finds, with respect to the Implementing Voluntary Agreements Under the Defense Production Act (''Voluntary Agreement'') proposed by the Department of Energy (''DOE''), that the purposes of section 708(c)(1) of the DPA may not reasonably be achieved through a voluntary agreement having less anticompetitive effects or without any voluntary agreement. Given this finding, the proposed revised Voluntary Agreement may become effective following the publication of this notice.

SUPPLEMENTARY INFORMATION: Under the DPA, DOE may enter into plans with representatives of private industry for the purpose of improving the efficiency with which private firms contribute to the national defense when conditions exist that may pose a direct threat to the national defense or its preparedness. Such arrangements are generally known as ''voluntary agreements.'' Participants in an existing voluntary agreement may adopt documented methods, known as ''plans of action,'' to implement that voluntary agreement. A defense to actions brought under the antitrust laws is available to each participant acting within the scope of a voluntary agreement and plan of action that has come into force under the DPA.

The DPA requires that each proposed plan of action be reviewed by the Attorney General prior to becoming effective. If, after consulting with the Chair of the Federal Trade Commission, the Attorney General finds that the purposes of the DPA's plans of action provision ''may not reasonably be achieved through a . . . voluntary agreement having less anticompetitive effects or without any . . . voluntary agreement,'' the voluntary agreement may become effective. 50 U.S.C. 4558(f)(1)(B). All functions which the Attorney General is required or authorized to perform by section 708 of the DPA have been delegated to the Assistant Attorney General, Antitrust Division. 28 CFR 0.40(l).

Executive Order 14,302 ''*Reinvigorating the Nuclear Fuel Base*'',

90 FR 22595 required the Secretary of Energy, in coordination with the Attorney General and the Chairman of the Federal Trade Commission, to utilize authority provided to the President in section 708(c)(1) of the Defense Production Act to seek voluntary agreements with domestic nuclear energy companies to provide for the national defense. The purpose of the proposed revised Voluntary Agreement is to establish a consortium and plans of action to ensure that the domestic nuclear fuel supply chain capacity is available to enable the continued reliable operation of the Nation's existing and future nuclear reactors. The phases of the domestic nuclear fuel supply chain that will be addressed in the consortium and plans of action include milling, conversion, enrichment, deconversion, fabrication, recycling and reprocessing, end users, and Uranium Fuel Infrastructure Resilience Mechanism (''UFIRM''). The revised Voluntary Agreement consolidates these phases of the nuclear fuel cycle into three Plans of Action (''POA''). POA Committee #1, Material Sufficiency, will consist of the Mining & Milling, Conversion, and Enrichment subcommittees. POA Committee #2, Market-Integrated Fuel Utilization, will consist of the Fabrication & Deconversion, Recycling & Reprocessing, and Reactors subcommittees. POA Committee #3, Human Mobilization, will consist of the Workforce Development, Supply Chain, and Economics & Finance subcommittees. Together, these Committees and Subcommittees will comprise a consortium of domestic nuclear energy companies. This consortium will allow for consultation with domestic nuclear energy companies to discuss and implement methods to enhance the capability to manage spent nuclear fuel to ensure the continued reliable operation of domestic nuclear reactors. DOE has certified that the proposed revised Voluntary Agreement is necessary to carry out its purpose, as specified in E.O. 14,302.

DOE requested that the Assistant Attorney General, Antitrust Division, pursuant to the Attorney General's delegation of authority under 28 CFR 0.40(i), issue a finding that the proposed revised Voluntary Agreement satisfies the statutory criteria set forth in 50 U.S.C. 4558(f)(1)(B). The Assistant Attorney General, Antitrust Division, reviewed the proposed revised Voluntary Agreement and consulted with the Chair of the Federal Trade Commission. On April 17, 2026, by letter to Assistant Secretary for Nuclear Energy Thedore J. Garrish, Omeed Assefi, Assistant Attorney General, Antitrust Division, issued a finding, pursuant to 50 U.S.C. 4558(f)(1)(B), that the purpose of the DPA's voluntary agreement provision ''may not reasonably be achieved through a . . . plan of action having less anticompetitive effects or without any . . . plan of action.''

Dated: April 20, 2026.

Dina Kallay,

Deputy Assistant Attorney General, Antitrust Division.

[FR Doc. 2026–07892 Filed 4–22–26; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the Defense Production Act of 1950

AGENCY: Antitrust Division, U.S. Department of Justice.

ACTION: Notice of review of plans of action.

SUMMARY: Notice is hereby given pursuant to section 708 of the Defense Production Act of 1950 (''DPA''), that the Acting Assistant Attorney General finds, with respect to the Implementing Voluntary Agreements Under the Defense Production Act (''Voluntary Agreement'') proposed by the Department of Energy (''DOE''), that the purposes of section 708(c)(1) of the DPA may not reasonably be achieved through plans of action having less anticompetitive effects or without any plans of action. Given this finding, the proposed Plans of Action may become effective following the publication of this notice.

SUPPLEMENTARY INFORMATION: Under the DPA, DOE may enter into plans with representatives of private industry for the purpose of improving the efficiency with which private firms contribute to the national defense when conditions exist that may pose a direct threat to the national defense or its preparedness. Such arrangements are generally known as ''voluntary agreements.'' Participants in an existing voluntary agreement may adopt documented methods, known as ''plans of action,'' to implement that voluntary agreement. A defense to actions brought under the antitrust laws is available to each participant acting within the scope of a voluntary agreement and plan of action that has come into force under the DPA.

The DPA requires that each proposed plan of action be reviewed by the Attorney General prior to becoming effective. If, after consulting with the Chair of the Federal Trade Commission, the Attorney General finds that the purposes of the DPA's plans of action provision ''may not reasonably be achieved through a . . . plan of action having less anticompetitive effects or without any . . . plan of action,'' the plan of action may become effective. 50 U.S.C. 4558(f)(1)(B). All functions which the Attorney General is required or authorized to perform by section 708 of the DPA have been delegated to the Assistant Attorney General, Antitrust Division. 28 CFR 0.40(l).

Executive Order 14,302 ''*Reinvigorating the Nuclear Fuel Base,*'' 90 FR 22595 required the Secretary of Energy, in coordination with the Attorney General and the Chairman of the Federal Trade Commission, to utilize authority provided to the President in section 708(c)(1) of the Defense Production Act to seek voluntary agreements with domestic nuclear energy companies to provide for the national defense. The purpose of the proposed revised Voluntary Agreement and Plans of Action are to establish a consortium to ensure that the domestic nuclear fuel supply chain capacity is available to enable the continued reliable operation of the Nation's existing and future nuclear reactors. The phases of the domestic nuclear fuel supply chain that will be addressed in the Plans of Action include milling, conversion, enrichment, deconversion, fabrication, recycling and reprocessing, end users, and Uranium Fuel Infrastructure Resilience Mechanism (''UFIRM''). The revised Voluntary Agreement consolidates these phases of the nuclear fuel cycle into three Plans of Action (''POA''). POA Committee #1, Material Sufficiency, will consist of the Mining & Milling, Conversion, and Enrichment subcommittees. POA Committee #2, Market-Integrated Fuel Utilization, will consist of the Fabrication & Deconversion, Recycling & Reprocessing, and Reactors subcommittees. POA Committee #3, Human Mobilization, will consist of the Workforce Development, Supply Chain, and Economics & Finance subcommittees. Together, these Committees and Subcommittees will comprise a consortium of domestic nuclear energy companies. This consortium will allow for consultation with domestic nuclear energy companies to discuss and implement methods to enhance the capability to manage spent nuclear fuel to ensure the continued reliable operation of domestic nuclear reactors. DOE has certified that the proposed Plans of Action are

necessary to carry out its purpose, as specified in E.O. 14,302.

DOE requested that the Assistant Attorney General, Antitrust Division, pursuant to the Attorney General's delegation of authority under 28 CFR 0.40(i), issue a finding that the proposed Plans of Action satisfy the statutory criteria set forth in 50 U.S.C. 4558(f)(1)(B). The Assistant Attorney General, Antitrust Division, reviewed the proposed Plans of Action and consulted with the Chair of the Federal Trade Commission. On April 17, 2026, by letter to Assistant Secretary for Nuclear Energy Thedore J. Garrish, Omeed Assefi, Assistant Attorney General, Antitrust Division, issued a finding, pursuant to 50 U.S.C. 4558(f)(1)(B), that the purpose of the DPA's plan of action provision ''may not reasonably be achieved through a . . . plan of action having less anticompetitive effects or without any . . . plan of action.''

Dated: April 20, 2026.

Dina Kallay,

Deputy Assistant Attorney General, Antitrust Division.

[FR Doc. 2026–07900 Filed 4–22–26; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0335]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement of a Previously Approved Collection; Title: National Motor Vehicle Title Information System (NMVTIS)

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Office of Justice Programs, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until June 22, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Leanetta Jessie, 999 N. Capitol St. NE, *leanetta.jessie@usdoj.gov:* or (202) 598–1160.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the (component), including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement of a previously approved collection.

2. *The Title of the Form/Collection:* National Motor Vehicle Title Information System (NMVTIS).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no form number associated with this information collection.

4. *Affected public who will be asked or required to respond, as well as a brief abstract: Affected Public:* Auto recyclers, junk yards and salvage yards are required to report information into NMVTIS. The Anti-Car Theft Act, defines junk and salvage yards ''as individuals or entities engaged in the business of acquiring or owning junk or salvage automobiles for resale in their entirety or as spare parts or for rebuilding, restoration, or crushing.'' Included in this definition are scrap-vehicle shredders and scrap-metal processors, as well as ''pull- or pick-apart yards,'' salvage pools, salvage auctions, and other types of auctions, businesses, and individuals that handle salvage vehicles (including vehicles declared a ''total loss'').

Abstract: Reporting information on junk and salvage vehicles to the National Motor Vehicle Title Information System (NMVTIS)—supported by the U.S. Department of Justice (DOJ)—is required by federal law. Under federal law, junk and salvage yards must report certain information to NMVTIS on a monthly basis. This legal requirement has been in place since March 2009, following the promulgation of regulations (28 CFR part 25) to implement the junk- and salvage-yard reporting provisions of the Anti-Car Theft Act (codified at 49 U.S.C. 30501–30505).

Accordingly, a junk or salvage yard within the United States must, on a monthly basis, provide an inventory to NMVTIS of the junk or salvage automobiles that it obtained (in whole or in part) in the prior month. 28 CFR 25.56(a).

An NMVTIS Reporting Entity includes any individual or entity that meets the federal definition, found in the NMVTIS regulations at 28 CFR 25.52, for a ''junk yard'' or ''salvage yard.'' According to those regulations, a junk yard is defined as ''an individual or entity engaged in the business of acquiring or owning junk automobiles for (1) Resale in their entirety or as spare parts; or (2) Rebuilding, restoration, or crushing.'' The regulations define a salvage yard as ''an individual or entity engaged in the business of acquiring or owning salvage automobiles for—(1) Resale in their entirety or as spare parts; or (2) Rebuilding, restoration, or crushing.'' These definitions include vehicle remarketers and vehicle recyclers, including scrap vehicle shredders and scrap metal processors as well as ''pull- or pick-apart yards,'' salvage pools, salvage auctions, used automobile dealers, and other types of auctions handling salvage or junk vehicles (including vehicles declared by any insurance company to be a ''total loss'' regardless of any damage assessment). Businesses that operate on behalf of these entities or individual domestic or international salvage vehicle buyers, sometimes known as ''brokers'' may also meet these regulatory definitions of salvage and junk yards. It is important to note that industries not specifically listed in the junk yard or salvage yard definition may still meet one of the definitions and, therefore, be subject to the NMVTIS reporting requirements.

An individual or entity meeting the junk yard or salvage yard definition is subject to the NMVTIS reporting requirements if that individual or entity handles 5 or more junk or salvage motor vehicles per year and is engaged in the business of acquiring or owning a junk automobile or a salvage automobile

for—''(1) Resale in their entirety or as spare parts; or (2) Rebuilding, restoration, or crushing.'' Reporting entities can determine whether a vehicle is junk or salvage by referring to the definitions provided in the NMVTIS regulations at 28 CFR 25.52. An NMVTIS Reporting Entity is required to report specific information to NMVTIS within one month of receiving such a vehicle, and failure to report may result in assessment of a civil penalty of $1,000 per violation.

5. *Obligation to Respond:* An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: There are 50,383 in JSI (meaning entities issued a reporting ID number), of which 21,612 have submitted at least one report. The estimate for the average amount of time for each business to report varies: 30–60 minutes (estimated). The states and insurance companies already are capturing most of the data needed to be reported, and the reporting consists of electronic, batch uploaded information. So, for those automated companies the reporting time is negligible. For smaller junk and salvage yard operators who would enter the data manually, it is estimated that it will take respondents an average of 30–60 minutes per month to respond.

6. *Total Estimated Number of Respondents:* 50,383.

7. *Estimated Time per Respondent:* 30–60 minutes.

8. *Frequency:* Once.

9. *Total Estimated Annual Time Burden:* 259,00 hours.

Total Annual Reporting Burden:

21,612 × 30 minutes per month (12 times per year) = 648,360

21,612 × 60 minutes per month (12 times per year) = 1,296,720

10. *Total Estimated Annual Other Costs Burden:*

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: April 21, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–07895 Filed 4–22–26; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0235]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement of a Previously Approved Collection; Title: Patrick Leahy Bulletproof Vest Partnership Program

AGENCY: Component, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Office of Justice Programs, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until June 22, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Leanetta Jessie, 999 N Capitol St. NE, *leanetta.jessie@usdoj.gov:* or (202) 598–1160.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the (component), including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement of a previously approved collection.

2. *The Title of the Form/Collection:* Patrick Leahy Bulletproof Vest Program Application.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* #1121–0235. The program overview can be found at the Bureau of Justice Assistance, United States Department of Justice's website at *https://www.ojp.gov/program/bulletproof-vest-partnership/overview.*

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected Public: Jurisdictions and law enforcement agencies with armor vest needs. Abstract: The purpose of the Bulletproof Vest Partnership (BVP) Program is to help protect the lives of law enforcement officers by helping states and units of local and tribal governments within states provision their officers with armor vests. An applicant may request funds to help purchase one vest per officer per fiscal year. Federal payment covers up to 50 percent of each jurisdiction's local costs. This program is administered in accordance with 12 U.S.C. 3976 ii *et seq.*

5. *Obligation to Respond:* Required to Obtain or Retain Benefits.

6. *Total Estimated Number of Respondents:*

7. *Estimated Time per Respondent:* 4,273.

8. *Frequency:* Once.

9. *Total Estimated Annual Time Burden:* 4,273 hours.

10. *Total Estimated Annual Other Costs Burden:* If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: April 21, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–07893 Filed 4–22–26; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; U.S. Department of Labor Office of Federal Contract Compliance Programs Recordkeeping Requirements—29 U.S.C. 793 Section 503 of the Rehabilitation Act of 1973, as Amended

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Federal Contract Compliance Programs (OFCCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before May 26, 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: Michael Howell by telephone at 202–693–6782, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is seeking an extension without change of a currently approved information collection (OMB #1250–0005). This information collection request (ICR) covers the information collection burden for various requirements under Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793 (Section 503), and its implementing regulations at 41 CFR part 60–741. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August, 25 2025 (90 FR 41415).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OFCCP.

Title of Collection: U.S. Department of Labor Office of Federal Contract Compliance Programs Recordkeeping Requirements—29 U.S.C. 793 Section 503 of the Rehabilitation Act of 1973, As Amended.

OMB Control Number: 1250–0005.

Affected Public: Individual Households.

Total Estimated Number of Respondents: 41,647,328.

Total Estimated Number of Responses: 41,647,328.

Total Estimated Annual Time Burden: 1,838,752 hours.

Total Estimated Annual Other Costs Burden: $475,085.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

COM048[FR Doc. 2026–07870 Filed 4–22–26; 8:45 am]

BILLING CODE 4510–CM–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; U.S. Department of Labor Office of Federal Contract Compliance Programs Recordkeeping Requirements—38 U.S.C. 4212 Vietnam Era Veterans' Readjustment Assistance Act of 1974, as Amended

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Federal Contract Compliance Programs (OFCCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before May 26, 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: Michael Howell by telephone at 202–693–6782, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is seeking an extension without change of a currently approved information collection (OMB #1250–0004). This information collection request (ICR) covers the information collection burden for various requirements under the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212 (VEVRAA), and its implementing regulations at 41 CFR part 60–300. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 7, 2025 (90 FR 541).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the

methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OFCCP.

Title of Collection: U.S. Department of Labor Office of Federal Contract Compliance Programs Recordkeeping Requirements—38 U.S.C. 4212 Vietnam Era Veterans' Readjustment Assistance Act of 1974, as Amended.

OMB Control Number: 1250–0004.

Affected Public: Individual Households.

Total Estimated Number of Respondents: 32,482,058.

Total Estimated Number of Responses: 32,482,058.

Total Estimated Annual Time Burden: 4,267,338 hours.

Total Estimated Annual Other Costs Burden: $356,313.

(Authority: 44 U.S.C. 3507(a)(1)(D).)

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–07869 Filed 4–22–26; 8:45 am]

BILLING CODE 4510–CM–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Agency Information Collection Activities; Submission for OMB Review; Consumer Expenditure Surveys: Contingent Work Supplement to the Current Population Survey

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before May 26, 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.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Contingent Work Supplement questions focus on people with contingent jobs—those that people do not expect to last or that are temporary—and workers in alternative employment arrangements, such as independent contractors, on-call workers, temporary help agency workers, and workers provided by contract firms. There are also questions about identifying digital labor platform workers, those who obtain work or pick tasks by using a digital labor platform mobile application (app) or website to directly connect them with customers or clients and arrange payment for the tasks. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 10, 2026 (91 FRN 5957).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Agency: DOL–BLS.

Title of Collection: Contingent Work Supplement to the Current Population Survey.

OMB Control Number: 1220–0153.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 48,000.

Total Estimated Number of Responses: 48,000.

Total Estimated Annual Time Burden: 2,400 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–07872 Filed 4–22–26; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0042]

The Standard on Gear Certification; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget (OMB) approval of the information collection requirements specified in the Standard on Gear Certification.

DATES: Comments must be submitted (postmarked, sent, or received) by June 22, 2026.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the

docket, go to *https://www.regulations.gov.* Documents in the docket are listed in the *https://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the websites. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA–2010–0042) for the Information Collection Request (ICR). OSHA will place all comments, including any personal information, in the public docket, which may be made available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birth dates.

For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Belinda Cannon, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657). The following sections describe who use the information collected under each requirement, as well as how they use it. The purposes of these requirements are to address the burden hours associated with gathering information to complete the OSHA 70 Form. The OSHA 70 Form is used by applicants seeking accreditation from OSHA to be able to test or examine certain equipment and material handling devices as required under the maritime regulations, part 1915 (Shipyard Employment), part 1917 (Marine Terminals), and part 1918 (Longshoring). The OSHA 70 Form application for accreditation provides an easy means for companies to apply for accreditation.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information, and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in the Gear Certification Standard. The agency is seeking an adjustment increase in the burden of 20 hours (from 109 to 129 hours). The current requested adjustment increase is due to an increase in the number of certifications from 5,000 to 6,187.

OSHA will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements.

Type of Review: Extension of a currently approved data collection.

Title: The Standard on Gear Certification (29 CFR 1919).

OMB Control Number: 1218–0003.

Affected Public: Business or other for-profits.

Number of Respondents: 629.

Number of Responses: 6,222.

Frequency of Responses: Varies.

Average Time per Response: Varies.

Estimated Total Burden Hours: 129.

Estimated Cost (Operation and Maintenance): $3,243,500.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal; or (2) by facsimile (fax), if your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at 202–693–1648. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (OSHA–2010–0042). You may supplement electronic submission by uploading document files electronically.

Comments and submissions are posted without change at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *https://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *https://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link.

Contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627) for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Amanda Laihow, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 7–2025 (90 FR 27878).

Signed at Washington, DC, on April 17, 2026.

Amanda Laihow,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2026–07871 Filed 4–22–26; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number: 26–021; NASA Docket Number: NASA–2026–0167]

Name of Information Collection: Automated Technology Licensing Application System (ATLAS)

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of renewal of information collection.

SUMMARY: NASA, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA).

DATES: Comments are due by June 22, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 60 days of publication of this notice at *http://www.regulations.gov* and search for NASA Docket NASA–2026–0167.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to NASA PRA Clearance Officer, Stayce Hoult, NASA Headquarters, 300 E Street SW, JC0000, Washington, DC 20546, or email *hq-ocio-pra-program@mail.nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The information submitted by the public is a license application for those companies and individuals who wish to obtain a patent license for NASA patented technology. Information needed for the license application in ATLAS may include supporting documentation such as a certificate of incorporation, a financial statement, a business and/or commercialization plan, a project revenue/royalty spreadsheet, and a company balance sheet. At a minimum, all license applicants must submit a satisfactory plan for the development and/or marketing of an invention. The collected information is used by NASA to ensure that companies that see to commercialize NASA technologies have a solid business plan for bringing the technology to market.

NASA is committed to effectively performing the Agency's communication function in accordance with the Space Act Section 203(a)(3) to ''provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof,'' and to enhance public understanding of, and participation in, the nation's aeronautical and space program.

II. Methods of Collection

NASA is participating in Federal efforts to extend the use of information technology to more Government processes via internet. NASA encourages recipients to use the latest computer technology in preparing documentation. Companies and individuals submit license applications by completing the automated form by way of the Automated Technology Licensing Application System (ATLAS). NASA requests all license applications to be submitted via electronic means.

III. Data

Title: Automated Technology Licensing Application System (ATLAS).

OMB Number: 2700–0169.

Type of review: Renewal of Information Collection.

Affected Public: Public and companies.

Estimated Annual Number of Activities: 1.

Estimated Number of Respondents per Activity: 539.

Annual Responses: 539.

Estimated Time per Response: 8 hours.

Estimated Total Annual Burden Hours: 4,312.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Stayce Hoult,

PRA Clearance Officer, National Aeronautics and Space Administration.

[FR Doc. 2026–07961 Filed 4–22–26; 8:45 am]

BILLING CODE 7510–13–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Paperwork Reduction Act; Proposed Collection; Comment Request

AGENCY: Office of National Drug Control Policy.

ACTION: 60-Day notice and request for comments. Revisions of currently approved collection: Drug-Free Communities (DFC) Support Program and Community-Based Coalition Enhancement Grants to Address Local Drug Crisis (CARA) Local Drug Crisis Program National Evaluation.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of National Drug Control Policy (ONDCP) announces it will submit to the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs (OIRA) an information collection request.

DATES: ONDCP encourages and will accept public comments on or before 60 days after the date of this publication.

ADDRESSES: Address all comments in writing within 60 days to the Office of Grants and Programs. Email is the most reliable means of communication. The DFC Program inbox is *MBX.ONDCP.DFC@ondcp.eop.gov.* Mailing address is: Executive Office of the President, Office of National Drug Control Policy, Office of Grants and Programs, Drug-Free Communities (DFC) Support Program, 1800 G Street NW, Suite 9110, Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

Abstract: ONDCP administers the Drug-Free Communities (DFC) Support Program and Community-Based Coalition Enhancement Grants to Address Local Drug Crisis (CARA) Local Drug Crisis Programs. The DFC Program has two primary goals: To reduce youth substance abuse, and to support community anti-drug coalitions by establishing, strengthening, and fostering collaboration among public and private agencies. The CARA Local Drug Crisis grant program funds current or former DFC grant award recipients to focus on preventing and reducing the misuse of opioids, prescription medication, and the use of methamphetamines among youth ages 12–18 in communities throughout the United States.

Under reauthorization legislation (21 U.S.C. 1521), Congress mandated an evaluation of the DFC program to determine its effectiveness in meeting objectives. Under the CARA Local Drug Crisis program statute, CARA Local

Drug Crisis data collection is authorized and required by Public Law 114–198 Sec 103, ''a grant under this section shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on the recipients of a grant under the Drug-Free Communities Act of 1997, and may also include an evaluation of the effectiveness at reducing abuse of opioids or methamphetamines''. ONDCP awarded a contract for a DFC grant oversight system at the end of 2014, following a competitive request for proposals process. The DFC Management and Evaluation (DFC Me) system was launched in 2016. An additional award was made in 2019, with the requirement to include CARA Local Drug Crisis recipients in the system and DFC & CARA Me continues to be used and updated (*https://dfcme.ondcp.eop.gov*) regularly to support grant recipients.

The development and implementation of the DFC & CARA Me system provided an improved platform for DFC & CARA recipients to meet data reporting requirements of the grant, introduced a DFC Learning Center where resources and success stories can be shared, and strengthened ONDCP's continued oversight of the programs. The data collected through this system is more user friendly and validates data during entry, therefore reducing the burden on grant award recipients.

ONDCP's Drug-Free Communities office will continue to utilize the case study protocols previously approved by OMB to document coalition practices, successes and challenges. Approximately nine DFC grant award recipients are selected each year to highlight in the case studies. The information from the case studies will be used to illustrate not only what works to reduce drug use in a community setting, but also how and why it works.

The CARA Local Drug Crisis program evaluation makes use of a shortened version of the DFC progress report to support evaluation, monitoring and tracking of progress annually for grant award recipients and will provide information to ONDCP and the Administration's effort to address the opioid crisis.

Title of Information Collection: Web based data collection, surveys and interviews of DFC and CARA Local Drug Crisis grant award recipients.

Title: Drug-Free Communities (DFC) Support Program and CARA Local Drug Crisis Program National Cross Site Evaluation.

Frequency: DFC and CARA Local Drug Crisis Program Directors submit annual progress reports via the DFC & CARA Me System. DFC Program Directors also submit annual Coalition Asset Survey (CAS) data in DFC & CARA Me. Core measures are collected and submitted every two years in progress reports for both grant programs.

Case study interviews and electronic surveys of Program Directors and electronic surveys of selected coalition members will be accomplished once a year.

Affected Public: DFC current grant award recipients and CARA Local Drug Crisis grant award recipients (includes both current and former DFC grant award recipients).

Estimated Burden: ONDCP expects that the time required to complete each DFC annual report via DFC & CARA *Me* will be approximately 24 hours, and each CAS report will take approximately one hour to complete. Face to face interviews will take 1–2 hours. The estimated total amount of time required by all DFC respondents over one year, including Program Directors and recipients to complete DFC & CARA Me, CAS, surveys, and interviews, is 19,642 hours. ONDCP expects that the time required to complete each CARA Local Drug Crisis annual report via DFC & CARA Me will be approximately 10 hours, with an estimated total time for all respondents to complete of 640 hours. The combined hour burden is 19,642 hours.

Goals: ONDCP intends to use the data of the DFC & CARA National Evaluations to assess each Program's effectiveness in preventing and reducing youth substance use. Two primary objectives of the evaluation are to: (1) Regularly monitor, measure and analyze data in order to report on the progress of each program and its recipients on program goals, and (2) providing technical assistance support to grant award recipients in effectively collecting and submitting data and in understanding the role of data in driving local coalition efforts. In addition, ONDCP intends to use the data from the CARA Local Drug Crisis grant award recipients to inform ONDCP and the Administration's efforts to address the opioid crisis.

Comment Request: ONDCP especially invites comments on: Whether the proposed data are proper for the functions of the agency; whether the information will have practical utility; the accuracy of ONDCP's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions; ways to enhance the quality, utility, and clarity of the information to be collected; and, ways to ease the burden on proposed respondents, including the use of automated collection techniques or other forms of information technology. Comments will be accepted for sixty days.

Dated: April 20, 2026.

Dario Camacho,

General Counsel.

[FR Doc. 2026–07859 Filed 4–22–26; 8:45 am]

BILLING CODE 3280–F5–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

National Council on the Arts 219th Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, notice is hereby given that a meeting of the National Council on the Arts will be held open to the public in-person and via videoconference. An additional session will be closed to the public for reasons stated below.

DATES: See the **SUPPLEMENTARY INFORMATION** section for meeting time and date.

ADDRESSES: The National Endowment for the Arts, Constitution Center, 400 Seventh Street SW, Washington, DC 20560. Please see arts.gov for the most up-to-date information.

FOR FURTHER INFORMATION CONTACT: Office of Public Affairs, National Endowment for the Arts, Washington, DC 20506, at *PublicAffairs@arts.gov.*

SUPPLEMENTARY INFORMATION: The meeting will take place on May 5–6, 2026, and will consist of one closed session and one open session. If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b, and in accordance with the March 11, 2022, determination of the Chair. Additionally, discussion concerning purely personal information about individuals, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Detailed Meeting Information

Closed Session: May 5, 2026; 9:00 a.m. to 11:00 a.m. Location: The Radical Hotel, Asheville, NC. This meeting session will be closed to the public for the aforementioned reasons.

Open Session: May 6, 2026; 11:00 a.m. to 12:30 p.m. Location: Wortham Center for the Performing Arts, Asheville, and via videoconference. There will be a discussion of general agency business. Please see arts.gov for the most up-to-date information, including a link to the videoconference.

Dated: April 21, 2026.

David Travis,

Specialist, Office of Guidelines and Panel Operations.

[FR Doc. 2026–07922 Filed 4–22–26; 8:45 am]

BILLING CODE 7537–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36097; File No. 812–15941]

Aristotle Pacific Enhanced CLO Income Fund, et al.

April 20, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Aristotle Pacific Enhanced CLO Income Fund, Aristotle Pacific Capital, LLC, APC High Yield Bond Fund, LP, Pacific Asset Management Bank Loan Fund L.P., APC Short Duration High Yield Fund, LP, APC Multi-Sector Bond, LP.

FILING DATES: The application was filed on November 14, 2025 and amended on March 9, 2026 and April 3, 2026.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. The email should include the file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m., Eastern time on May 15, 2026, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Alyssa M. Bernard, Aristotle Pacific Enhanced CLO Income Fund, c/o U.S. Bank Global Fund Services, 615 East Michigan Street, Milwaukee, Wisconsin 53202, *alyssa.bernard@usbank.com;* Joseph Lallande, Esq., Aristotle Pacific Capital, LLC, 840 Newport Center Drive, 7th Floor, Newport Beach, California 92660, *jlallande@aristotlecap.com,* with copies to: Deborah Bielicke Eades, Vedder Price P.C., 222 North LaSalle Street, Chicago, Illinois 60601, *deades@vedder.com,* and Joseph M. Mannon, Vedder Price P.C., 222 North LaSalle Street, Chicago, Illinois 60601, *jmannon@vedder.com.*

FOR FURTHER INFORMATION CONTACT: Trace W. Rakestraw, Senior Special Counsel, or Adam Large, Senior Special Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' second amended application, filed April 3, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system.

The SEC's EDGAR system may be searched at *https://www.sec.gov/search-filings.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551– 8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–07855 Filed 4–22–26; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The U.S. Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB), for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before June 22, 2026.

ADDRESSES: Send all comments to Genevieve Lind, Program Manager, Office of Investment and Innovation, Small Business Administration, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Genevieve Lind, Program Manager, Office of Investment and Innovation, (206) 800–2714, *technology@sba.gov* and Shauniece Carter, Interim Agency Clearance Officer, *Shauniece.carter@sba.gov,* (202) 935–6942.

SUPPLEMENTARY INFORMATION: The Small Business Act, as amended by the Small Business Innovation Research (SBIR) and Small Business Technology Transfer Program (STTR) Reauthorization Act of 2011, requires SBA to collect information on the SBIR and STTR awards made by federal agencies that participate in those programs. SBA is required to maintain this information in searchable electronic databases and to report the information to Congress annually.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether

there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

OMB Control No.: 3245–0356.

Title: Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Tech-Net Database.

Description of Respondents: Small businesses planning to apply to the SBIR or STTR programs and awardees of the SBIR or STTR programs.

Form Number: N/A.

Total Estimated Annual Responses: 17,050.

Total Estimated Annual Hour Burden: 6,800.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2026–07898 Filed 4–22–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21519 and #21520; HAWAII Disaster Number HI–20010]

Presidential Declaration Amendment of a Major Disaster for the State of Hawaii

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Hawaii (FEMA–4909–DR), dated April 7, 2026.

Incident: Severe Storms, Flooding, Landslides, and Mudslides.

DATES: Issued on April 17, 2026.

Incident Period: March 10, 2026 through March 24, 2026.

Physical Loan Application Deadline Date: June 15, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: January 7, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, 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 the State of Hawaii, dated April 7, 2026, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to June 15, 2026.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority:13 CFR 123.(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–07964 Filed 4–22–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21528 and #21529; HAWAII Disaster Number HI–20014]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Hawaii

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of the Presidential declaration of a major disaster for Public Assistance Only for the state of Hawaii (FEMA–4909–DR), dated April 7, 2026.

Incident: Severe Storms, Flooding, Landslides, and Mudslides.

DATES: Issued on April 7, 2026.

Incident Period: March 10, 2026 through March 24, 2026.

Physical Loan Application Deadline Date: June 15, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: January 7, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, 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: Notice is hereby given as a result of the President's major disaster declaration on April 7, 2026, Private Non-Profit organizations providing essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: City and County of Honolulu, Hawaii, Maui.

The Interest Rates are:

	Percent
For Physical Damage:	
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 215286 and for economic injury is 215290.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority:13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–07963 Filed 4–22–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 13000]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''The Beautiful Game. . . The Untold Story'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''The Beautiful Game . . . The Untold Story'' at the Holocaust Museum LA, in Los Angeles, California, 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. 2026–07924 Filed 4–22–26; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 13002]

Title: Cancellation of Shipping Coordination Committee Public Meeting in Preparation for International Maritime Organization MEPC84 Session

The subject public meeting scheduled for April 15, 2026, and noticed in 91 FR 12038 and 91 FR 18522 was cancelled due to the lapse in appropriations impacting the Department of Homeland Security and the United States Coast Guard. All those who RSVP'ed were contacted via email to inform of the cancellation. For further information, contact *IO-Press@State.Gov*.

(Authority: 22 U.S.C. 2656.)

Emily C. Miletello,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2026–07882 Filed 4–22–26; 8:45 am]

BILLING CODE 4710–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36890]

Tazewell & Peoria Railroad, Inc.—Lease and Operation Exemption—Peoria and Pekin Union Railway Company

Tazewell & Peoria Railroad, Inc. (TZPR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to enter into a lease agreement (the Lease Agreement) with Peoria and Pekin Union Railway Company (PPU) to replace a prior lease agreement between TZPR and PPU. Under the Lease Agreement, TZPR will continue to lease and operate the entirety of PPU's rail lines (the Lines), totaling approximately 19.3 miles of mainline and connecting track, consisting of the following segments: (1) from approximately milepost 4.5 (at or near Bridge Junction) to approximately milepost 12.2 (at or near IC Junction); (2) the Peoria Uptown Subdivision, extending from approximately milepost 0.0 (at or near Bridge Junction) to approximately milepost 5.4 (at or near Iowa Interstate Junction); (3) the Southern Subdivision, extending from approximately milepost 0.0 (at or near UP Junction) to approximately milepost 4.5 (at or near Bridge Junction); and (4) the Nickel Plate Sub, extending from approximately milepost 0.0 (at or near Wesley Junction) to approximately milepost 1.7 (at or near P&PU Junction).

According to the verified notice, TZPR currently operates the Lines via a lease agreement entered into with PPU in 2004.[1] *See Tazewell & Peoria R.R.—Lease & Operation Exemption—Peoria & Pekin Union Ry.,* FD 34544 (STB served Sept. 28, 2004). TZPR will continue operating the Lines through the Lease Agreement, which has a term of 20 years and allows for two five-year extensions.

TZPR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues currently exceed $5 million. Pursuant to 49 CFR 1150.42(e), if a carrier's projected annual revenues will exceed $5 million, it must, at least 60 days before the exemption becomes effective, post a notice of its intent to undertake the proposed transaction at the workplace of the employees on the affected lines, serve a copy of the notice on the national offices of the labor unions with employees on the affected lines, and certify to the Board that it has done so. However, TZPR has filed a request for waiver of the 60-day advance labor notice requirements to allow the exemption to take effect 30 days after the filing of TZPR's verified notice of exemption. TZPR's waiver request will be addressed in a separate decision. The Board will establish the effective date of the exemption in its separate decision on the waiver request.

TZPR certifies that the Lease Agreement does not include an interchange commitment.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than April 30, 2026.

All pleadings, referring to Docket No. FD 36890, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on TZPR's representative, Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. NW, Suite 1300 South, Washington, DC 20004.

According to TZPR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: April 20, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Eden Besera,

Clearance Clerk.

[FR Doc. 2026–07852 Filed 4–22–26; 8:45 am]

BILLING CODE 4915–01–P

[1] TZPR notes that the Lines' mileposts have been renumbered since 2004.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–3339]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Collection Approval of Information Collection: Fueling Aviation's Sustainable Transition Grant Program

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 Office of Management and Budget (OMB) approval to renew an information collection. The collection consists of reports from grant recipients documenting technical progress, schedule, risks, and costs for each already awarded FAST grant. The information to be collected will be used to monitor performance of these projects.

DATES: Written comments should be submitted by June 22, 2026.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By Mail: Federal Aviation Administration, Attn: Anna Oldani (AEE–500), 800 Independence Ave. SW, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Chris Dorbian by email at: *christopher.dorbian@faa.gov;* phone: 202–267–8156.

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: 2120–0817.

Title: Fueling Aviation's Sustainable Transition Grant Program.

Form Numbers: N/A.

Type of Review: Renewal of an information collection.

Background: The FAA will use this renewed collection to continue to monitor and evaluate the performance of awarded FAST grants. FAA is collecting information on technical progress, schedule, risks, and costs for each project. This information is collected via required performance reporting deliverables, including quarterly and publicly releasable annual reports and semi-annual review presentations. A team of subject matter experts in aircraft technology development and aviation fuels from the FAA and other government agencies review these deliverables. This collection is necessary to ensure proper oversight of the use of taxpayer funding and to provide transparency to the public in the form of public reports. The FAST Grant Program was established under Public Law 117–169.

Respondents: FAST grant recipients.

Frequency: Quarterly.

Estimated Average Burden per Response: 134 hours per grant recipient per year.

Estimated Total Annual Burden: 1,876 hours.

Issued in Washington, DC, on April 20, 2026.

Julie Marks,

Executive Director, Federal Aviation Administration—Office of Environment and Energy.

[FR Doc. 2026–07853 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2026–0038]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before June 22, 2026.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on *https://www.regulations.gov* to Docket No. FRA–2026–0038. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0593) in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice, made available to the public, and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service.

OMB Control Number: 2130–0593.

Abstract: This collection of information is necessary to enable FRA to garner customer and stakeholder feedback in an efficient and timely manner, consistent with its commitment to improving service delivery. The information collected from FRA's customers and stakeholders will help ensure users have an effective, efficient, and satisfying experience with FRA's programs. This feedback will provide insights into customer and stakeholder perceptions, experiences, and expectations; provide an early indicator of issues with service; and focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. This collection will allow ongoing, collaborative, and actionable communications between FRA and its customers and stakeholders. It also allows feedback to contribute directly to the improvement of program management. If this information is not collected, vital feedback from customers and stakeholders on FRA's services will be unavailable.

Improving FRA's programs requires ongoing assessment of service delivery. FRA will collect, analyze, and interpret information gathered through this generic clearance to identify strengths and weaknesses of current services and make improvements to service delivery

based on feedback. The solicitation of feedback will target areas such as timeliness, appropriateness, information accuracy, courtesy, service delivery efficiency, and issue resolution. FRA will assess responses to plan and inform efforts seeking to improve the quality of service offered to customers and stakeholders, including the public. FRA will only submit a collection for approval under this generic clearance under the following conditions:

- The information gathered is only used internally for general service improvement and program management purposes and is not intended for public release;
- The information gathered is not used to inform substantially significant policy decisions;
- The information gathered will yield qualitative information. FRA will not design the collection or expect it to yield statistically reliable results or use it as though the results are generalizable to the study population;
- Participation in the collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden hours per respondent) and is low-cost for both the respondents and the Federal Government;
- The collection is non-controversial and does not raise issues of concern to other Federal agencies;
- The collection is directed to the solicitation of opinions from respondents who have experience with the program or may have experience with the program soon after receiving the collection; and
- With the exception of information needed to provide remuneration for focus group participants and cognitive laboratory studies, personally identifiable information (PII) is collected only to the extent necessary and is not retained by FRA.

In this 60-day notice, FRA made no changes to the previously approved burden hours or responses.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Individuals and Households; Businesses and Organizations; State, Local or Tribal Governments.

Form(s): N/A.

Respondent Universe: 5,750.

Frequency of Submission: Once per request.

REPORTING BURDEN

Information collection description	Office	Annual responses (A)	Frequency	Average time per response (minutes) (B)	Total annual burden hours (C = A * B)
Surveys, comment cards, interviews, focus groups, and web-based technologies for Customer Service Satisfaction and Delivery.	Administrator	350	Annual, Periodically	10	59
	Railroad Safety	350	Annual, Periodically	10	59
	Research, Data, and Innovation	350	Annual, Periodically	10	59
	Railroad Development	350	Annual, Periodically	10	59
	Chief Financial Officer	350	Annual, Periodically	10	59
Web-based technologies for Customer Service Satisfaction and Delivery related to the improvement of webinar-based stakeholder engagement.	Railroad Development	3,500	Annual, Periodically	1	58
Surveys, comment cards, interviews, focus groups, and web-based technologies for Customer Service Satisfaction and Delivery related to the improvement of stakeholder capacity building and training resources.	Railroad Development	500	Annual, Periodically	15	125
Totals		5,750			475

Total Estimated Annual Responses: 5,750.

Total Estimated Annual Burden: 475 hours.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

(Authority: 44 U.S.C. 3501–3520.)

Christopher S. Van Nostrand,

Deputy Chief Counsel.

[FR Doc. 2026–07888 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2018–0100]

Notice of Petition for Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that Norfolk Southern

Railway Company (NS) petitioned FRA for relief from certain regulations concerning training requirements.

DATES: FRA must receive comments on the petition by June 22, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Check Kam, Rail Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202–366–2139, email: *check.kam@dot.gov.*

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by undated letter received February 25, 2026, NS petitioned FRA for relief from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices. The relevant Docket Number is FRA–2018–0100.

Specifically, NS seeks relief from § 232.203(b)(8), *Training requirements,* to use virtual simulations using web-based or desktop software to satisfy the ''hands-on'' portion of periodic refresher training for transportation employees. NS states that since the blended training curriculum provides a greater volume of defects than in a real-world scenario, its ''employees are able to more accurately identify issues, recognize patterns, and apply corrective actions with greater confidence and consistency.'' NS also notes that it is prepared to implement the training ''across conductor and supervisor crafts.''

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by June 22, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–07925 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2020–0086]

Notice of Petition for Extension of Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that St. Mary's Railroad (SM) petitioned FRA for an extension of relief from certain regulations concerning stenciling of rail cars.

DATES: FRA must receive comments on the petition by June 22, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Caleb Rogers, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202–493–6322, email: *caleb.rogers@dot.gov.*

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter received February 18, 2026, SM petitioned FRA for an extension of a special approval pursuant to 49 CFR part 215 (Railroad Freight Car Safety Standards), and a waiver of compliance from certain provisions of the Federal railroad safety regulations contained in part 215. The relevant Docket Number is FRA–2020–0086.

Specifically, SM requests to extend the previous special approval pursuant to § 215.203, *Restricted cars,* in this docket for 3 cars (SM 1001, SM 1002, and SM 1003) and 2 cabooses (SM 0616 and SM X395) that are more than 50 years from the date of original construction. SM also seeks extended relief from § 215.303, *Stenciling of restricted cars.* SM states that the cars will not interchange with any other railroads and will be used in passenger service. SM adds that the stenciling relief is requested because SM ''strives to have [its] equipment represent original appearances.''

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in

connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by June 22, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–07926 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2026–0037]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before June 22, 2026.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on *https://www.regulations.gov* to Docket No. FRA–2026–0037. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0537) in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice, made available to the public, and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Railroad Police Officers.

OMB Control Number: 2130–0537.

Abstract: Title 49 CFR part 207 requires railroads to notify States of all designated police officers who perform duties in their respective jurisdictions who were commissioned as police officers by another State or States. This is necessary to verify proper police authority. In addition, if a railroad or police officer certified or commissioned as a police officer under the laws of a State or jurisdiction transfers primary employment or residence from the certifying or commissioning State to another one, the railroad police officer must apply to be certified or commissioned as a police officer under the laws of the State of new primary employment or residence not later than one year after the date of transfer.

In this 60-day notice, after a thorough review, FRA is making multiple adjustments to its estimates that decrease the currently approved burden hours from 18 hours to 15 hours. This burden decrease is the result of changes summarized below.

Section 207.4 requires railroads to provide written notice of a railroad police officer's commission to each State in which the railroad police officer will protect the railroads' property, personnel, passengers, and cargo. Railroads are also required to keep copies of these written notices. The revised estimate of 52 responses was calculated by applying a 10% employment turnover to the 525 annual commissions reported by the Association of American Railroads (AAR). In addition, after further clarification from OMB, § 207.4(c) verification by States for receipt of written notices was determined to be excluded from coverage under the PRA.

Lastly, § 207.6 requires commissioned railroad police officers who transfer primary employment or residence from one State to another State or jurisdiction to apply to be commissioned as a police officer under the laws of the State of the new primary State of employment or residence. FRA revised this estimate from 50 transfers annually to 8 transfers annually to reflect more accurately the expected number of transfers over the next three-year information collection period.

Overall, these adjustments reduced the annual burden by three hours.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Railroads and States.
Form(s): N/A.
Respondent Universe: 768 railroads.
Frequency of Submission: On occasion.

REPORTING BURDEN

CFR Section	Respondent universe (railroads)	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C) = A * B	Wage rate [1]	Total annual dollar cost equivalent (D) = C * wage rates
207.4 Notice to State officials						
—(a) Written notice of railroad (RR) police officer's commission to each State in which the RR police officer shall protect the RR's property, personnel, passengers, and cargo.	768	52 written notices	15	13	$90.19	$1,172.47
—(b) RR copy of written notices to State officials.	768	52 records	2	1.73	90.19	156.03
207.6 Transfers						
—Application by RR police officers for new State certification/commission when transferring primary employment or residence from one State to another.	768	8 records	2	0.27	90.19	24.35
Total [2]	768	112 responses		15		1,352.85

[1] The dollar equivalent cost is derived from the 2024 Surface Transportation Board Full Year Wage A&B data series using employee group 200 (Professional Administrative Staff) hourly wage rate of $51.54. The total burden wage rate (straight time plus 75%) used in the table is $90.19 ($51.54 × 1.75 = $90.19).
[2] Totals may not add up due to rounding.

Total Estimated Annual Responses: 112 responses.

Total Estimated Annual Burden: 15 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $1,352.85.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

(Authority: 44 U.S.C. 3501–3520.)

Christopher S. Van Nostrand,

Deputy Chief Counsel.

[FR Doc. 2026–07887 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2026–0661]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that the Puget Sound & Pacific Railroad (PSPR) petitioned FRA seeking approval to discontinue or modify a signal system.

DATES: FRA must receive comments on the petition by June 22, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Scott Johnson, Railroad Safety Specialist, FRA Signal, Train Control, and Crossings Division, telephone: 406–210–3608, email: *scott.j.johnson@dot.gov.*

SUPPLEMENTARY INFORMATION: Under part 235 of title 49 Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that by letter received March 9, 2026, PSPR petitioned FRA seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2026–0661.

Specifically, PSPR requests to discontinue the signal interlocking system on the Elma Mainline in Aberdeen, Washington, at the swing bridge at milepost (MP) 72.2. In addition, the power derails, 2 block signals, and 1 distant signal would be removed. PSPR explains in its petition that the swing bridge interlocker is no longer essential for the safe movement of railway traffic and is incurring costs due to vandalism. However, the bridge will remain lined for river traffic.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by June 22, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–07927 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2026–0595]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before June 22, 2026.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on *https://www.regulations.gov* to Docket No. FRA–2026–0595. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0534) in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice, made available to the public, and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Grade Crossing Signal System Safety Regulations.

OMB Control Number: 2130–0534.

Abstract: FRA believes that highway-rail grade crossing (grade crossing) accidents resulting from warning system failures can be reduced. To ensure safety, railroads are required to take certain actions when they are notified of an activation failure.[1] These required actions are set forth in 49 CFR part 234. An activation failure is defined as the failure of a grade crossing warning system to indicate the approach of a train at least 20 seconds prior to the train's arrival at the crossing or to indicate the presence of a train occupying the crossing. Specifically, railroads must report to FRA every impact between on-track railroad equipment and an automobile, bus, truck, motorcycle, bicycle, farm vehicle, or pedestrian at a highway-rail grade crossing involving an activation failure. Notification must be provided to the National Response Center (NRC) within 24 hours of occurrence at the stipulated toll-free telephone number. In addition, railroads must report to FRA each activation failure of a highway-rail grade warning system within 15 days. Form FRA F 6180.83, ''Highway-Rail Grade Crossing Warning System Activation Failure Report,'' must be used for this purpose and completed using the instructions printed on the form. With this information, FRA can identify the causes of activation failures and investigate them to determine whether periodic maintenance, inspection, and testing standards are effective.

In this 60-day notice, FRA is updating the existing Form FRA F 6180.83, ''Highway-Rail Grade Crossing Warning System Activation Failure Report.'' While the proposed revisions do not reduce the 10-minute average response time, they streamline the form and are intended to obtain additional clarity from responses provided in the ''Corrective Action'' section. FRA is proposing the following edits to Form FRA F 6180.83. First, a new data field with the phrase, ''Loss of Shunt Involved,'' and a ''Yes'' or ''No'' checkbox would be added under ''DOT Crossing Number'' in the top right block on the form. In addition, in the top right block, the data field for the reporting employee's signature would be removed. With the change from the form being submitted via mail to the use of a dedicated email to submit the form to FRA, a signature is no longer necessary. In the ''Classification'' section, a fillable text box has been added to the ''Current Active Warning Devices'' data field to allow users to provide additional information when selection ''7—Other (Describe)'' is checked.

Under ''Corrective Action,'' the boxes for ''Cause of Failure Codes'' would be removed and replaced with a drop-down list of failure codes that can be selected. Lastly, cause code ''j PTC/Wireless Device'' would be added to

[1] 56 FR 33722 (1991); 59 FR 50086 (1994).

cause codes for ''3 Equipment'', and cause code ''i Train Crew Non-Compliance with Rules'' would be added to cause codes under ''4 Human Factor''.

FRA has made no changes to the previously approved burden of 5,042 hours and 60,252 responses.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Businesses (railroads).

Form(s): FRA F 6180.83.

Respondent Universe: 784 railroads.

Frequency of Submission: On occasion/monthly.

REPORTING BURDEN

CFR section	Respondent universe (railroads)	Total annual responses (A)	Average time per response (minutes) (B)	Total annual burden hours (C = A * B)	Wage rates [2]	Total cost equivalent in U.S.D (D = C * wage rates)
234.7 Accidents involving grade crossing signal failure						
—(a) Telephone notification to the NRC	784	2 phone calls	2	0.10	$83.32	$8.33
234.9 Grade crossing signal system failure reports						
—Report to FRA on Form 6180.83, ''Highway-Rail Grade Crossing Warning System Activation Failure Report''.	784	250 reports	10	42	83.32	3,499.44
Subpart C Response to Credible Reports of Warning System Malfunction at Highway-Rail Grade Crossings						
—234.105/106/107 Activation failure, partial and false activation. Notifications to required parties.	784	30,000 notifications	5	2,500	83.32	208,300.00
234.109 Recordkeeping						
—Recordkeeping	784	30,000 records	5	2,500	83.32	208,300.00
Total [3]	784	60,252 responses	N/A	5,042		420,107.77

Total Estimated Annual Responses: 60,252.

Total Estimated Annual Burden: 5,042 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $420,107.77.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Christopher S. Van Nostrand,

Deputy Chief Counsel.

[FR Doc. 2026–07886 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2026–0793]

Notice of Petition for Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that the Western Maryland Scenic Railroad Development Corporation (WMSR) petitioned FRA for relief from certain regulations concerning a locomotive's fifth annual inspection.

DATES: FRA must receive comments on the petition by June 22, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Michael Barron, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202–493–1367, email: *michael.barron@dot.gov.*

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated March 17, 2026, WMSR petitioned FRA for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 230 (Steam Locomotive Inspection and Maintenance Standards). FRA assigned the petition Docket Number FRA–2026–0793.

Specifically, WMSR seeks relief from the requirements of § 230.16(a)(2), *Annual inspection—fifth annual inspection,* for locomotive No. 1309. In its petition, WMSR requests a six-month extension on the deadline of No. 1309's fifth annual inspection, moving the deadline to November 1, 2026. WMSR states that the extension will ''alleviate crucial shop scheduling obstacles'' and enable continuation of operations

[2] The dollar equivalent cost is derived from the 2024 STB Full Year Wage A&B data series using the appropriate employee group hourly wage rate that includes a 75-percent overhead charge. For Transportation (Other than Train & Engine) staff, this cost amounts to $83.32 per hour.

[3] Totals may not add due to rounding.

through an important revenue season. The petition adds that the locomotive will operate no more than 100 service days during the extension. Further, WMSR intends to complete an annual inspection by its current deadline, May 8, 2026.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by June 22, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–07928 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2026–0036]

Agency Information Collection Activity Under OMB Review: Transit Research, Development, Demonstration, Deployment and Training Projects

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

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens.

DATES: Comments must be submitted on or before May 26, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD–10, Washington, DC 20590 (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On December 23, 2025 FTA published a 60-day notice (90 FR 60231) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: Transit Research, Development, Demonstration, Deployment and Training Projects.

OMB Control Number: 2132–0546.

Background: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Transit Administration (FTA) is requesting Office of Management and Budget (OMB) 3-year approval of an extension without change for a currently approved collection. The Federal Transit Administration administers a suite of grant programs that support research, development, demonstration, deployment, cooperative research, technical assistance, standards development, and workforce training in public transportation. These programs provide funding for projects that advance new technologies and practices, address operational challenges, support national research efforts, offer technical assistance to the transit industry, and strengthen the

public transportation workforce. Together, these programs help transit agencies improve service delivery, enhance safety, develop industry standards, and build the skills and capabilities needed across the transit workforce. Information collected through these programs is used to evaluate applications, select projects for funding, monitor progress, and share results with stakeholders.

Respondents: Federal Government Departments, agencies, and instrumentalities of the Government, including Federal laboratories; State and local governmental entities; providers of public transportation; private or non-profit organizations; institutions of higher education; and technical and community colleges.

Estimated Annual Number of Respondents: 175 respondents.

Estimated Annual Number of Responses: 775 responses.

Estimated Total Annual Burden: 20,550 hours.

Frequency: Every Two years.

Kusum Dhyani,

Director, Office of Management Planning.

[FR Doc. 2026–07970 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2026–0038]

Agency Information Collection Activity Under OMB Review: All Stations Accessibility Program (ASAP)

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

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens.

DATES: Comments must be submitted on or before May 26, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD–10, Washington, DC 20590 (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On December 23, 2025 FTA published a 60-day notice (90 FR 60230) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: All Stations Accessibility Program (ASAP).

OMB Control Number: 2132–0582.

Background: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Transit Administration (FTA) is requesting Office of Management and Budget (OMB) 3-year approval of an extension without change for a currently approved collection. FTA's All Stations Accessibility Program (ASAP) is a competitive grant program that helps transit agencies upgrade older rail and other fixed-guideway stations, so they are fully accessible to all riders. The program focuses on bringing legacy stations; especially those built before modern accessibility requirements into compliance by funding improvements such as elevators, ramps, level boarding, and other accessibility features. ASAP supports transit systems in removing barriers to station access and ensuring that all passengers can use public transportation independently and reliably.

Respondents: Eligible applicants for ASAP include designated recipients that allocate funds to legacy rail fixed guideway public transportation systems, states (including territories and Washington DC) or local governmental entities that operate legacy rail fixed guideway public transportation system.

Estimated Annual Number of Respondents: 20 respondents.

Estimated Annual Number of Responses: 40 responses.

Estimated Total Annual Burden: 280 hours.

Frequency: Annually.

Kusum Dhyani,

Director, Office of Management Planning.

[FR Doc. 2026–07966 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2026–0037]

Agency Information Collection Activity Under OMB Review: Public Transportation Emergency Relief Program

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

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describe the nature of the information collection and their expected burdens.

DATES: Comments must be submitted on or before May 26, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD–10, Washington, DC 20590 (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On December 23, 2025 FTA published a 60-day notice (90 FR 60232) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: Public Transportation Emergency Relief Program.

OMB Control Number: 2132–0575.

Background: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Transit Administration (FTA) is requesting Office of Management and Budget (OMB) 3-year approval of an extension without change for a currently approved collection. The Federal Transit Administration's Emergency Relief program enables FTA to aid public transit operators in the aftermath of an emergency or major disaster. The program helps states and public transportation systems pay for protecting, repairing, and/or replacing equipment and facilities that may suffer or have suffered serious damage because of an emergency, including natural disasters such as floods, hurricanes, and tornadoes. The program can fund capital projects to protect, repair, or replace facilities or equipment that are in danger of suffering serious damage, or have suffered serious damage because of an emergency. The program can also fund the operating costs of evacuation, rescue operations, temporary public transportation service, or reestablishing, expanding, or relocating service before, during or after an emergency. Congress appropriates funding for FTA's Emergency Relief Program based on estimates of the funding needed to assist public transportation providers with capital projects to repair and rebuild after a disaster and to reimburse them for operating expenses incurred while preparing for and responding to disasters.

Respondents: Public transit agencies, States, federally recognized tribes, local governmental authorities responsible for public transportation and other eligible public transportation providers designated by a State or local government.

Estimated Annual Number of Responses: 26 responses.

Estimated Total Annual Burden: 4,680 hours.

Frequency: Annually.

Kusum Dhyani,

Director, Office of Management Planning.

[FR Doc. 2026–07968 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Great Lakes St. Lawrence Seaway Development Corporation

Advisory Board; Notice of Public Meeting

AGENCY: Great Lakes St. Lawrence Seaway Development Corporation, DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces the virtual public meeting of the Great Lakes St. Lawrence Seaway Development Corporation (GLS) Advisory Board.

DATES: The virtual public meeting will be held on:

- Wednesday, June 3, 2026, from 10 a.m.–12 p.m. EDT

○ Requests to participate in the meeting must be received by May 20, 2026.

○ Requests for accommodations to a disability must be received by May 20, 2026.

○ If you wish to speak during the meeting, you must submit a written copy of your remarks to GLS by May 13, 2026.

○ Requests to submit written materials to be reviewed during the meeting must be received by GLS no later than May 13, 2025.

ADDRESSES: The meeting will be held virtual. Details on how to participate will be forwarded to those who RSVP.

FOR FURTHER INFORMATION CONTACT: Sylvonica Madlock, Executive Officer, Great Lakes St. Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Suite W74–302, Washington, DC 20590; (202) 870–6335.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal

Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 2), notice is hereby given of meetings of the GLS Advisory Board. The agenda for each meeting is the same and will be as follows:

1. Opening Remarks
2. Consideration of Minutes of Past Meeting
3. Quarterly Report
4. Old and New Business
5. Closing Discussion
6. Adjournment

Public Participation

Attendance at the meeting is open to the interested public. With the approval of the Administrator, members of the public may present oral statements during the meeting. Persons wishing further information should contact the person listed under the heading, **FOR FURTHER INFORMATION CONTACT**. There will be three (3) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for each commenter may be limited. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name, address, and organizational affiliation of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, GLS will conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks for inclusion in the meeting records and for circulation to GLS Advisory Board members. All prepared remarks submitted will be accepted and considered as part of the meeting's record. Any member of the public may submit a written statement after the meeting deadline, and it will be presented to the committee.

The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Any member of the public may present a written statement to the Advisory Board at any time.

Donna O'Berry,

Chief Counsel.

Advisory Board Meeting Agenda—June 3, 2026

1. Opening Remarks
2. Consideration of Minutes of Past Meeting
3. Quarterly Report
4. Old and New Business
5. Closing Discussion
6. Adjournment

[FR Doc. 2026–07975 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–61–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No. DOT–OST–2026–1487]

RIN 2105–ZA51

Notice of Availability of Proposed Guidance for Preferred Loan Sizing for Transit-Oriented Development Projects Under the Railroad Rehabilitation and Improvement Financing Program and Transportation Infrastructure Finance and Innovation Act Program

AGENCY: Build America Bureau (Bureau), U.S. Department of Transportation (Department or DOT).

ACTION: Notice of availability of proposed guidance document; request for comments.

SUMMARY: The Build America Bureau (Bureau) is making available for public comment a proposed guidance document that would set an interim policy for the preferred loan sizing for transit-oriented development (TOD) projects under the Railroad Rehabilitation and Improvement Financing (RRIF) and Transportation Infrastructure Finance and Innovation Act (TIFIA) credit programs. The interim policy would be applied only to active projects in the RRIF and TIFIA programs' pipeline that previously received a preliminary eligibility determination or initiated the National Environmental Policy Act (NEPA) process (*i.e.,* USDOT has made an official class of action determination in writing based on detailed project information provided by the project sponsor). All other projects would need to apply (or reapply) once a final policy framework and updated application process for TOD projects are announced in a subsequent notice to be published in the near future.

DATES: Comments must be submitted by May 18, 2026 to receive full consideration by DOT for incorporation into the final guidance document. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Please send your comments, identified by Docket No.: [DOT–OST–2026–1487], to the Federal Regulations portal at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dan Schned, Acting Director, Office of Outreach and Project Development, Build America Bureau, at *daniel.schned@dot.gov* or 202–366–2897, with a courtesy copy to *usdotaccessibility@dot.gov and buildamerica@dot.gov.*

Please reference ''Proposed Guidance for Preferred Loan Sizing for TOD Projects'' in the subject line when submitting your response. Please note that any comments received by email will be posted, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* DOT looks forward to your submission in response to this notice.

SUPPLEMENTARY INFORMATION:

I. Background

In early 2025, DOT commenced a review of its policies related to credit assistance for TOD projects under the RRIF and TIFIA credit programs. As an outcome of this review, the Bureau has published a proposed guidance document to ensure that RRIF and TIFIA resources are deployed strategically to TOD projects that maximize transportation benefits. The proposed guidance document describes a preferred maximum loan sizing methodology that correlates the value of the transportation benefits a TOD project generates with the maximum size of a loan the Bureau would anticipate accepting as a policy matter.

This guidance document applies only to active projects in the Bureau's pipeline that have either received a preliminary eligibility determination letter from the Bureau or initiated a DOT-led National Environmental Policy Act (NEPA) process. The Bureau is developing an additional subsequent notice that will describe the future, updated application process and set of discretionary criteria for new TOD project financing requests. All TOD projects other than those described above to whom this current guidance document applies will need to apply/reapply pending the publication of the additional subsequent notice.

The proposed Preferred Loan Sizing guidance document, in the form of Frequently Asked Questions, is available for review on the Bureau's website at (*https://www.transportation.gov/buildamerica/TOD/faqs*), and the Federal Regulations portal (*www.regulations.gov*) with Docket No.: DOT–OST–2026–1487. The Bureau is seeking public comment on

the proposed guidance document before it is issued as final. In addition to general feedback, the Bureau specifically solicits input on the scope of the policy's implementation as detailed in Section II below.

II. Request for Comments

The Bureau solicits comments on the proposed implementation of this guidance. Under the current proposal, the Bureau would apply the interim policy only to specific transit-oriented development (TOD) projects currently in the pipeline, pending the development of a subsequent notice that would establish a separate, comprehensive application framework for all other current and future TOD credit assistance requests. Specifically, the Bureau requests input on the comparative merits of establishing a unified implementation framework—applying the preferred loan-sizing methodology described herein to the entirety of the TOD pipeline and all future applicants—as an alternative to the proposed phased approach.

Issued in Washington, DC, on April 21, 2026 pursuant to authority delegated by the Secretary,

Morteza Farajian,

Executive Director, Build America Bureau.

[FR Doc. 2026–07981 Filed 4–22–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Application and Renewal Fees Imposed on Surety Companies and Reinsuring Companies; Increase in Fees Imposed

AGENCY: Bureau of the Fiscal Service, Treasury.

ACTION: Notice of fees imposed on surety companies and reinsuring companies.

SUMMARY: The Department of the Treasury, Bureau of the Fiscal Service, is increasing the fees it imposes on and collects from surety companies and reinsuring companies, effective January 1, 2026.

FOR FURTHER INFORMATION CONTACT: Melvin Saunders, at (304) 480–5108 or *melvin.saunders@fiscal.treasury.gov;* or Bobbi McDonald, at (304) 480–7098 or *bobbi.mcdonald@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION: The Independent Offices Appropriations Act of 1952 (IOAA), codified at 31 U.S.C. 9701, authorizes Federal agencies to establish fees for a service or thing of value provided by the agency to members of the public. Office of Management and Budget Circular A–25 allows agencies to impose user fees for services that confer a special benefit to identifiable recipients beyond those accruing to the general public. Pursuant to 31 CFR 223.22, Treasury imposes fees on surety companies and reinsuring companies seeking to obtain or renew certification or recognition from Treasury. The fees imposed and collected cover the costs incurred by the Government for services performed for reviewing, analyzing, and evaluating the companies' applications, financial statements, and other information. Treasury determines the amount of fees in accordance with the IOAA and the Office of Management and Budget Circular A–25, as amended. The change in fees is the result of a thorough analysis of costs associated with the corporate federal surety bond program.

The new fee rate schedule is as follows:

(1) Examination of a company's application for a Certificate of Authority as an acceptable surety or as an acceptable reinsuring company on Federal bonds: $14,300.

(2) Determination of a company's continued qualification for annual renewal of its Certificate of Authority: $9,300.

(3) Examination of a company's application for recognition as an Admitted Reinsurer: $5,300.

(4) Determination of a company's continued qualification for annual renewal of its authority as an Admitted Reinsurer: $3,700.

(5) Determination of a company's continued qualification for annual renewal of its authority as an Admitted Reinsurer—Reinsurance Market: $18,500.

(6) Examination of a company's application for recognition as an Alien Reinsurer: $5,300.

(7) Determination of a company's continued qualification for annual renewal of its authority as an Alien Reinsurer: $3,700.

(8) Examination of a company's application for recognition as a Complementary Reinsurer: $5,300.

(9) Determination of a company's continued qualification for annual renewal of its authority as a Complementary Reinsurer: $3,700.

Questions concerning this notice should be directed to the Surety Bond Branch, Special Assets and Liabilities Division, Bureau of the Fiscal Service, Surety Bonds (A–1G), 257 Bosley Industrial Drive, Parkersburg, WV 26106, Telephone (304) 480–6635.

Timothy E. Gribben,

Commissioner, Bureau of the Fiscal Service.

[FR Doc. 2026–07873 Filed 4–22–26; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on April 17, 2026. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; the Assistant Director for Sanctions Compliance, 202–622–2490 or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Action

On April 17, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. GARCIA BATTE, Jose Oscar, Calle 64, No. 7–62, Apt 403, Bogota, Colombia; Al Fattan Marine Tower, Apt 3105, Jumeriah Beach Residence, Dubai, United Arab Emirates; DOB 25 Feb 1963; POB Icononzo, Tolima, Colombia; nationality Colombia; Gender Male; Cedula No. 5934638 (Colombia); Passport PE144026 (Colombia) expires 29 Aug 2027 (individual) [SUDAN–EO14098] (Linked To:

INTERNATIONAL SERVICES AGENCY S.A.S.).

Designated pursuant to section 1(a)(iv) of Executive Order 14098 of May 4, 2023, ''Imposing Sanctions on Certain Persons Destabilizing Sudan and Undermining the Goal of a Democratic Transition'' (E.O. 14098), for being a foreign person who has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, INTERNATIONAL SERVICES AGENCY, an entity whose property and interests in property are blocked pursuant to E.O. 14098.

2. GARCIA BATTE, Omar Fernando, Calle 64, No. 7–62, Apt 403, Bogota, Colombia; DOB 25 Sep 1961; POB Icononzo, Tolima, Colombia; nationality Colombia; Gender Male; Cedula No. 5934268 (Colombia) (individual) [SUDAN–EO14098] (Linked To: GLOBAL QOWA AL BASHERIA S.A.S.).

Designated pursuant to section 1(a)(ii)(B) of E.O. 14098 for being a foreign person who is or has been a leader, official, senior executive officer, or member of the board of directors of GLOBAL QOWA AL BASHERIA S.A.S., an entity whose property and interests in property are blocked pursuant to E.O. 14098 relating to the tenure of such leader, official, senior executive officer, or member of the board of directors.

3. QUIJANO TORRES, Jose Libardo, Colombia; DOB 24 Sep 1975; nationality Colombia; Gender Male; Cedula No. 74180772 (Colombia) (individual) [SUDAN–EO14098] (Linked To: FENIX HUMAN RESOURCES S.A.S.).

Designated pursuant to section 1(a)(ii)(B) of E.O. 14098 for being a foreign person who is or has been a leader, official, senior executive officer, or member of the board of directors of FENIX HUMAN RESOURCES S.A.S., an entity whose property and interests in property are blocked pursuant to E.O. 14098 relating to the tenure of such leader, official, senior executive officer, or member of the board of directors.

Entities

1. FENIX HUMAN RESOURCES S.A.S. (a.k.a. ''HRFENIX''), Carrera 47 A No. 93–92, Bogota, Colombia; website *https://hrfenix.com;* Organization Established Date 28 Feb 2025; NIT # 9019295283 (Colombia); Matricula Mercantil No 03929145 (Colombia) [SUDAN–EO14098].

Designated pursuant to section 1(a)(i)(A) of E.O. 14098 for being a foreign person who is responsible for, or complicit in, or has directly or indirectly engaged or attempted to engage in, actions or policies that threaten the peace, security, or stability of Sudan.

2. GLOBAL QOWA AL BASHERIA S.A.S. (a.k.a. ''MI FUTURO GLOBAL''), Carrera 13 No. 49–15 Oficina 401, Bogota, Colombia; website *https://mifuturoglobal.com;* Organization Established Date 28 Jun 2012; NIT # 9005343144 (Colombia); Matricula Mercantil No 02228829 (Colombia) [SUDAN–EO14098] (Linked To: GARCIA BATTE, Jose Oscar).

Designated pursuant to section 1(a)(v) of E.O. 14098 for being a foreign person who is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, JOSE OSCAR GARCIA BATTE, a person whose property and interests in property are blocked pursuant to E.O. 14098.

(Authority: E.O. 14098)

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–07897 Filed 4–22–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0899]

Agency Information Collection Activity Under OMB Review: Readjustment Counseling Service Scholarship Program (RCSSP)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs (VA), 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 May 26, 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. 2900–0899.''

FOR FURTHER INFORMATION CONTACT:

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: Readjustment Counseling Service Scholarship Program (RCSSP).

OMB Control Number: 2900–0899. *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Reinstatement of a currently approved collection.

Abstract: Authorization for this information collection is found in section 502 of Public Law 115–171, the Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019, which amended Chapter 76 of title 38 United States Code (U.S.C.) by establishing sections 7698 through 7699B and creating a scholarship program known as the Readjustment Counseling Service Scholarship Program (RCSSP). This legislation authorized the VA Readjustment Counseling Service (RCS) to provide scholarship awards to individual Veterans enrolled in accredited academic programs leading to an appointment in one of the selected health professional occupations. Specifically, the RCSSP provides educational assistance to individuals who pursue a graduate degree in psychology, social work, marriage and family therapy, or mental health counseling that would meet the education requirements for appointment as a health care professional in one of those fields in VA Vet Centers.

The information collected is used to determine the eligibility or suitability of an applicant desiring to receive a scholarship award under the provisions of the RCSSP. Following selection, additional information is collected from awardees pursuant to program requirements. The applicant forms in this collection are 10–264, 10–264A, 10–264E, and 10–264G. The awardee forms are 10–264D, 10–264F, 10–264H, 10–264I, 10–264J, 10–264K, and 10–264M.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 91 FR 5158, February 4, 2026.

Affected Public: Individuals or Households.

Estimated Annual Burden: Total hours = 181 hours.

Applicants:
10–264 = 54 hours.
10–264A = 9 hours.
10–264E = 45 hours.
10–264G = 54 hours.
Awardees:
10–264D = 4 hours.
10–264F = 3 hours.
10–264H = 2 hours.
10–264I = 4 hours.
10–264J = 2 hours.
10–264K = 2 hours.
10–264M = 2 hours.

Estimated Average Burden per Respondent:
Applicants:
10–264 = 60 minutes.
10–264A = 10 minutes.
10–264E = 50 minutes.
10–264G = 60 minutes.
Awardees:
10–264D = 20 minutes.
10–264F = 15 minutes.
10–264H = 10 minutes.
10–264I = 20 minutes.
10–264J = 10 minutes.
10–264K = 10 minutes.
10–264M = 10 minutes.

Frequency of Response: Once annually.

Estimated Number of Responses:
Total Responses = 66.
Applicants:
10–264 = 54.
10–264A = 54.
10–264E = 54.
10–264G = 54.
Awardees:
10–264D = 12.
10–264F = 12.
10–264H = 12.
10–264I = 12.
10–264J = 12.
10–264K = 12.
10–264M = 12.

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. 2026–07902 Filed 4–22–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[Docket No. VA–2026–VACO–0001]

Tiered Pharmacy Copayments for Medications; Calendar Year 2026 Update

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This Department of Veterans Affairs (VA) Notice updates the information on Tier 1 Medications.

FOR FURTHER INFORMATION CONTACT: Tamara Wagner, Management Analyst, Office of Finance/Revenue Operations, Veterans Health Administration, (970) 242–0731, extension 2219.

SUPPLEMENTARY INFORMATION: Section 17.110 of title 38, Code of Federal Regulations (CFR), governs copayments for medications that VA provides to veterans. Section 17.110 provides the methodologies for establishing the copayment amount for each 30-day or less supply of medication provided by VA on an outpatient basis (other than medication administered during treatment).

Tier 1 medication means a multi-source medication that has been identified using the process described in paragraph (b)(2) of § 17.110. Not less than once per year, VA will identify a subset of multi-source medications as Tier 1 medications. Only medications that meet all the criteria in 38 CFR 17.110(b)(2)(i), (ii), and (iii) will be eligible to be considered Tier 1 medications, and only those medications that meet all the criteria in paragraph (b)(2)(i) of this section will be assessed using the criteria in paragraphs (b)(2)(ii) and (iii).

Based on the methodologies set forth in § 17.110, this notice updates the list of Tier 1 medications for Calendar Year 2026. The Tier 1 medication list is posted on VA's website at the following link: *www.va.gov/resources/va-tier-1-copay-medication-list.*

The following table is the Tier 1 Copay Medication List that is effective January 1, 2026, and will remain in effect until December 31, 2026.

Condition	VA product name
Arthritis and Pain	Aspirin buffered tablet, Aspirin chewable tablet, Aspirin enteric coated tablet, Allopurinol tablet, Celecoxib capsule, Diclofenac tablet, Ibuprofen tablet, Meloxicam tablet, Naproxen tablet.
Blood Thinners and Platelet Inhibitors.	Clopidogrel Bisulfate tablet.
Cholesterol	Atorvastatin tablet, Ezetimibe tablet, Fenofibrate capsule or tablet, Pravastatin tablet, Rosuvastatin Calcium (CA) tablet, Simvastatin tablet.
Dementia	Donepezil tablet.
Diabetes	Glipizide tablet, Metformin Hydrochloride (HCL) tablet, Metformin HCL 24-hour Sustained Action (SA) tablet, Pioglitazone HCL tablet.
Electrolyte Supplement	Potassium SA tablet, Potassium SA dispersible tablet.
Gastrointestinal Health	Famotidine tablet, Omeprazole Enteric-Coated (EC) capsule, Pantoprazole Sodium capsule, Psyllium (regular and sugar-free) bulk powder.
Glaucoma and Eye Care	Carboxymethylcellulose Sodium Ophthalmic Solution, Brimonidine 0.2% ophthalmic solution, Diclofenac ophthalmic solution, Latanoprost (excludes preservative-free) 0.005% Ophthalmic solution, Polyethylene Glycol Ophthalmic solution.
Heart Health and Blood Pressure	Amiodarone tablet, Amlodipine tablet, Aspirin (see Arthritis & Pain), Atenolol tablet, Carvedilol tablet, Chlorthalidone tablet, Clonidine tablet, Diltiazem 24-hour capsule, Diltiazem HCL tablet, Furosemide tablet, Hydralazine HCL tablet, Hydrochlorothiazide tablet/capsule, Hydrochlorothiazide/Lisinopril tablet, Hydrochlorothiazide/Triamterene tab/cap, Isosorbide Mononitrate SA tablet, Lisinopril tablet, Losartan tablet, Metoprolol Succinate SA tablet, Metoprolol Tartrate tablet, Nifedipine SA capsule, Nitroglycerin sublingual tablet, Prazosin HCL capsule, Spironolactone tablet, Valsartan tablet.
Hormones/Other	None.
Mental Health	Amitriptyline HCL tablet, Buspirone HCL tablet, Bupropion HCL tablet, Bupropion HCL SA (12 hour-SR) tablet, Bupropion HCL SA (24 hour-XL) tablet, Citalopram Hydrobromide tablet, Duloxetine HCL EC capsule, Escitalopram Oxalate tablet, Fluoxetine tablet/capsule, Memantine tablet, Mirtazapine tablet, Paroxetine tablet, Quetiapine Immediate release (IR) Tablet, Sertraline HCL tablet, Trazodone tablet, Venlafaxine HCL IR tablet, Venlafaxine HCL SA capsule.
Neurologic Disorders	Ropinirole tablet.
Respiratory Condition	Montelukast Sodium tablet.
Seizures	Gabapentin capsule, Lamotrigine tablet, Topiramate tablet.
Thyroid Conditions	Levothyroxine Sodium tablet.

Condition	VA product name
Urologic (Bladder and Prostate) Health.	Doxazosin Mesylate tablet, Finasteride tablet, Oxybutynin Chloride SA tablet, Sildenafil tablet, Tadalafil tablet, Tamsulosin HCL capsule, Terazosin HCL capsule.

(Authority: 38 U.S.C. 501; 38 CFR 17.110(b)(3))

Signing Authority: Douglas A. Collins, Secretary of Veterans Affairs, approved this document on April 16, 2026, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Gabriela DeCuir,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

[FR Doc. 2026–07880 Filed 4–22–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Thursday,

No. 78 April 23, 2026

Part II

Department of Labor

Wage and Hour Division

29 CFR Parts 500, 780, 791, et al.

Joint Employer Status Under the Fair Labor Standards Act, Family and Medical Leave Act, and Migrant and Seasonal Agricultural Worker Protection Act; Proposed Rule

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Parts 500, 780, 791, and 825

[Docket No. WHD–2026–0067]

RIN 1235–AA48

Joint Employer Status Under the Fair Labor Standards Act, Family and Medical Leave Act, and Migrant and Seasonal Agricultural Worker Protection Act

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: Since 2021, the Department has not provided any regulatory guidance addressing joint employer status under the Fair Labor Standards Act (FLSA or Act) for the benefit of workers, employers, or its enforcement personnel. In this rulemaking, the Department proposes to clarify how to determine joint employer status under the FLSA in Part 791 of Title 29, where its joint employer regulations were located prior to 2021. Additionally, the Department is also proposing to amend provisions in its regulations implementing the Family and Medical Leave Act (FMLA) and Migrant and Seasonal Agricultural Worker Protection Act (MSPA) to provide that joint employer status under those laws be determined using the Department's FLSA analysis, as the FMLA and MSPA both incorporate the FLSA's employment definitions. This rulemaking is intended to provide clarity and a measure of uniformity for employers and employees in an area of the law where components of legislative, executive, and judicial branches—at both the federal and state levels—have presented widely varying tests and standards. In addition, the proposed rule offers a nationwide standard for use by the Department's investigators and law enforcement personnel that would not only ensure the evenhanded application of the Act in matters that often cross state and circuit lines but also preserve core consistency with the wide variety of potentially relevant judicial frameworks. The proposed rule intends to marshal the commonality between those approaches closest to the statute as construed by the courts and, in so doing, simplify the Department's enforcement of the law, reduce litigation, and provide a reliable and uniform analysis for workers and employers that ultimately applies and complements the core commonality between the various tests applied by the federal courts.

DATES: Interested persons are invited to submit written comments on this notice of proposed rulemaking (NPRM). Comments must be received on or before June 22, 2026.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) 1235–AA48, by either of the following methods:

- *Electronic Comments:* Submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Address written submissions to: Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210.

Instructions: Response to this NPRM is voluntary. The Department requests that no business proprietary information, copyrighted information, or personally identifiable information be submitted in response to this NPRM. Commenters submitting file attachments on *https://www.regulations.gov* are advised that uploading text-recognized documents—*i.e.,* documents in a native file format or documents which have undergone optical character recognition (OCR)—enable staff at the Department to more easily search and retrieve specific content included in your comment for consideration.

Anyone who submits a comment (including duplicate comments) should understand and expect that the comment, including any personal information provided, will become a matter of public record and will be posted without change to *https://www.regulations.gov.* The Department posts comments gathered and submitted by a third-party organization as a group under a single document ID number on *https://www.regulations.gov.* All comments must be received by 11:59 p.m. ET on June 22, 2026, for consideration in this rulemaking; comments received after the comment period closes will not be considered.

The Department strongly recommends that commenters submit their comments electronically via *https://www.regulations.gov* to ensure timely receipt prior to the close of the comment period, as the Department continues to experience delays in the receipt of mail. Please submit only one copy of your comments by only one method.

Docket: For access to the docket to read background documents or comments, go to the Federal eRulemaking Portal at *https://www.regulations.gov.* In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may also be found at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Daniel Navarrete, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division (WHD), U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Alternative formats are available upon request by calling 1–866–487–9243. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

Questions of interpretation or enforcement of the agency's existing regulations may be directed to the nearest WHD district office. Locate the nearest office by calling the WHD's toll-free help line at (866) 4US–WAGE ((866) 487–9243) between 8 a.m. and 5 p.m. in your local time zone, or log onto WHD's website at *https://www.dol.gov/agencies/whd/contact/local-offices* for a nationwide listing of WHD district and area offices.

SUPPLEMENTARY INFORMATION:

I. Background

A. Relevant FLSA, FMLA, and MSPA Statutory Definitions

Enacted in 1938, the FLSA requires that, among other things, covered employers pay their nonexempt employees at least the federal minimum wage for every hour worked and overtime pay for every hour worked in excess of 40 in a workweek, and it mandates that employers keep certain records regarding their employees.[1] Section 3(d) of the Act defines ''employer'' to ''include[ ] any person acting directly or indirectly in the interest of an employer in relation to an employee.'' [2] Section 3(e) generally defines ''employee'' to mean ''any individual employed by an employer'' [3] and identifies certain specific groups of workers who are not ''employees'' for purposes of the FLSA.[4] Finally, section 3(g) defines ''employ'' to ''include[ ] to suffer or permit to work.'' [5]

Congress enacted MSPA in 1983 to protect migrant and seasonal agricultural workers by establishing employment standards related to wages, housing, transportation, disclosures,

[1] *See* 29 U.S.C. 206(a) (minimum wage requirement), 207(a) (overtime pay requirement), 211(c) (recordkeeping requirements).

[2] 29 U.S.C. 203(d).

[3] 29 U.S.C. 203(e)(1).

[4] 29 U.S.C. 203(e)(2)–(5).

[5] 29 U.S.C. 203(g).

and recordkeeping.[6] Agricultural employers, agricultural associations, and farm labor contractors (as those terms are defined in MSPA) must comply with such applicable standards in their employment of migrant and seasonal agricultural workers.[7] MSPA also requires farm labor contractors to register with the Department and obtain a certificate of registration.[8] It is a violation of MSPA to threaten, discharge, or in any manner discriminate against any migrant or seasonal agricultural worker because such worker, with just cause, files a complaint, institutes a proceeding, testifies or is about to testify in a proceeding, or exercises any right under MSPA.[9] MSPA adopts the FLSA's definition of ''employ.'' [10]

The FMLA was enacted in 1993. It entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons while continuing group health insurance coverage under the same terms and conditions as if the employee had not taken leave.[11] Eligible employees who take such leave must generally be restored to the same or an equivalent position when they return to work after FMLA leave.[12] An employer cannot interfere with, restrain, or deny an employee's exercise of or attempt to exercise any rights under the FMLA.[13] The FMLA adopts the FLSA's definitions of ''employ'' and ''employee.'' [14]

B. Early Guidance and Regulations Regarding FLSA Joint Employment

A year after the FLSA's enactment, WHD issued Interpretative Bulletin Number 13 in July 1939 addressing, among other topics, whether two or more companies could be jointly and severally liable for a single employee's hours worked under the FLSA.[15] The Bulletin acknowledged the possibility of what we consider today as joint employer liability and offered an illustration where two companies arranged ''to employ a common watchman'' who had ''the duty of watching the property of both companies concurrently for a specified number of hours each night.'' [16] The Bulletin concluded that the companies ''are not each required to pay the minimum rate required under the statute for all hours worked by the watchman . . . but . . . should be considered as a joint employer for purposes of the [FLSA].'' [17] This scenario—where an employee is jointly employed by two or more employers that simultaneously benefit from the employee's work—is understood today as vertical joint employment.[18]

The Bulletin provided a second example of an employee who works 40 hours for company A and 15 hours for company B during the same workweek.[19] The Bulletin explained that if the two companies are ''acting entirely independently of each other with respect to the employment of the particular employee,'' they are not joint employers and may ''disregard all work performed by the employee for the other company'' in determining their obligations to the employee under the FLSA for that workweek.[20] On the other hand, if ''the employment by A is not completely disassociated from the employment by B,'' they are joint employers and must consider the hours worked for both as a whole to determine their obligations to the employee under the FLSA for that workweek.[21] This scenario—where an employee works separate hours for two (or more) employers in the same workweek that are sufficiently associated with each other with respect to the employment of the employee—is understood today as horizontal joint employment.[22]

The Bulletin concluded by saying that, ''at least in the following situations, an employer will be considered as acting in the interest of another employer in relation to an employee: If the employers make an arrangement for the interchange of employees or if one company controls, is controlled by, or is under common control with, directly or indirectly, the other company.'' [23]

In 1958, the Department published regulations that expounded on the concepts WHD had set forth in Interpretative Bulletin No. 13.[24] Those regulations explained that there is joint employment under the FLSA and that the determination ''depends upon all the facts in the particular case.'' [25] They further explained that two or more employers that ''are acting entirely independently of each other and are completely disassociated'' with respect to the employee's employment are not joint employers, but joint employment exists if ''employment by one employer is not completely disassociated from employment by the other employer(s).'' [26] The regulations also advised that, ''[w]here the employee performs work which simultaneously benefits two or more employers, or works for two or more employers at different times during the workweek,'' the employers are joint employers in situations such as: (1) where there is an arrangement between the employers to share the employee's services, as, for example, to interchange employees; (2) where one employer is acting directly or indirectly in the interest of the other employer (or employers) in relation to the employee; or (3) where the employers are not completely disassociated with respect to the employment of a particular employee and may be deemed to share control of the employee, directly or indirectly, by reason of the fact that one employer controls, is controlled by, or is under common control with the other employer.[27]

In 1961, the Department amended a footnote in those regulations to clarify that a joint employer is also jointly liable for overtime pay.[28] Nearly 60 years passed before the Department amended and updated Part 791 in 2020. However, in 1973, the Department did promulgate regulations addressing joint employment in certain agricultural contexts that remain in effect today.[29] Specifically, subsection 780.305(c) provides that ''[a] farmer whose crops are harvested by an independent

[6] *See generally* 29 U.S.C. 1801, *et seq.*

[7] *See* 29 U.S.C. 1821–1823, 1831–32, 1841–1844.

[8] *See* 29 U.S.C. 1811–1815.

[9] 29 U.S.C. 1855(a).

[10] 29 U.S.C. 1802(5) (''The term 'employ' has the meaning given such term under [the FLSA, 29 U.S.C. 203(g)].'').

[11] *See* 29 U.S.C. 2611–2614.

[12] *See* 29 U.S.C. 2614(a)(1)–(2).

[13] *See* 29 U.S.C. 2615.

[14] 29 U.S.C. 2611(3) (providing that the terms ''employ'' and ''employee'' for purposes of the FMLA have the same meanings given such terms in 29 U.S.C. 203(e) and (g)). The FMLA has its own definitions for whether an employee is ''eligible'' for FMLA leave and whether his or her employer is covered by the FMLA. *See* 29 U.S.C. 2611(2), (4).

[15] Interpretative Bulletin No. 13, ''Hours Worked: Determination of Hours for Which Employees are Entitled to Compensation Under the Fair Labor Standards Act of 1938,'' ¶¶ 16–17. Shortly thereafter, WHD revised other portions of the Bulletin that are not pertinent here.

[16] *Id.* ¶ 16.

[17] *Id.*

[18] *See, e.g., Clifton* v. *Famous Bourbon Mgmt. Grp., Inc.,* 762 F. Supp. 3d 480, 496 n.125 (E.D. La. 2025).

[19] Interpretative Bulletin No. 13, ¶ 17.

[20] *Id.*

[21] *Id.*

[22] *See supra* fn.18.

[23] *See* 29 CFR part 791 (1958 or 1959); *see also* Interpretative Bulletin No. 13, ¶ 17.

[24] Joint Employment Relationship under Fair Labor Standards Act of 1938, 23 FR 5905 (Aug. 5, 1958) (promulgating 29 CFR part 791).

[25] 29 CFR 791.2(a) (1958).

[26] *Id.*

[27] 29 CFR 791.2(b) (1958) (footnotes omitted).

[28] Miscellaneous Amendments, 26 FR 7730, 7732 (Aug. 18, 1961).

[29] Clarification of Employment Status of Certain Agricultural Labor, 38 FR 27520–21 (Oct. 4, 1973) (adding 29 CFR 780.305(c) and revising 29 CFR 780.331(d)).

contractor is considered to be a joint employer with the contractor who supplies the harvest hands if the farmer has the power to direct, control or supervise the work, or to determine the pay rates or method of payment for the harvest hands'' (citing 29 CFR 780.331). Also, subsection 780.331(d) provides that ''[w]hether or not a labor contractor or crew leader is found to be a bona fide independent contractor, his employees are considered jointly employed by him and the farmer who is using their labor if the farmer has the power to direct, control or supervise the work, or to determine the pay rates or method of payment'' (citing cases).

C. Regulations Regarding FMLA and MSPA Joint Employment

1. FMLA Regulations

The Department's FMLA regulations define various terms under the FMLA, and consistent with the FMLA's adoption of the FLSA's statutory definitions, define ''employ'' to mean ''to suffer or permit to work'' and ''employee'' to generally mean ''any individual employed by an employer.'' [30] The regulations also address joint employment under the FMLA, providing: ''Where two or more businesses exercise some control over the work or working conditions of the employee, the businesses may be joint employers under FMLA. Joint employers may be separate and distinct entities with separate owners, managers, and facilities.'' [31] The regulations then restate, almost verbatim, the three joint employment situations identified in the 1958 regulation.[32] The FMLA regulations add: ''A determination of whether or not a joint employment relationship exists is not determined by the application of any single criterion, but rather the entire relationship is to be viewed in its totality.'' [33]

Where joint employment exists, the FMLA regulations clarify that employees who are jointly employed by two or more employers must be counted by all joint employers in determining employer coverage and employee eligibility under the FMLA.[34] However, only an employee's ''primary employer'' is responsible for giving required notices to the employee, providing FMLA leave, and maintaining health benefits.[35] Job restoration is the primary responsibility of the primary employer, while a secondary employer would be responsible for accepting an employee returning from FMLA leave in certain circumstances.[36]

Finally, the regulations provide FMLA-specific guidance for the joint employer status of ''temporary placement agencies'' and ''Professional Employer Organizations (PEOs),'' which are described as companies that ''[contract] with client employers to perform administrative functions such as payroll, benefits, regulatory paperwork, and updating employment policies.'' [37] When joint employment exists in a scenario involving a temporary placement agency, ''the placement agency most commonly would be the primary employer.'' [38] By contrast, where a PEO is a joint employer, ''the client employer most commonly would be the primary employer.'' [39]

The Department's initial FMLA regulations (promulgated in an Interim Final Rule in 1993 and which the Department applied through 1995) had set forth the following factors to determine joint employment: (1) the nature and degree of control of the workers; (2) the degree of supervision, direct or indirect, of the work; (3) the power to determine the pay rates or the methods of payment of the workers; (4) the right, directly or indirectly, to hire, fire, or modify the employment conditions of the workers; and (5) preparation of the payroll and payment of wages.[40]

2. MSPA Regulations

Shortly after Congress enacted MSPA in 1983, the Department issued regulations that included factors for determining joint employer status under the statute. They were: (A) the nature and degree of control of the workers; (B) the degree of supervision, direct or indirect, of the work; (C) the power to determine the pay rates or the methods of payment of the workers; (D) the right, directly or indirectly, to hire, fire, or modify the employment conditions of the workers; and (E) preparation of payroll and the payment of wages.[41] WHD and the Department applied these factors between 1983 and 1997.

In 1997, the Department's revised its MSPA regulations that address joint employment, adopting the framework it applies today.[42] These regulations provide that ''the definition of the term *employ* includes the *joint employment* principles applicable under the Fair Labor Standards Act,'' [43] and that ''[*j*]*oint employment* under the Fair Labor Standards Act is joint employment under the MSPA.'' [44] Where joint employment exists, each joint employer must ensure that the employee receives all employment-related rights granted by MSPA, such as accurate and timely disclosure of the terms and conditions of employment, written payroll records, and payment of wages when due.[45] These employer responsibilities need only be carried out by one joint employer, but the failure to provide an employee with any of these required protections will result in joint liability for all joint employers.[46]

To determine if joint employment exists, the MSPA regulations borrow from the 1958 regulation, explaining: ''A determination of whether the employment is to be considered joint employment depends upon all the facts in the particular case. If the facts establish that two or more persons are completely disassociated with respect to the employment of a particular employee, a joint employment situation does not exist.'' [47]

The MSPA regulations further explain that the common scenario for joint employment under MSPA involves whether agricultural workers employed by a farm labor contractor are jointly employed by the agricultural employer/association.[48] When making such a determination, ''the ultimate question to be determined is the economic reality—whether the worker is so economically dependent upon the agricultural employer/association as to be considered its employee.'' [49] For use ''in determining the ultimate question of economic dependency,'' the MSPA regulations provide seven non-exhaustive factors:

[30] 29 CFR 825.102.

[31] 29 CFR 825.106(a).

[32] *Id.; see supra* n. 24.

[33] 29 CFR 825.106(b)(1).

[34] *See* 29 CFR 29 CFR 825.106(d). Among other coverage requirements, ''eligible employees'' covered by the FMLA must work at a location where their employer has at least 50 employees within a 75-mile radius. *See* 29 U.S.C. 2611(2)(B)(ii).

[35] *See* 29 CFR 825.106(c).

[36] *See* 29 CFR 825.106(e); *see also* The Family and Medical Leave Act of 1993, Final Rule, 60 FR 2180–01, 2183 (Jan. 6, 1995).

[37] 29 CFR 825.106(b)(2).

[38] 29 CFR 825.106(c).

[39] *Id.*

[40] The Family and Medical Leave Act of 1993, Interim Final Rule, 58 FR 31794, 31814 (§ 825.106(a)(1)–(5)) (June 4, 1993).

[41] Migrant and Seasonal Agricultural Worker Protection Regulations, Final Rule, 48 FR 36736–01, 36745 (§ 500.20(h)(4)(ii)(A)–(E)) (Aug. 12, 1983).

[42] Migrant and Seasonal Agricultural Worker Protection Act, Final Rule, 62 FR 11734 (Mar. 12, 1997).

[43] 29 CFR 500.20(h)(5).

[44] 29 CFR 500.20(h)(5)(i).

[45] *See* WHD Fact Sheet #35: Joint Employment and Independent Contractors Under the Migrant and Seasonal Agricultural Worker Protection Act, *https://www.dol.gov/agencies/whd/fact-sheets/35-mspa-joint-employment.*

[46] *Id.*

[47] 29 CFR 500.20(h)(5).

[48] 29 CFR 500.20(h)(5)(i).

[49] 29 CFR 500.20(h)(5)(iii).

(A) Whether the agricultural employer/association has the power, either alone or through control of the farm labor contractor to direct, control, or supervise the worker(s) or the work performed (such control may be either direct or indirect, taking into account the nature of the work performed and a reasonable degree of contract performance oversight and coordination with third parties);

(B) Whether the agricultural employer/association has the power, either alone or in addition to another employer, directly or indirectly, to hire or fire, modify the employment conditions, or determine the pay rates or the methods of wage payment for the worker(s);

(C) The degree of permanency and duration of the relationship of the parties, in the context of the agricultural activity at issue;

(D) The extent to which the services rendered by the worker(s) are repetitive, rote tasks requiring skills which are acquired with relatively little training;

(E) Whether the activities performed by the worker(s) are an integral part of the overall business operation of the agricultural employer/association;

(F) Whether the work is performed on the agricultural employer/association's premises, rather than on premises owned or controlled by another business entity; and

(G) Whether the agricultural employer/association undertakes responsibilities in relation to the worker(s) which are commonly performed by employers, such as preparing and/or making payroll records, preparing and/or issuing pay checks, paying FICA taxes, providing workers' compensation insurance, providing field sanitation facilities, housing or transportation, or providing tools and equipment or materials required for the job (taking into account the amount of the investment).[50]

The MSPA regulations further provide that no one factor ''will be dispositive of the ultimate question,'' and ''[h]ow the factors are weighed depends upon all of the facts and circumstances.'' [51]

D. Federal Caselaw on Joint Employer Liability Under the FLSA

Federal courts generally identify two Supreme Court cases as relevant precedent for adjudicating FLSA joint employment disputes: *Rutherford Food Corp.* v. *McComb,* 331 U.S. 722 (1947), and *Falk* v. *Brennan,* 414 U.S. 190 (1973).[52]

Rutherford Food examined whether a group of skilled meat boners working as a crew on the premises of a slaughterhouse were jointly employed by the slaughterhouse. Although the workers were recruited and paid by an ''experienced boner'' whose contract with the slaughterhouse stated that he had ''complete control over the other boners'' and that they ''would be his employees,'' the Court nevertheless found that the workers were also employed by the slaughterhouse, noting that ''determination of [an employment] relationship does not depend on such isolated factors [as the existence of a contractual agreement or industry custom], but rather upon the circumstances of the whole activity.'' [53] The Court found relevant, among other facts, that ''responsibility under the boning contracts without material changes passed from one boner to another,'' ''[t]he premises and equipment of [the slaughterhouse] were used for the work,'' ''[t]he group had no business organization that could or did shift as a unit from one slaughterhouse to another,'' and ''[t]he managing official of the plant kept close touch on the operation.'' [54]

Falk addressed whether an apartment management company was an FLSA joint employer of the employees of the apartment buildings that it managed.[55] The Court held that, because the management company exercised ''substantial control [over] the terms and conditions of the [employees'] work,'' the management company was an employer under 29 U.S.C. 203(d), and could therefore be jointly liable with the building owners for any wages due to the employees under the FLSA.[56]

In 1983, the Ninth Circuit issued a seminal joint employer decision, *Bonnette* v. *California Health & Welfare Agency.*[57] In *Bonnette,* seniors and individuals with disabilities receiving state welfare assistance (the recipients) employed home care workers as part of a state welfare program.[58] Taking an approach similar to *Falk,* the court addressed whether California and several of its counties (the counties) were joint employers of the workers, and in making that determination, the court found ''four factors [to be] relevant'': ''whether the alleged [joint] employer (1) had the power to hire and fire the employees, (2) supervised and controlled employee work schedules or conditions of employment, (3) determined the rate and method of payment, and (4) maintained employment records.'' [59] The court noted that these four factors ''are not etched in stone and will not be blindly applied'' and that the determination of joint employer status depends on the circumstances of the whole activity.[60] Applying the four factors, the court concluded that the counties ''exercised considerable control'' and ''had complete economic control'' over ''the nature and structure of the employment relationship'' between the recipients and home care workers, and were therefore ''employers'' too, jointly and severally liable with the recipients to the home care workers.[61]

E. WHD Subregulatory Guidance Prior to 2020

WHD has addressed joint employment in several subregulatory documents—including opinion letters,[62] administrator interpretations,[63] as well as other guidance.

F. 2020 Joint Employer Rule

In January 2020, the Department published a final rule titled ''Joint

[50] 29 CFR 500.20(h)(5)(iv).

[51] *Id.*

[52] WHD noted in its 2020 Joint Employer Rule that *Rutherford Food* ''focus[ed] . . . on whether the workers were employees under the FLSA or independent contractors.'' 85 FR 2827; *see also Salinas* v. *Commercial Interiors, Inc.,* 848 F.3d 125, 135 (4th Cir. 2017) (explaining that, ''[a]lthough *Rutherford Food* recognized joint employment[,] . . . the case principally addressed whether the meat boners were employees or independent contractors''). A number of courts, however, cite to *Rutherford Food* as an FLSA joint employment case. *See Zheng* v. *Liberty Apparel Co.,* 355 F.3d 61, 70 (2d Cir. 2003); *Torres-Lopez* v. *May,* 111 F.3d 633, 640 (9th Cir. 1997); *Layton* v. *DHL Exp. (USA), Inc.,* 686 F.3d 1172, 1180 (11th Cir. 2012).

[53] *Rutherford Food,* 331 U.S. at 724–25, 730.

[54] *Id.* at 730.

[55] 414 U.S. at 195.

[56] *Id.*

[57] 704 F.2d 1465, *abrogated on other grounds* by *Garcia* v. *San Antonio Metro. Transit Auth.,* 469 U.S. 528 (1985). Although the Ninth Circuit later adopted a thirteen-factor test in *Torres-Lopez* v. *May,* 111 F.3d 633, 639–41 (9th Cir. 1997), many courts have treated *Bonnette* as the baseline for their own joint employer tests.

[58] 704 F.2d at 1467–68.

[59] *Id.* at 1469–70.

[60] *Id.* at 1470.

[61] *Id.*

[62] *See, e.g.,* WHD Opinion Ltr. FLSA2005–15, 2005 WL 2086804 (Apr. 11, 2005) (addressing joint employment in a health care system comprised of hospitals, nursing homes, and parent holding company); WHD Opinion Ltr., 1999 WL 1788146 (Aug. 24, 1999) (advising that private duty nurses were jointly employed by a hospital and individual patients); WHD Opinion Ltr., 1998 WL 852621 (Jan. 27, 1998) (addressing the joint employment of grocery vendor employees stocking grocery shelves); WHD Opinion Ltr. FLSA–1089, 1989 WL 1632931 (Aug. 9, 1989) (advising that workers participating in an enclave program would be jointly employed by a participating business and a supervising workshop).

[63] *See* Administrator's Interpretation No. 2016–1, *available at* 2016 WL 284582 (Jan. 20, 2016) (asserting that the scope of joint employment under the FLSA is ''as broad as possible'') (withdrawn effective June 7, 2017); Administrator's Interpretation No. 2014–2, *available at* 2014 WL 2816951 (June 19, 2014) (addressing joint employment in home care) (withdrawn on March 10, 2020).

Employer Status Under the Fair Labor Standards Act,'' which took effect March 16, 2020 (2020 Rule).[64] The 2020 Rule explained that the 1958 version of Part 791 was ''useful'' when determining horizontal joint employment but ''was not helpful and did not provide an adequate explanation'' when determining vertical joint employment.[65] The 2020 Rule revised Part 791 so that: section 791.1 contained an introductory statement; section 791.2 contained the substance of the 2020 Rule's analyses for both vertical joint employment (which it referred to as ''the first joint employer scenario'') and horizontal joint employment (which it referred to as ''the second joint employer scenario''); and section 791.3 contained a severability provision.[66] The 2020 Rule sought ''to promote certainty for employers and employees, reduce litigation, promote greater uniformity among court decisions, and encourage innovation in the economy.'' [67]

1. 2020 Rule's Vertical Joint Employment Standard

For vertical joint employment, the 2020 Rule stated that ''[t]he other person [that is benefitting from the employee's labor] is the employee's joint employer only if that person is acting directly or indirectly in the interest of the employer in relation to the employee,'' and then cited FLSA section 3(d)'s definition of ''employer.'' [68] The 2020 Rule asserted that section 3(d) was the sole statutory provision for determining ''joint employer status'' under the FLSA—not sections 3(e) or 3(g).[69] The 2020 Rule further provided that the definitions of ''employee'' and ''employ'' in sections 3(e) and 3(g) ''determine whether an individual worker is an employee under the [FLSA].'' [70] Citing section 3(d)'s definition of ''employer'' as including ''any person acting directly or indirectly in the interest of an employer in relation to an employee,'' the 2020 Rule stated that ''only this language from section 3(d) contemplates the possibility of a person in addition to the employer who is also an employer and therefore jointly liable for the employee's hours worked.'' [71] The 2020 Rule concluded that this language from section 3(d), ''by its plain terms, contemplates an employment relationship between an employer and an employee, as well as another person who may be an employer too—which exactly fits the [vertical] joint employer scenario under the [FLSA].'' [72] The 2020 Rule relied on the Supreme Court's decision in *Falk* and the Ninth Circuit's decision in *Bonnette* to ''support focusing on section 3(d) as determining joint employer status.'' [73]

The 2020 Rule explained that ''four factors are relevant to the determination'' of whether the other employer is a joint employer in the vertical joint employment situation.[74] Those four factors were whether the other employer: (1) hires or fires the employee; (2) supervises and controls the employee's work schedule or conditions of employment to a substantial degree; (3) determines the employee's rate and method of payment; and (4) maintains the employee's employment records.[75] The 2020 Rule further explained that ''these four factors—which weigh the economic reality of the potential joint employer's control, direct or indirect, over the employee—are not only the most relevant factors to the joint employer analysis, but also afford stakeholders greatly needed clarity and uniformity.'' [76]

The 2020 Rule's four-factor test ''derived from'' *Bonnette,*[77] with a few modifications. First, the 2020 Rule described the first factor as whether the other employer ''[h]ires or fires the employee'' instead of whether it had ''the power'' to hire and fire.[78] The 2020 Rule stated generally that the ''potential joint employer must actually exercise . . . one or more of these indicia of control to be jointly liable under the [FLSA],'' and that ''[t]he potential joint employer's ability, power, or reserved right to act in relation to the employee may be relevant for determining joint employer status, but such ability, power, or right alone does not demonstrate joint employer status without some actual exercise of control.'' [79] Second, the 2020 Rule modified the *Bonnette* factor requiring consideration of whether the potential joint employer supervises and controls work schedules or conditions of employment by adding the phrase ''to a substantial degree.'' Although *Bonnette* did not include this phrase in its articulation of this factor, *Bonnette* did find that, on the facts before it, the potential joint employers ''exercised considerable control'' in that area.[80] Third, the 2020 Rule stated that ''[s]atisfaction of the maintenance of employment records factor alone will not lead to a finding of joint employer status'' (*Bonnette* did not address this).[81] Finally, the 2020 Rule stated that ''[a]dditional factors may be relevant for determining joint employer status in this scenario, but only if they are indicia of whether the potential joint employer exercises significant control over the terms and conditions of the employee's work.'' [82] *Bonnette* indicated that ''[t]he ultimate determination must be based 'upon the circumstances of the whole activity.' '' [83]

The 2020 Rule also excluded consideration of the employee's economic dependence on the potential joint employer, explaining that ''[e]conomic dependence is relevant when applying section 3(g) and determining whether a worker is an employee under the [FLSA]; however, determining whether a worker who is an employee under the [FLSA] has a joint employer for his or her work is a different analysis that is based on section 3(d).'' [84] The 2020 Rule further explained that, ''[b]ecause evaluating control of the employment relationship by the potential joint employer over the employee is the purpose of the Department's four-factor balancing test, it is sensible to limit the consideration of additional factors to those that indicate control.'' [85]

Finally, the 2020 Rule provided that a person's business model (such as a franchise model), certain business practices (such as allowing an employer to operate a store on the person's premises or participating in an association health or retirement plan),

[64] Joint Employer Status Under the Fair Labor Standards Act, Final Rule, 85 FR 2820 (Jan. 16, 2020). The Department had published a notice of proposed rulemaking requesting comments on a proposed rule. Joint Employer Status Under the Fair Labor Standards Act, NPRM, 84 FR 14043 (Apr. 9, 2019). The final rule adopted ''the analyses set forth in the NPRM largely as proposed.'' 85 FR 2820.

[65] *Id.* at 2825.

[66] 29 CFR 791.1, 791.2, and 791.3 (2020).

[67] 85 FR 2820.

[68] 29 CFR 791.2(a)(1) (2020) (citing 29 U.S.C. 203(d)).

[69] *See generally* 85 FR 2825–28.

[70] *Id.* at 2827.

[71] *Id.* (citing 29 U.S.C. 203(d)); *see also id.* (''This language from section 3(d) makes sense only if there is an employer and employee with an existing employment relationship and the issue is whether another person is an employer.'').

[72] *Id.*

[73] *Id.*

[74] 29 CFR 791.2(a)(1) (2020).

[75] 29 CFR 791.2(a)(1)(i)–(iv) (2020).

[76] 85 FR 2830.

[77] *Id.*

[78] *Compare* 29 CFR 791.2(a)(1)(i) (2020) *with Bonnette,* 704 F.2d at 1469–70.

[79] 29 CFR 791.2(a)(3)(i) (2020).

[80] *Compare* 29 CFR 791.2(a)(1)(ii) (2020) *with Bonnette,* 704 F.2d at 1469–70.

[81] *Compare* 29 CFR 791.2(a)(2) (2020) *with Bonnette,* 704 F.2d at 1469–70.

[82] 29 CFR 791.2(b) (2020).

[83] 704 F.2d at 1470 (quoting *Rutherford Food,* 331 U.S. at 730).

[84] 29 CFR 791.2(c) (2020) (''[T]o determine joint employer status, no factors should be used to assess economic dependence.''); 85 FR 2821.

[85] 85 FR 2836.

certain business agreements (such as requiring an employer in a business contract to comply with specific legal obligations or to meet certain standards to protect the health or safety of its employees), and requiring quality control standards to ensure the consistent quality of the work product, brand, or business reputation do not make joint employer status more or less likely under the FLSA.[86]

2. 2020 Rule's Horizontal Joint Employment Standard

To determine horizontal joint employment, the 2020 Rule adopted the longstanding standard articulated in the prior version of section 791.2 promulgated in the 1958 regulation with ''non-substantive revisions.'' [87] The 2020 Rule stated that, when considering horizontal joint employment, ''if the employers are acting independently of each other and are disassociated with respect to the employment of the employee,'' they are not joint employers.[88] It further stated that, ''if the employers are sufficiently associated with respect to the employment of the employee, they are joint employers and must aggregate the hours worked for each for purposes of determining compliance with the [FLSA].'' [89] It identified the same three general examples of horizontal joint employment provided in the 1958 version of section 791.2.[90]

3. 2020 Rule's Additional Provisions

The 2020 Rule adopted additional provisions applicable to both vertical and horizontal joint employment. Section 791.2(f) addressed the consequences of joint employment and provided that ''[f]or each workweek that a person is a joint employer of an employee, that joint employer is jointly and severally liable with the employer and any other joint employers for compliance'' with the Act.[91] Section 791.2(g) provided 11 ''illustrative examples'' of how the 2020 Rule applied to specific factual situations implicating vertical and horizontal joint employment.[92]

In the 2020 Rule, the Department did not amend its FMLA or MSPA joint employer regulations, explaining that ''[t]his final rule provides the standards for determining joint employer status under the FLSA.'' [93] The Department added that it would ''continue to use the standards in its MSPA joint employer regulation . . . to determine joint employer status under MSPA,'' and would ''continue to use the standards in its FMLA joint employer regulations . . . to determine joint employer status under the FMLA.'' [94]

G. Legal Challenge to 2020 Rule and District Court Decision

In February 2020, 17 States and the District of Columbia (the States) filed a lawsuit in the United States District Court for the Southern District of New York against the Department asserting that the 2020 Rule violated the Administrative Procedure Act (APA).[95] The district court permitted the International Franchise Association, the Chamber of Commerce of the United States of America, the National Retail Federation, the Associated Builders and Contractors, and the American Hotel and Lodging Association (the Intervenors) to intervene as defendants in the case.[96] The parties filed cross-motions for summary judgment, which the district court decided on September 8, 2020.[97]

The district court vacated the 2020 Rule's ''standard for vertical joint employer liability.'' The district court concluded that the 2020 Rule violated the APA because it found that the rule conflicted with the FLSA.[98] The district court identified three conflicts: the 2020 Rule's reliance on the FLSA's definition of ''employer'' in section 3(d) as the sole textual basis for joint employment; its adoption of a control-based test for determining vertical joint employment; and its prohibition against considering additional factors beyond control, such as economic dependence.[99] In addition, the district court held that the 2020 Rule was ''arbitrary and capricious'' for three reasons: the 2020 Rule did not adequately explain why it departed from the Department's prior interpretations; the 2020 Rule did not consider the conflict between it and the Department's MSPA joint employment regulations; and the 2020 Rule did not adequately consider its cost to workers.[100]

The district court concluded that the 2020 Rule's ''novel interpretation for vertical joint employer liability'' was unlawful under the APA and vacated all of § 791.2 except for § 791.2(e).[101] The court determined that, because the 2020 Rule's ''non-substantive revisions to horizontal joint employer liability are severable,'' § 791.2(e) ''remains in effect.'' [102]

In November 2020, the Department and the Intervenors appealed the district court's decision to the Second Circuit Court of Appeals.[103] The resolution of the appeal is discussed below.

H. Rescission of the 2020 Rule

On July 30, 2021, the Department published a final rule (Rescission Rule) rescinding the 2020 Rule.[104] In the Rescission Rule, the Department explained that the 2020 Rule's reliance on section 3(d) alone among the FLSA's provisions for its vertical joint employment analysis was not supported by the FLSA's text or Congressional intent, particularly as the Department had never previously excluded FLSA sections 3(e) and (g) from the joint employment analysis and had instead applied an analysis that included the definitions of ''employ'' or ''employee'' when determining joint employment.[105] The Department further explained that the vertical joint employment analysis in the 2020 Rule, and particularly its reliance on section 3(d) alone as the statutory basis for joint employment, did not encompass all scenarios in which joint employment could arise because two employers may ''suffer or permit'' an employee to work and thus be joint employers under section 3(g) without one employer working ''in the interest of an employer'' under section 3(d).'' [106] The Department also explained that, by focusing on the potential joint employer's actually-exercised control over the employee, the 2020 Rule's vertical joint employment analysis was contrary to the FLSA and

[86] 29 CFR 791.2(d)(ii)–(v) (2020).

[87] 85 FR at 2823; *see also id.* at 2844–45.

[88] 29 CFR 791.2(e)(1)–(2) (2020).

[89] 29 CFR 791.2(e)(2) (2020).

[90] *Compare* 29 CFR 791.2(e)(2)(i)–(iii) (2020) *with* 29 CFR 791.2(b)(1)–(3) (1958).

[91] 29 CFR 791.2(f) (2020).

[92] 29 CFR 791.2(g) (2020).

[93] 85 FR 2828 n.55.

[94] *Id.* (citing 29 CFR 500.20(h)(5); 825.106).

[95] *New York* v. *Scalia,* No. 1:20–cv–01689 (S.D.N.Y. filed Feb. 26, 2020). The APA requires courts to hold unlawful and set aside agency actions that are ''arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.'' 5 U.S.C. 706(2)(A).

[96] *New York* v. *Scalia,* 2020 WL 3498755, at *5 (S.D.N.Y. June 29, 2020).

[97] *New York* v. *Scalia,* 490 F. Supp. 3d 748 (S.D.N.Y. 2020).

[98] *Id.* at 774.

[99] *Id.* at 774–92.

[100] *Id.* at 792–95.

[101] *Id.* at 795.

[102] *Id.* at 795–96.

[103] *See New York* v. *Walsh,* No. 20–3806 (2d Cir. 2021) (appeal docketed on November 6, 2020).

[104] Rescission of Joint Employer Status Under the Fair Labor Standards Act Rule, Final Rule, 86 FR 40939 (July 30, 2021). On March 12, 2021, the Department had published a notice of proposed rulemaking proposing to rescind the 2020 Rule. *See* Rescission of Joint Employer Status Under the Fair Labor Standards Act Rule, NPRM, 86 FR 14038 (Mar. 12, 2021).

[105] *See* 86 FR 40942–49.

[106] *Id.* at 40944–46.

longstanding case law.[107] The Department additionally stated that the 2020 Rule ''did not sufficiently take into account prior WHD guidance,'' including its MSPA joint employment regulation.[108] Noting that ''[t]he MSPA regulation provides that '[j]oint employment under the Fair Labor Standards Act is joint employment under the MSPA' and sets forth a multi-factor analysis for determining vertical joint employment that is different than the [2020] Rule's analysis,'' the Department determined that the 2020 Rule nonetheless ''did not address or account for any differences between its new regulatory standard and MSPA's existing regulatory standard or any effects that it may have on joint employment under MSPA.'' [109]

For horizontal joint employment, the 2020 Rule had adopted the standard in the 1958 version of 29 CFR 791.2 with non-substantive revisions. The Rescission Rule explained that the 2020 Rule's ''horizontal joint employment standard focused on the degree of the employers' association with respect to the employment of the employee, reflected the Department's historical approach to the issue, and was consistent with the relevant case law.'' The Department considered retaining the 2020 Rule's horizontal joint employment analysis because of its consistency with prior guidance but rescinded the entire 2020 Rule because the 2020 Rule had ''intertwined [its] horizontal joint employment provisions with [its] vertical joint employment provisions in 29 CFR 791.2.'' The Department reiterated that rescission was not intended to be a reconsideration of its longstanding horizontal joint employment analysis and that the ''focus of a horizontal joint employment analysis will continue to be the degree of association between the potential joint employers, as it was in the [2020] Rule and the prior version of part 791.'' [110]

The Rescission Rule removed and reserved Part 791 in its entirety effective October 5, 2021.[111]

I. Resolution of the Appeal

The Department filed an opening brief with the Second Circuit in support of the 2020 Rule on January 15, 2021.[112] The Intervenors filed their opening brief on the same day.[113] On March 31, 2021, following the change in administration, the Department filed a motion seeking to hold the appeal in abeyance in light of the proposal that it had published to rescind the 2020 Rule.[114] The Second Circuit denied the motion.[115] The States filed their response brief on April 16, 2021.[116] The Intervenors filed their reply brief on May 7, 2021.[117] On May 28, 2021, the Department filed a reply brief.[118] In its reply brief, the Department explained that the rulemaking proposing to rescind the 2020 Rule may moot the States' challenge to that rule, making any resolution of the appeal unnecessary.[119] The Department took no position on the merits of the 2020 Rule in its reply brief. The Department argued that if the Second Circuit resolves the appeal, it should reverse the district court's decision on the grounds that the States had no standing to challenge the 2020 Rule.[120]

On October 6, 2021, following the effective date of the Rescission Rule, the Department filed a motion with the Second Circuit seeking to dismiss the appeal because the Department's rescission of the 2020 Rule had eliminated the States' dispute with the Department and had rendered the case moot.[121] On October 29, 2021, the Second Circuit granted the motion to dismiss the appeal and vacated the district court's order and judgment.[122]

J. Recent Opinion Letter

On September 30, 2025, WHD issued Opinion Letter FLSA2025–5, addressing whether a restaurant and members club for whom an employee worked separate hours are horizontal joint employers based on the facts presented.[123] The opinion letter reiterated that horizontal joint employment ''typically occurs when employers are sufficiently associated with respect to the employment of the particular employee(s),'' including where there is an arrangement between the employers to share an employee's services or interchange employees.[124] The letter concluded that the restaurant and members club are horizontal joint employers because they ''are sufficiently associated with each other with respect to [the employee's] employment.'' [125]

II. Need for Rulemaking

The Department believes that regulations addressing joint employment is necessary to promote clarity and uniformity in the Department's nationwide enforcement of federal wage and hour law. The Department further believes that the proposed analysis in this NPRM represents the best construction of the FLSA—and by extension the FMLA and MSPA—with respect to determining joint employer status under those statutes, follows the decisions of the Supreme Court, and is broadly consistent with the commonality among varying approaches to joint employment in the federal circuit courts.

As noted above, for many decades, the Department maintained interpretive guidance on joint employer status under the Act in Part 791. Since rescinding those regulations in 2021, despite suggesting that the rescission did not abandon ''longstanding horizontal joint employment analysis,'' [126] the Department has provided no guidance on the topic, apart from WHD Opinion Letter FLSA2025–5. The absence of any direction has created uncertainty for businesses, workers, and courts, particularly for ''vertical'' scenarios where multiple entities are simultaneously benefiting from the same work performed by one or more workers.[127] In fact, the Department has not been applying a uniform standard to assess vertical joint employment under the FLSA. Instead, in each enforcement action, the Department attempts to apply a vertical joint employment standard consistent with the judicial precedent that may apply in that case, which—as described in this NPRM—varies between federal courts.[128] At a minimum, by clearly articulating the Department's position and approach, this rulemaking would bring greater uniformity and consistency to the

[107] *Id.* at 40946–47.

[108] *Id.* at 40947–49.

[109] *Id.* at 40948 (quoting 29 CFR 500.20(h)(5)(i)) (internal footnotes omitted).

[110] *Id.* at 40954.

[111] *Id.* at 40957; *see also* 86 FR 52412–13 (noting the effective date of the 2020 Rule's rescission).

[112] *New York* v. *Walsh,* No. 20–3806 (2d Cir. 2021) (No. 58).

[113] *Id.* (No. 59).

[114] *Id.* (No. 90).

[115] *Id.* (No. 97).

[116] *Id.* (No. 101).

[117] *Id.* (No. 118).

[118] *Id.* (No. 121).

[119] *Id.* (No. 121, at p. 11).

[120] *Id.* (No. 121, at p. 2–7).

[121] *Id.* (No. 128, at p. 5).

[122] *Id.* (No. 145).

[123] *See https://www.dol.gov/sites/dolgov/files/WHD/opinion-letters/FLSA/FLSA-2025-05.pdf.*

[124] *Id.* at 2.

[125] *Id.* at 2–3.

[126] 86 FR 40954.

[127] Although the 2021 Rescission Rule advised that the Department would continue applying its ''longstanding horizontal joint employment analysis,'' 86 FR 40954, the Rescission Rule did not specify how the Department would investigate FLSA cases involving possible vertical joint employment. WHD Opinion Letter FLSA2025–5 addressed a scenario that constituted horizontal joint employment.

[128] Of course, the workers and employers encompassed in a particular WHD investigation under the FLSA often do not fall neatly within the geographic territories of the federal circuit courts. As a result, the appropriate judicial framework (and thus the standard that the Department would apply) may not be clear either as a factual or legal matter.

Department's enforcement actions by adopting a transparent nationwide analysis, which could have benefits for all interested parties.

Promulgating regulations on joint employment should improve the Department's ability to enforce the FLSA, especially in cases involving egregious child labor violations.[129] Here, the Department believes that it should make clear to employers and employees its position regarding FLSA joint employment and provide publicly available direction that its enforcement personnel could apply in those cases. Making its position clear regarding the degree to which sometimes sprawling supply chains may be deemed joint operations in published regulations could make the resolution of such cases more likely. At the very least, it would ensure that there is a common understanding regarding the Department's position among workers, employers, and its own enforcement personnel.

Relatedly, a cohesive standard drawn from and consistent with commonality between federal circuits would benefit the courts that hear and decide joint employment issues in private FLSA lawsuits. According to the Fourth Circuit, efforts by federal appellate courts to address FLSA joint employment ''have spawned numerous multifactor balancing tests, none of which has achieved consensus support'' among the circuits that have addressed the issue.[130] Still other circuits have yet to adopt a definitive analysis. In this context, guidance from the Department may be of help to courts as they develop and refine their approaches to the issue. In addition, there are a number of federal courts that have continued to cite to various iterations of Part 791 even though it has not existed since October 5, 2021,[131] indicating a willingness by courts to consider regulations from the Department. Regulations from the Department that are current and in effect would assist courts that look to the Department's position on FLSA joint employment. That the proposed regulation would not bind or control the courts—only Department investigators—is unremarkable. Courts have always been the final word on the meaning and application of the law. But, as noted above, regulations and guidance serve other purposes, including public direction from the Department to its investigators regarding how to apply a legal standard. The value of interpretative rules has not been lost on the Supreme Court, which has noted that they ''constitute a body of experience and informed judgement to which courts and litigants may properly resort for guidance,'' particularly because such interpretations are ''based upon more specialized experience and broader investigations and information than is likely to come to a judge in a particular case.'' [132]

The Department further believes that rulemaking is needed to ensure that the standard for joint employment under FMLA and MSPA is consistent with the FLSA joint employer standard. As noted earlier, both the FMLA and MSPA explicitly incorporate the FLSA's definition of employment, including the ''suffer or permit'' standard codified at section 3(g) of the FLSA. Yet, WHD's existing regulations under the FMLA and MSPA articulate different joint employer standards that vary in their level of detail.[133] The Department believes that aligning the FMLA and MSPA regulations with the FLSA standard in a restored part 791 would reduce compliance burdens for employers, promote greater awareness among workers of their rights, and ensure uniformity in WHD's enforcement of its wage and hour laws.

Additionally, the Department believes that unified joint employment guidance could yield important practical benefits. Promulgating a regulatory standard may assist businesses in determining any joint employer responsibility when organizing their relationships and contracts and deciding whether to adopt—or avoid—certain business models and business practices.[134] Workers, in turn, may be better equipped to understand when multiple entities may share responsibility for their wages and working conditions. The Department also expects, as discussed in section VI.E., that clear regulatory guidance, if applied by courts, may reduce litigation costs and may prevent some lawsuits from being brought at all.

Finally, this rulemaking is consistent with principles of good government. By engaging in notice-and-comment rulemaking to restore interpretive guidance on FLSA joint employer status in part 791, rather than imposing a new standard in a memorandum or bulletin, the Department ensures that its ultimate approach to the topic will have benefited from the input of interested outside stakeholders. Soliciting input from the public in the development of significant interpretive guidance may enhance the persuasive power of such guidance,[135] and is also consistent with good governance recommendations from the Administrative Conference of the United States and the Office of Management and Budget (OMB).[136] The

[129] *See* Rebecca Rainey, *Perdue, Tyson Face 'Unique' Probe in Child Labor Crackdown,* Bloomberg Law (Oct. 10, 2023) (suggesting that the absence of any ''official regulatory test on the books governing the [Department]'s approach to joint employment'' could be a ''potential hurdle'' in its investigation of child labor violations involving meatpacking companies and their subcontractors and staffing agencies).

[130] *Salinas,* 848 F.3d at 135; *see also Harris* v. *Med. Transp. Inc.,* 300 F. Supp. 3d 234, 241–43 (D.D.C. 2018) (summarizing ''a dizzying world of multi-factor tests'' from different circuits).

[131] *See, e.g., Guevara* v. *Lafise Corp.,* 127 F.4th 824, 831 (11th Cir. 2025) (citing 29 CFR 791.2(a)); *Galvez* v. *Invest Cloud,* No. 23 Civ. 11301 (KPF), 2026 WL 165737, at *4 (S.D.N.Y. Jan. 21, 2026) (citing 29 CFR 791.2(a)); *Ortiz* v. *Consolidated Edison Co.,* No. 1:22–CV–08957, 2025 WL 2717309, at *25 (S.D.N.Y. Sept. 24, 2025) (citing 29 CFR 791.2(a)); *Ennals* v. *Spencer Gifts Distrib. Ctr.,* No. 3:23–CV–00615–GMG, 2025 WL 2808951, at *2 (W.D.N.C. Sept. 30, 2025) (citing 29 CFR 791.2(a)); *Baquiax* v. *Abasushi Fusion Cuisine Inc.,* No. 16–cv–2997, 2023 WL 2647450, at *5 (S.D.N.Y. Mar. 27, 2023) (citing 29 CFR 791.2(a)); *Ludlow* v. *Flowers Foods, Inc.,* No. 18–CV–1190, 2023 WL 2534618, at *3 (S.D. Cal. Mar. 15, 2023) (citing 29 CFR 791.2); *Smith* v. *Bigtop Bingo, Inc.,* No. 3:21–CV–3083, 2023 WL 2889300, at *6 (N.D. Fla. Mar. 10, 2023) (citing 29 CFR 791.2); *Monroe* v. *Hayward Unified Sch. Dist.,* No. 22–CV–04489, 2023 WL 2480738, at *2–3 (N.D. Cal. Mar. 12, 2023) (citing the version of 29 CFR 791.2 that was promulgated in 1958 and recognizing that it had been amended in 2020, and citing the version of 29 CFR 791.2 that was promulgated by the 2020 Rule and recognizing that it has not been in effect since October 5, 2021); *Lambert* v. *Jariwala & Co.,* No. 18–CV–17295, 2023 WL 1883354, at *9 (D.N.J. Feb. 10, 2023) (citing 29 CFR 791.2).

[132] *Skidmore* v. *Swift & Co.,* 323 U.S. 134, 139–40 (1944); *see also Loper Bright Enterprises* v. *Raimondo,* 603 U.S. 369, 402 (2024) (''In an agency case in particular, the court will go about its task with the agency's 'body of experience and informed judgment,' among other information, at its disposal.'') (quoting *Skidmore,* 323 U.S. at 140).

[133] *Compare* 29 CFR 825.106(a) (FMLA) *with* 29 CFR 500.20(h)(5) (MSPA). The Seventh Circuit has noted that the current FMLA regulation, which closely resembles the Department's 1958 FLSA regulation, ''does not . . . provide much guidance in determining the parameters of what constitutes a joint-employment relationship.'' *Moldenhauer* v. *Tazewell-Pekin Consol. Commc'ns Ctr.,* 536 F.3d 640, 644 (7th Cir. 2008).

[134] *See* 85 FR 2853 (discussing comments during the Department's 2019–20 rulemaking which ''agreed that the additional clarity would promote business relationships'').

[135] *See Loper Bright,* 603 U.S. at 388 (advising that the ''weight'' of agency interpretive guidance depends in part ''upon the thoroughness evident in its consideration'') (quoting *Skidmore,* 323 U.S. at 140); *see also U.S.* v. *Mead Corp.,* 533 U.S. 218, 228 (2001) (noting that, among other factors, ''courts have looked to the degree of the agency's care'' and ''formality'' in determining the measure of deference to afford agencies' interpretations of their statutes).

[136] *See* Admin. Conf. of the U.S., Recommendation 2019–1, *Agency Guidance Through Interpretive Rules,* at 7–8 (June 13, 2019) (advising agencies to consider offering an opportunity for public participation before or after the adoption or modification of an interpretive rule), *https://www.acus.gov/sites/default/files/documents/Agency%20Guidance%20Through%20*

Continued

Department looks forward to receiving feedback on this proposed rule and will consider any relevant ''written data, views, or arguments'' submitted by commenters during the notice-and-comment process. *See* 5 U.S.C. 553(c).

III. Discussion of Proposed Regulatory Provisions

For all the reasons discussed above, the Department proposes to issue regulations providing interpretive guidance to its enforcement personnel, and workers and employers in the regulated community, for determining joint employer status under the FLSA in Part 791, where it was located prior to 2021. The Department's proposed framework and analysis aligns with some aspects of the 2020 Rule, but includes several important modifications, as discussed in greater detail below.

The proposed regulatory text in part 791 includes:

- an introductory provision at § 791.100 explaining the purpose of part 791;
- a provision at § 791.105 describing general principles;
- a provision at § 791.110 describing two common scenarios of FLSA joint employment, *i.e.,* vertical and horizontal joint employment, as well as the obligations of joint employers under the FLSA;
- a provision at § 791.115 providing the standard for determining vertical joint employment under the FLSA;
- a provision at § 791.120 providing the standard for determining horizontal joint employment under the FLSA;
- a provision at § 791.125 addressing the relevance of certain business practices when determining joint employment under the FLSA; and
- a severability provision at § 791.130.

Additionally, the Department proposes to revise the regulations addressing joint employer status under MSPA and the FMLA to apply the analysis in part 791 when determining joint employer status under those statutes. Specifically, the Department proposes to revise 29 CFR 500.20(h)(5) in the MSPA regulations and 29 CFR 825.106(a) in the FMLA regulations to replace the analyses there with cross-references to Part 791, and to ensure that they are otherwise consistent with Part 791. Finally, the Department proposes to amend 29 CFR 780.305(c) and 29 CFR 780.331(d) so that those provisions, which address FLSA joint employment in certain agricultural settings, also cross-reference to the FLSA analysis in Part 791.

As noted above and for the reasons provided herein, the Department believes this proposed analysis represents the best construction of the FLSA—and by extension the FMLA and MSPA—with respect to determining joint employer status under those statutes, adheres to Supreme Court precedent, and is generally consistent with the commonality between the various tests applied by the federal courts of appeals.

A. Introductory Statement (Proposed § 791.100)

The Department proposes to readopt as § 791.100 (with minor, non-substantive revisions) the regulatory text from the 2020 Rule which provided an introductory statement at the beginning of the regulatory provisions.[137] The introductory statement would advise that: part 791 contains the Department's ''general interpretations of the text governing joint employer status under the [FLSA]''; the WHD Administrator will use the interpretations ''to guide the performance of his or her duties under the FLSA'' and intends them ''to be used by employers, employees, and courts to understand employers' obligations and employees' rights under the FLSA''; any prior inconsistent or conflicting ''administrative rulings, interpretations, practices, or enforcement policies relating to joint employer status under the FLSA'' are rescinded; and employers may rely on the interpretations to satisfy the good faith reliance defense in the Portal-to-Portal Act (29 U.S.C. 259), notwithstanding that after any such act or omission in the course of such reliance, any such interpretation is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect.

The Department believes that this introductory statement would provide clarity as to how WHD intends to use part 791 and how employers, businesses, workers, and courts should use part 791. The introductory statement would also address how part 791 relates to prior interpretations, providing further clarity to the public. And the introductory statement would explain how employers can rely on part 791 for purposes of the good faith reliance defense in the Portal-to-Portal Act.

The Department welcomes comments on all aspects of its proposed introductory statement.

B. General Principles (Proposed § 791.105)

In proposed § 791.105, the Department would introduce the basic concept of FLSA joint employment and explain some relevant general principles.

Proposed § 791.105(a) addresses, as a general matter, who or what constitutes an employer under the Act, explaining that an ''employer or joint employer may be an individual, partnership, association, corporation, business trust, legal representative, public agency, or any organized group of persons, excluding any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such a labor organization.'' The broad conception of an employer is required by subsection 203(d) of the Act, which defines an ''employer'' under the FLSA as including ''any *person* acting directly or indirectly in the interest of an employer in relation to an employee'' (emphasis added) including a ''public agency,'' but not including ''any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization,'' as well as subsection 203(a), which defines a ''person'' under the FLSA as ''an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.'' As the Department explained in the 2020 Rule, incorporating the FLSA's definition of ''person'' into the proposed regulatory text is appropriate to encompass the meaning of employer set forth in the statutory text. Indeed, just like an ''employer'' under the FLSA, ''every kind of person contemplated by the [FLSA]'' can be a joint employer under the FLSA assuming that the person otherwise satisfies the Department's joint employer standard.[138] Proposed § 791.105(a) is nearly identical to § 791.2(d)(1) of the 2020 Rule without the citation to 29 U.S.C. 203(a) and (d).

Proposed § 791.105(b) provides that ''an employee may have multiple employers under the FLSA,'' recognizing the reality that many employees have more than one distinct employer. Yet this fact, by itself, does not implicate joint employment. Proposed § 791.105(b) confirms as much, explaining that, in ''most cases,

Interpretive%20Rules%20CLEAN%20FINAL%20POSTED.pdf; see also Final Bulletin for Agency Good Guidance Practices, OMB Bull. No. 07–02, at 9 (Jan. 18, 2007) (noting that ''interpretive rules of general applicability or statements of general policy might be so consequential as to merit advance notice-and-comment''), *https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2007/m07-07.pdf.*

[137] 29 CFR 791.1 (2020).

[138] 85 FR 2839.

each employment will be distinct from the others, and each employer will be responsible on its own for complying with the FLSA with respect to the employee.'' Most employees with more than one employer work separate and distinct jobs for each. Indeed, in most cases an employee's work for one employer will have no impact on that employee's employment relationship with another employer, thus not raising joint employment implications. Proposed § 791.105(b) further explains that, in some circumstances, however, ''two or more employers may employ the employee in a manner that makes them joint employers of the employee such that they are together responsible for complying with the FLSA with respect to the employee.'' Those circumstances—joint employment under the Act—are described later in the regulation.

Proposed § 791.105(c) explains that FLSA joint employment exists only among and between two or more employers that are separate entities—''[f]or there to be joint employment, each employer must exist as a separate entity.'' This is distinct from circumstances in which an employee is allegedly employed by two nominally separate entities, but in fact, the entities are not separate and distinct, but rather one entity and employer. As a result, the employee is simply employed by a single employer responsible for FLSA compliance with respect to that employee. Proposed § 791.105(c) acknowledges these situations by providing that, in some cases, ''it may be unnecessary to consider joint employment because the entities constituting the alleged employers are in fact a single entity and thus a single employer for purposes of FLSA compliance.'' The subsection continues with an example, noting that ''if two entities are separately incorporated but effectively operate as a single entity, they may in fact be a single employer under the FLSA.'' It explains that ''[n]either incorporating a separate entity nor manipulating corporate formalities may be used to divide a business' operation and avoid the FLSA's requirements,'' and that ''[c]losely-related entities that are not in fact separate may be liable as a single employer under the FLSA without needing to consider joint employment.''

When an employee is allegedly employed by multiple entities that may not truly be separate entities, evaluating whether the entities are one entity and thus a single employer under the FLSA should be considered before applying any joint employment analysis. *See* WHD Opinion Letter FLSA2025–5 (Sept. 30, 2005) (explaining that, as an alternative to considering joint employment, ''[s]eparately incorporated entities may be considered a single employer . . . for purposes of compliance with the FLSA''). As noted above, joint employment exists only between two or more separate and distinct entities. Where multiple putative employers are actually or effectively a single entity, it is a single employer solely responsible for complying with the FLSA with respect to the work performed by the employee (including aggregating the employee's hours worked attributed to each entity to determine any overtime premium due under the FLSA), and a joint employment analysis is not appropriate.[139]

The Department welcomes comment on all aspects of proposed § 791.105.

C. Two Scenarios of FLSA Joint Employment (Proposed § 791.110)

Proposed § 791.110 addresses the related concepts of ''vertical'' and ''horizontal'' joint employment, using plain language to the extent possible, so these scenarios are generally understandable to a significant portion of small business owners and employees.[140] Proposed § 791.110 also addresses certain ramifications under the FLSA if two employers or entities are joint employers of one or more employees, notably explaining that they are jointly and severally liable for compliance with the FLSA with respect to employees jointly employed.

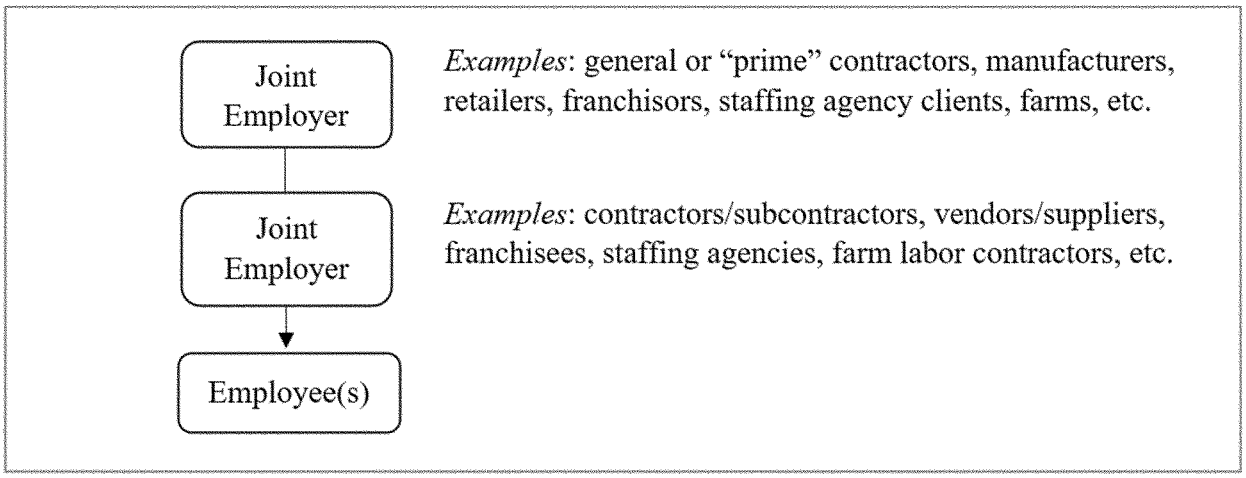
As described in proposed § 791.110(a), vertical joint employment generally describes an arrangement in which an employee ''is jointly employed by two or more employers that simultaneously benefit from the employee's work.'' The subsection explains that, in a typical vertical joint employment situation, ''the employee works one set of hours and there is no dispute that the employee has at least one employer for the work,'' and ''the issue is whether another person that also benefits from the work is the employee's joint employer.'' [141] Continuing, the proposed provision adds that this ''scenario is described as 'vertical' because it often centers around whether business partners which are higher or lower in a particular industry structure—such as contractors and subcontractors or staffing agencies and their clients—are joint employers of the employee.''

[139] Proposed § 791.105(c) notes that ''it may be unnecessary to consider joint employment'' to the extent nominally separate ''entities constituting the alleged employers are in fact a single entity and thus a single employer for purposes of FLSA compliance.'' Likewise, under a longstanding FMLA regulatory provision, ''[s]eparate entities'' may be ''deemed to be parts of a single employer for purposes of FMLA if they meet the integrated employer test.'' *See* 29 CFR 825.104(c)(2) (detailing that test including its factors to consider). This proposal would not change 29 CFR 825.104(c)(2).

[140] The 2020 Rule did not use ''vertical'' and ''horizontal,'' electing instead to use the labels ''first joint employment scenario'' (vertical) and ''second joint employment scenario'' (horizontal). 29 CFR 791.2(a) and (e) (2020). These phrases, albeit comprised of ostensibly simpler words, ultimately obfuscated and confounded relevant concepts. In the years since, courts, workers, businesses, and others have continued to use the ''vertical'' and ''horizontal'' terminology. Accordingly, the Department uses these more precise terms in this rulemaking.

[141] This is consistent with the 2020 Rule which described this scenario (labeling it the ''first'' scenario) as involving a worker who was unquestionably the employee of one employer and whose work for that employer simultaneously benefits another person, and the issue is whether that other person is also the employee's employer. 85 FR 2827.

Figure A: Vertical Joint Employment



Importantly, vertical joint employment can encompass work arrangements involving parties of varying sizes and resources, including agents or intermediaries who act on behalf of one or more employers. In the Department's experience in FLSA cases, vertical joint employment often involves a higher-tier entity, such as a staffing agency client or general contractor, that disputes whether it has an employment relationship with workers who are unquestionably employees of a lower-tier entity, such as a staffing agency or subcontractor, that has a business relationship with the higher-tier entity.[142] As the lower-tier entity is indisputably an employer in such circumstances, the vertical joint employment analysis focuses on the higher-tier entity's relationship with the employees of the lower-tier entity to determine whether the higher-tier entity has an employment relationship with said employees, that is, constitutes a joint employer of them. *See generally* Figure A above.

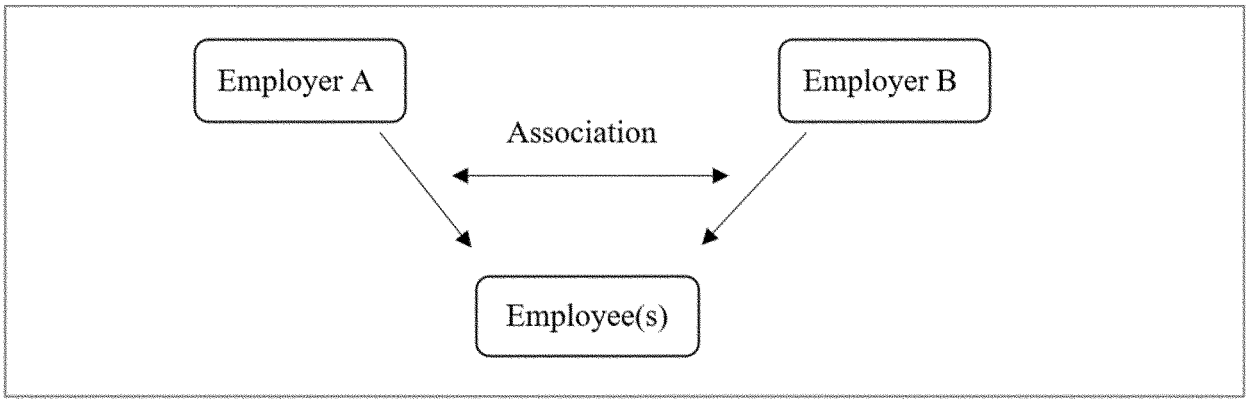
This makes sense in a vertical joint employment scenario because, in situations where employees perform work that simultaneously benefits two separate businesses, the only degree of association between the business partners may be a contractual agreement between them whereby one provides services or labor or both to the other. In this vertical context, focusing on the association between the different businesses likely would not be probative, as such typical contractual business arrangements between companies do not themselves create joint employment liability under the FLSA. *Zheng,* 355 F.3d at 76 (explaining that the FLSA's employment definitions were ''manifestly not intended to bring normal, strategically-oriented contracting schemes within the ambit of the [statute]''). However, when the putative joint employer's relationship with the employees is such that it functions as an employer of the employees, rather than a mere business partner of the other employer, the two entities are joint employers under the FLSA. *Id.*

As described in proposed § 791.110(b), horizontal joint employment generally involves situations in which an employee works separate hours for two or more joint employers in the same workweek, ''and the employers are sufficiently associated with each other with respect to the employment of the employee such that they are joint employers.'' The proposed subsection explains that, in a typical horizontal joint employment situation, ''it is undisputed that each employer employs the employee for some hours worked, and the issue is whether the employers are sufficiently associated with each other with respect to the employment of the employee.'' [143]

[142] Notwithstanding the Department's experience and the more ubiquitous situation above, sometimes the entity disputing its status as a vertical joint employer is the lower-tier entity—often a subcontractor, staffing agency, or similar business. *See, e.g., Falk,* 414 U.S. at 192–95 (concluding that a company that ''render[ed] management services for the owners of a number of apartment complexes'' was a joint employer); *Hodgson* v. *Arnheim & Neely, Inc.,* 444 F.2d 609, 610–12 (3d Cir. 1971), *rev'd on other grounds,* 410 U.S. 512 (1973) (concluding that a similar real estate management company was a joint employer); *Baystate Alternative Staffing, Inc.* v. *Herman,* 163 F.3d 668, 674–76 (1st Cir. 1998) (affirming that a temporary staffing agency was a joint employer). However, more typically the entity at issue in a vertical joint employment case is the business client of a subcontractor or staffing agency.

[143] This is consistent with the 2020 Rule, in which the Department explained that focusing on the relationship between the two employers is the correct approach in this scenario given that the employee is indisputably employed by both employers and works separate jobs and hours for each employer. 85 FR 2845.

Figure B: Horizontal Joint Employment



Consistent with caselaw, subsection 791.110(b) adds that, when there is horizontal joint employment, an employee's total hours worked across the workweek for each of the employers ''must be aggregated for purposes of FLSA compliance, and each employer is jointly and severally liable for the employee's wages due under the FLSA, including any overtime premiums due based on the aggregated hours worked.'' *See, e.g., Chao* v. *A-One Med. Servs., Inc.,* 346 F.3d 908, 918 (9th Cir. 2003); *Wirtz* v. *Hebert,* 368 F.2d 139, 141 (5th Cir. 1966); *Mid-Continent Pipe Line Co.* v. *Hargrave,* 129 F.2d 655, 658–59 (10th Cir. 1942).

The analysis centers on the employers' relationship, which makes sense in the horizontal joint employment scenario because the employee is unquestionably employed by each employer, and the issue is the relationship between the employers. *See* Figure B above. In these circumstances, focusing on the employee would not be probative of the relationship between the employers; instead, analyzing the association (or lack thereof) between the employers is indicative of whether they jointly employ the employee and, therefore, must aggregate the hours worked by the employee for each of them.

Proposed § 791.110(c) provides that, for ''each workweek that a person is a joint employer of an employee, that joint employer is jointly and severally liable with any other joint employers for compliance with all of the applicable provisions of the FLSA . . . for all of the hours worked by the employee in that workweek.'' As the Department explained in its proposal that became the 2020 Rule, joint and several liability means that ''all joint employers are each fully responsible for the entire amount of minimum wages and overtime pay due to the employee in the workweek,'' and that ''[i]f one of them is unable or unwilling to pay, the others are responsible for the full amount owed.'' [144] Proposed § 791.110(c) further provides that, ''[i]n discharging this joint obligation in a particular workweek, each joint employer may take credit toward minimum wage and overtime pay requirements for all payments made to the employee by any other joint employer.'' In the 2020 Rule, the Department explained that this ''merely restates the longstanding principle of joint and several liability under the [FLSA],'' and that it received no comments regarding this guidance.[145] Proposed § 791.110(c) would be the same as § 791.2(f) of the 2020 Rule with minor, non-substantive revisions.

The Department welcomes feedback on all aspects of proposed 791.110.

D. Determining Vertical Joint Employment (Proposed § 791.115)

Proposed § 791.115 provides the Department's standard for determining vertical joint employment. As explained below, the proposed standard generally resembles the standard previously provided on vertical joint employment from the 2020 Rule, though with several important changes.

1. Four Factors To Apply (Proposed § 791.115(a))

Vertical joint employment may occur where an employee is employed by an employer for work, and another person—or entity—simultaneously benefits from that work as, or in the manner of, an employer. Proposed § 791.115(a) provides four factors to determine whether the other person is the employee's joint employer in that vertical joint employment scenario. Those four factors are whether the other person or entity: (1) hires or fires the employee; (2) supervises and controls the employee's work schedule or conditions of employment to a substantial degree; (3) determines the employee's rate and method of payment; and (4) maintains the employee's employment records.

In the typical vertical joint employment scenario, the worker is undoubtedly an employee under the FLSA, has an employer, and works one set of hours for that employer. The issue is whether another person or entity who also benefits from the employee's work also benefits from that work as, or in the manner of, an employer. If so, the other person or entity is the employee's employer too and, therefore, is jointly and severally liable to compensate the employee for all hours worked. The 2020 Rule illustrated vertical joint employment with examples, including ''where the employer is a subcontractor or staffing agency, and the other person is a general contractor or staffing agency client.'' [146]

The four factors identified in proposed § 791.115(a) weigh the economic reality of the potential joint employer's control, direct or indirect, over the employee and would provide needed clarity and uniformity to the determination.[147] These factors capture the precise types of indicators that the Supreme Court found to be dispositive of joint employer status in *Falk*. There, the management company hired, supervised, and paid the employees at issue, who were clearly employees of the building owners.[148] Citing the

[144] 84 FR 14045 n.11.

[145] 85 FR 2845.

[146] 85 FR 2828.

[147] *See id.* at 2830.

[148] 414 U.S. at 193 (''These employees work under the supervision of [the management company] and are paid from the rentals received at the apartment complexes where they are

Continued

''expansiveness'' of the FLSA's definition of ''employer'' in section 3(d) as well as its definition of ''employee'' in section 3(e), the Court concluded that the management company's ''substantial control of the terms and conditions of the work of these employees'' made it a joint employer of the employees.[149] Substantial control is the standard set by the Court in *Falk.* The Court has not revisited its decision in *Falk,* nor has it revised the vertical joint employment standard it announced in that case, or otherwise addressed joint employment under the Act. The factors proposed by the Department align with the standard that the Supreme Court determined to be dispositive in *Falk.*

Not only do the proposed factors epitomize the substantial control standard in *Falk,* they also derive from, and align with, *Bonnette,* the seminal appellate court decision addressing FLSA joint employment. Citing *Falk,* the Ninth Circuit in *Bonnette* explained that ''[t]wo or more employers may jointly employ someone for purposes of the FLSA'' and that ''[a]ll joint employers are individually responsible for compliance with the FLSA.'' [150] The Ninth Circuit further explained that ''[t]he ultimate determination must be based 'upon the circumstances of the whole activity.' '' [151] The Ninth Circuit identified as determinative whether the potential joint employer: (1) had the power to hire and fire the employees, (2) supervised and controlled employee work schedules or conditions of employment, (3) determined the rate and method of payment, and (4) maintained employment records.[152] It added that, ''[i]n varying combinations, these factors have been considered by other courts for the same purpose.'' [153] The Ninth Circuit applied those four factors and concluded that the counties were joint employers because they ''exercised considerable control over the nature and structure of the employment relationship'' and ''also had complete economic control over the relationship.'' [154]

In addition, the factors proposed by the Department also are consistent with its earliest interpretations of vertical joint employment. For example, in 1973 the Department published regulations addressing vertical joint employment under the FLSA in the context of farmers and labor contractors or crew leaders who supply harvest hands and other laborers to the farmers.[155] Assuming the labor contractor or crew leader is an independent contractor of the farmer and employs the laborers, those regulations provide that the farmer is a joint employer ''if the farmer has the power to direct, control or supervise the work, or to determine the pay rates or method of payment'' for the laborers.[156] And in both 1983 and 1993, when the Department published its first regulations providing factors for determining vertical joint employment under MSPA and the FMLA contemporaneous with each statute's enactment, the Department identified factors addressing control, supervision, determining pay rates and methods of payment, hiring and firing, and payroll records [157]—just like the factors that the Department is proposing in this NPRM.

Notably, the Department's proposed multi-factor balancing test is like the tests applied by many courts, which, like the Department's test, derive from *Bonnette.* For example, the First Circuit applied the *Bonnette* factors in *Baystate Alternative Staffing,*[158] and the Fifth Circuit applied the *Bonnette* factors in *Gray* v. *Powers.*[159] Similarly, the Third Circuit has explained that ''a determination of joint employment 'must be based on a consideration of the total employment situation and the economic realities of the work relationship,' '' [160] and that ''significant control'' is the standard for determining joint employment.[161] Relying on *Bonnette,* the Third Circuit articulated four factors that ''are not materially different'' from the *Bonnette* factors.[162]

Although the Sixth, Seventh, and Eighth Circuits have not issued definitive FLSA joint employment decisions, they have issued decisions suggesting that *Bonnette* is the basis for determining joint employment. The Sixth Circuit applied the *Bonnette* factors to determine whether the plaintiff, whose employer was a governmental entity that was immune from the suit, was also employed by another entity.[163] The Sixth Circuit added that the other entity was not the plaintiff's joint employer under the 2020 Rule, which ''focuses on the same factors.'' [164] Some district courts within the Sixth Circuit have cited that decision to apply the *Bonnette* factors in joint employment cases.[165] The Seventh Circuit, in an FMLA decision in which it relied heavily on FLSA principles, indicated that joint employment depends on the amount of control exercised over the employee and that the *Bonnette* factors are relevant, although not exclusive, when assessing control.[166] District courts within the

employed.''), n.4 (noting that the management company was responsible for ''hiring and supervising all employees required for the operation and maintenance of the buildings and grounds'').

[149] *Id.* at 195.

[150] 704 F.2d at 1469 (citing 414 U.S. at 195).

[151] *Id.* at 1470 (citing *Rutherford Food,* 331 U.S. at 730).

[152] *Id.* at 1470.

[153] *Id.* (citing cases).

[154] *Id.* at 1470.

[155] 38 FR 27520–21 (Oct. 4, 1973) (adding 29 CFR 780.305(c) and revising 29 CFR 780.331(d)).

[156] *See* 29 CFR 780.305(c), 780.331(d).

[157] 48 FR 36745 (§ 500.20(h)(4)(ii)(A)–(E)) (MSPA); 58 FR 31814 (§ 825.106(a)(1)–(5)) (FMLA).

[158] 163 F.3d at 675.

[159] 673 F.3d 352, 355–57 (5th Cir. 2012). Although *Gray* involved whether an individual owner of the employer corporation was jointly liable under the FLSA, the court noted that it ''must apply the economic realities test to each individual *or entity* alleged to be an employer and each must satisfy the four part test.'' *Id.* at 355 (emphasis added) (quotation marks and citation omitted). As the 2020 Rule noted (85 FR 2831 n.57), two older Fifth Circuit decisions applied a different test to determine whether an entity was a joint employer under the FLSA, and the Fifth Circuit has not yet overruled those decisions—creating some uncertainty about what joint employer test applies in the Fifth Circuit. *See Hodgson* v. *Griffin & Brand of McAllen, Inc.,* 471 F.2d 235, 237–38 (5th Cir. 1973); *Wirtz* v. *Lone Star Steel Co.,* 405 F.2d 668, 669–70 (5th Cir. 1968). Similar to *Bonnette,* those older decisions considered how much control the potential joint employer exerts over the employee and whether it has the power to fire, hire, or modify the employment conditions of the employee.

[160] *In re Enterprise Rent-A-Car Wage & Hour Emp't Practices Litig.,* 683 F.3d 462, 469 (3d Cir. 2012) (quoting *Bonnette,* 704 F.2d at 1470); *see also Burrell* v. *Staff,* 60 F.4th 25, 43–48 (3d Cir. 2023); *Talarico* v. *Pub. Partnerships, LLC,* 837 F. App'x 81, 84–86 (3d Cir. 2020); *Fischer* v. *Fed. Express Corp.,* 509 F. Supp. 3d 275, 290 (E.D. Pa. 2020), *aff'd* 42 F.4th 366 (3d Cir. 2022); *Thompson* v. *Real Estate Mortg. Network,* 748 F.3d 142, 149 (3d Cir. 2014).

[161] *Enterprise Rent-A-Car,* 683 F.3d at 468 (''Ultimate control is not necessarily required to find an employer-employee relationship under the FLSA, and even indirect control may be sufficient. In other words, the alleged employer must exercise significant control.'') (internal quotation marks omitted).

[162] *Id.* at 468–470.

[163] *See Rhea* v. *W. Tennessee Violent Crime & Drug Task Force,* 825 F. App'x 272, 275–77 (6th Cir. 2020) (concluding that the other entity was not the plaintiff's employer because it ''did not have control over the key 'economic' aspects of [his] employment'').

[164] *Id.* at 277 n.4.

[165] *See Hamm* v. *Acadia Healthcare Co.,* No. 3:21–CV–00550, 2022 WL 3129033, at *5 (M.D. Tenn. Aug. 4, 2022) (citing *Rhea,* 825 F. App'x at 275–77); *Gowey* v. *True Grip & Lighting, Inc.,* 520 F. Supp. 3d 1013, 1022–24 (E.D. Tenn. 2021) (same); *see also Smith* v. *Guidant Glob. Inc.,* No. 19–CV–12318, 2019 WL 6728359, at *3 (E.D. Mich. Dec. 11, 2019) (applying the *Bonnette* factors). Some other district courts within the Sixth Circuit have applied variations of the *Bonnette* factors. *See Holmer* v. *Alcove Ventures, LLC,* No. 1:23–CV–747, 2024 WL 4350906, at *10 (N.D. Ohio Sept. 30, 2024) (applying a three-factor test considering (1) authority to hire, fire and discipline; (2) control over employees' pay and insurance; and (3) supervision); *Carson* v. *Ever-Seal, Inc.,* No. 3:22–CV–00205, 2024 WL 2060130, at *5 (M.D. Tenn. May 7, 2024) (applying *Bonnette*-like factors plus additional factors including whether the employee is an integral part of the putative employer's operation).

[166] *Moldenhauer,* 536 F.3d at 643–45. In a decision the prior year though, the Seventh Circuit affirmed a finding of joint employment in an FLSA/

Seventh Circuit generally apply the *Bonnette* factors in FLSA joint employment cases.[167] The Eighth Circuit has suggested that joint employment under the FLSA is determined by analyzing economic realities factors such as the potential joint employer's ''right to control the nature and quality of the work,'' its ''right to hire or fire,'' and ''the source of compensation for the work.'' [168] District courts within the Eighth Circuit generally apply the *Bonnette* factors.[169]

The Department recognizes that some circuits apply a wider range of factors, but the *Bonnette* factors nonetheless provide the foundation for a number of those analyses. For example, the Ninth Circuit applies the *Bonnette* factors it adopted plus eight additional factors.[170] The Second Circuit first applies the *Bonnette* factors to determine if the potential joint employer has ''formal control'' over the workers such that it is a joint employer; if not, the Second Circuit then looks at six additional factors based on *Rutherford Food* to determine if the potential joint employer has ''functional control'' over the workers such that it is a joint employer.[171] The Eleventh Circuit applies an eight-factor analysis, the first five of which are similar to the *Bonnette* factors.[172] Finally, the Fourth Circuit has rejected the *Bonnette* factors in favor of a novel test.[173]

Thus, although there is variance in the analyses applied by federal courts, the *Bonnette* factors are by far the closest thing to a common denominator applied by courts when determining FLSA vertical joint employment. By synthesizing this caselaw, identifying common factors, and proposing a clear and straightforward analysis that incorporates the Supreme Court's decision in *Falk* and the core commonality drawn from that decision in the federal courts of appeals, the Department aims to address this variance and encourage greater consistency and uniformity for stakeholders. And although the Department's proposed four factors are not exhaustive,[174] the Department believes that an analysis with fewer factors is preferable to, for example, the two-step-and-10-total-factor, 12-factor, and 8-factor analyses applied by the Second, Ninth, and Eleventh Circuits, respectively. These analyses were developed and designed by and for courts, framed to be applied by learned judges to resolve complicated questions of law in the context of federal litigation. It is difficult for the Department to expect that even the most diligent and conscientious workers and employers, especially small businesses, would accurately and reliably apply these analyses and tests in real time.[175] For this reason, the Department proposes a framework that distills the central questions, critical factors, and relevant determinations from these tests into a structure that reliably produces the outcomes of the judicial tests, but that workers, and employers, and the Department's investigators may readily and reasonably apply. To this end, the Department believes that the greater the number of factors in a multi-factor test, the more complex and difficult the analysis, and the greater the likelihood of errant or inconsistent results in similar cases. By using factors that generally—but by no means exclusively—focus on the potential joint employer's control over the common terms and conditions of employment,[176] the Department believes that its proposed test will assist stakeholders, guide its investigators, and help courts in determining FLSA joint employer status with greater ease and consistency. The Department suggests that the results will include greater certainty both to employers and workers as to who is and is not a joint employer under the FLSA before (or, indeed, without) any litigation.

As noted above, the Department's proposed four factors are, in fact, the *Bonnette* factors with some modifications. The Department's first factor asks whether the potential joint employer hires or fires employees, whereas the first *Bonnette* factor is whether the potential joint employer has the ''power'' to hire and fire the employee. This modification is consistent with courts' focus in practice on whether a potential joint employer actually has hired or fired workers,[177] as well as their general focus on ''economic reality'' when assessing employment relationships under the FLSA.[178] However, as explained below in the discussion of proposed § 791.115(c), the potential joint employer's reserved control nevertheless may be considered with

MSPA case, finding that the facts of the case squarely fit those in *Rutherford Food* and ruling that *Rutherford Food* ''requires judgment in the workers' favor under the FLSA.'' *Reyes* v. *Remington Hybrid Seed Co.,* 495 F.3d 403, 408–09 (7th Cir. 2007) (''Everything the Court said about boning [in *Rutherford Food*] is true about detasseling and rogueing at Remington.'').

[167] *See, e.g., Egan* v. *A.W. Cos.,* No. 23 C 1148, 2024 WL 4382083, at *5 (N.D. Ill. Oct. 3, 2024) (citing *Moldenhauer*); *Patzfahl* v. *FSM ZA, LLC,* No. 20–C–1202, 2021 WL 4912883, at *2–3 (E.D. Wis. Oct. 21, 2021) (same); *Piazza* v. *New Albertsons, LP,* No. 20–CV–03187, 2021 WL 365771, at *3 (N.D. Ill. Feb. 3, 2021) (same).

[168] *Ash* v. *Anderson Merchandisers, LLC,* 799 F.3d 957, 961 (8th Cir. 2015).

[169] *See, e.g., Winesburg* v. *Stephanie Morris Nissan, LLC,* No. 2:22–CV–04157–MDH, 2023 WL 3901483, at *2 (W.D. Mo. June 8, 2023); *Padilla* v. *Caliper Bldg. Sys., LLC,* No. 20–CV–00658, 2020 WL 5629837, at *3 (D. Minn. Sept. 21, 2020); *Hampton* v. *Maxwell Trailers & Pick-Up Accessories, Inc.,* No. 2:18CV110 HEA, 2019 WL 3766639, at *4 (E.D. Mo. Aug. 9, 2019).

[170] *Torres-Lopez,* 111 F.3d at 639–40; *see also Moreau* v. *Air France,* 356 F.3d 942, 950–52 (9th Cir. 2004) (FMLA case).

[171] *See Barfield* v. *New York City Health & Hosps. Corp.,* 537 F.3d 132 (2d Cir. 2008); *Zheng* v. *Liberty Apparel Co.,* 355 F.3d 61 (2d Cir. 2003).

[172] *See Layton,* 686 F.3d at 1175–77; *see also Aimable* v. *Long & Scott Farms,* 20 F.3d 434, 443–44 (11th Cir. 1994).

[173] *Salinas,* 848 F.3d at 137 (stating that *Bonnette's* ''reliance on common-law agency principles does not square with Congress's intent that the FLSA's definition of 'employee' encompass a broader swath of workers than would constitute employees at common law''); *see also Hall* v. *DIRECTV, LLC,* 846 F.3d 757, 769 (4th Cir. 2017) (''[*Bonnette's*] reliance on common-law agency principles ignores Congress's intent to ensure that the FLSA protects workers whose employment arrangements do not conform to the bounds of common-law agency relationships.''). The D.C. Circuit recently relied heavily on the Fourth Circuit's decision in *Salinas* to develop a joint employment analysis in a case arising under the DC Wage Payment and Collection Law, which defines employment to be coextensive with the FLSA's definitions. *See Mills* v. *Anadolu Agency NA, Inc.,* 105 F.4th 388, 399 (D.C. Cir. 2024).

[174] *See* section III.D.5., *infra.*

[175] A worker or employer would have to identify the governing appellate decision—including subsequent decisions—of the relevant federal court of appeals. Once the proper cases have been identified, the worker or employer would have to properly understand and apply each factor often to nascent and developing business arrangements—without the benefit of months of years of subsequent discovery. Even assuming 8 or 12 factors were properly applied, the worker or employer must weigh them against each other to reach the correct legal conclusion.

[176] The First Circuit observed that two of the four *Bonnette* factors—examining whether the potential joint employer determines the employee's rate or method of pay or maintains the employee's employment records—''address . . . the economic aspects of the working relationship.'' *Baystate,* 163 F.3d at 676. In this respect, the four-factor *Bonnette* test is consistent with the Supreme Court's focus on ''economic reality'' in cases construing the FLSA's employment definitions. *See Orozco,* 757 F.3d at 448 (describing the Fifth Circuit's four-factor test derived from *Bonnette* as ''the economic reality test''); *Enterprise Rent-a-Car,* 683 F.3d at 469 (advising that the Third Circuit's four-factor test considers ''the economic realities of the work relationship'') (quoting *Bonnette,* 704 F.2d at 1470–71).

[177] *Compare, e.g., Baystate,* 163 F.3d at 675 (concluding that a staffing agency was a joint employer in part because it was ''solely responsible for hiring the temporary workers'') *with Aimable,* 20 F.3d at 442 (concluding that a farm did not jointly employ migrant farmworkers in part because the farm ''never mandated that a particular individual be hired or fired'') *and Orozco,* 757 F.3d at 449 (concluding that a franchisor was not a joint employer in part because the record ''[did] not prove that [he] hired or fired employees'').

[178] *See Tony and Susan Alamo Found.* v. *Sec'y of Labor,* 471 U.S. 290, 301 (1985) (''The test of employment under the [FLSA] is one of 'economic reality[.]' '') (quoting *Goldberg* v. *Whitaker House Coop., Inc.,* 366 U.S. 28, 33 (1961)).

respect to any of the factors (although the potential joint employer's actual exercise of control is more relevant), so the potential joint employer's ''power'' to hire and fire may be considered even though the Department's proposed first factor does not contain the word ''power.''

The Department's second factor questions whether the potential joint employer supervises and controls the employee's work schedule or conditions of employment to a substantial degree, whereas the second *Bonnette* factors does not contain ''to a substantial degree.'' Because the facts underlying such supervision and control in a typical case do not generally yield binary outcomes (*i.e.,* total supervision/control or a complete lack of supervision/control), the ''to a substantial degree'' language simply reflects that there is some degree of such supervision/control in the middle (*i.e.,* that is more than occasional and is in fact substantial) that tips this factor from not indicating joint employment to indicating joint employment. This language is consistent with the Supreme Court's holding in *Falk* that ''substantial control of the terms and conditions of the work'' of the employees was the touchstone for joint employer status.[179]

Proposed § 791.115(a) also provides guidance on applying the factors: ''No single factor is dispositive in determining joint employer status under the FLSA, as the determination will depend on all of the facts in a particular case.'' This proposed provision would be similar to guidance provided in the 2020 Rule [180] and consistent with *Bonnette,* which explained that determining joint employment ''does not depend on 'isolated factors but rather upon the circumstances of the whole activity.' '' [181]

The Department welcomes comments on all aspects of its proposed four factors.

Finally, the 2020 Rule, in explaining the vertical joint employment analysis that it adopted, stated that FLSA section 3(d)'s definition of employer ''is the statutory basis for determining joint employer status under the FLSA.'' [182] The 2020 Rule further stated that FLSA section 3(e)'s definition of ''employee'' and section 3(g)'s definition of ''employ'' ''determine whether an individual worker is an employee under the [FLSA]'' and do not provide a basis for determining joint employment.[183] Accordingly, the 2020 Rule's regulatory text cited 29 U.S.C. 203(d) and provided that, in the vertical joint employer scenario, ''[t]he other person is the employee's joint employer *only* if that person is acting directly or indirectly in the interest of the employer in relation to the employee.'' [184]

But here the Department is not proposing that regulatory text from the 2020 Rule or that section 3(d) is the exclusive statutory basis for determining joint employment under the FLSA to the exclusion of sections 3(e) and 3(g). Section 3(d)'s definition of ''employer'' as including ''any person acting directly or indirectly in the interest of an employer in relation to an employee'' is of course relevant when considering joint employment under the FLSA. The Department recognizes, however, that section 3(e)'s definition of ''employee'' and section 3(g)'s definition of ''employ'' as including ''to suffer or permit to work'' are relevant too.

In the 2020 Rule, the Department explained that, ''[a]s the Supreme Court has ruled, the [FLSA's] definition of 'employ' was a rejection of the common law standard for determining who is an employee under the FLSA in favor of a broader scope of coverage.'' [185] Having considered the issue further, the Department notes that courts have found section 3(g) to also address joint employment. For example, the Eleventh Circuit has stated that ''[t]he 'suffer or permit to work' standard derives from state child-labor laws designed to reach businesses that used middlemen to illegally hire and supervise children.'' [186] In *Rutherford Food,* the Supreme Court held that the meat boners employed by several intermediaries were, based on the facts of that case, employees of the slaughter-house that benefitted from their work.[187] In so doing, the Court cited sections 3(d), 3(e), and 3(g) as having ''some bearing,'' [188] and added that the ''definition of 'employ' is broad'' and ''evidently derives from the child labor statutes.'' [189] Similarly, the Court in *Darden* described section 3(e) as ''evidently deriv[ing] from the child labor statutes'' and noted that the FLSA ''defines the verb 'employ' expansively.'' [190] Characterizing these cases, the district court in *Scalia* stated that ''they [a]ll agreed that the 'middlemen' who directly employed children were their employers'' and that ''[t]he only question was whether businesses that 'used' middlemen were also (joint) employers.'' [191]

For all these reasons, the Department recognizes that the FLSA's employment definitions must be viewed together; none should be excluded when considering potential joint employment. The Department welcomes comments on this proposed approach.

2. Meaning of ''Employment Records'' (Proposed § 791.115(b))

Proposed § 791.115(b) is substantively similar to an analogous provision in the 2020 Rule.[192] The proposal defines ''employment records''—a term used in the fourth proposed factor—to mean records, such as payroll records, that reflect, relate to, or otherwise record information pertaining to the hiring or firing, supervision and control of the work schedules or conditions of employment, or determining the rate and method of payment of the employee. The proposal provides that records maintained by the potential joint employer related to the employer's compliance with the contractual agreements identified in § 791.125 do not make joint employer status more or less likely under the FLSA and are not considered employment records. For example, if a company has a contractual agreement with a business partner requiring certain quality control standards and the company documents the efforts by the partner's employees to fulfill those standards, those records would not be indicative of whether the company is a joint employer of the partner's employees.

The proposal further provides that the potential joint employer's satisfaction of the maintenance of employment records factor alone will not demonstrate joint employment. The Department believed, and continues to be believe, that the maintenance of employment records

[179] 414 U.S. at 195; *see also Enterprise Rent-A-Car,* 683 F.3d at 468 (explaining that a joint employer ''must exercise 'significant control' '' (citation omitted)).

[180] 29 CFR 791.2(a)(3)(i) (2020) (''No single factor is dispositive in determining joint employer status under the Act. Whether a person is a joint employer under the [FLSA] will depend on how all the facts in a particular case relate to these factors . . . ''); *see also* 85 FR 2833 (explaining that ''all four factors need not necessarily be satisfied in order for an entity to be deemed a joint employer'' and that, ''consistent with case law, the four factors represent a balancing test'').

[181] 704 F.2d at 1469 (quoting *Rutherford Food,* 331 U.S. at 730).

[182] 85 FR 2827–28.

[183] *Id.*

[184] 29 CFR 791.2(a)(1) (2020) (emphasis added).

[185] 85 FR 2827 (citing *Nationwide Mut. Ins. Co.* v. *Darden,* 503 U.S. 318, 326 (1992); *Walling* v. *Portland Terminal Co.,* 330 U.S. 148, 150–51 (1947)).

[186] *Antenor* v. *D & S Farms,* 88 F.3d 925, 929 n. 5 (11th Cir. 1996) (citing *Rutherford Food,* 331 U.S. at 728 n.7; *People ex rel. Price* v. *Sheffield Farms-Slawson-Decker Co.,* 225 N.Y. 25, 29–31 (1918)).

[187] 331 U.S. at 729–30.

[188] *Id.* at 728 & n.6.

[189] *Id.* at 728 & n.7 (citing the Department's brief in that case).

[190] *Darden,* 503 U.S. at 326 (citing *Rutherford Food,* 331 U.S. at 728).

[191] 490 F. Supp. 3d at 779.

[192] 29 CFR 791.2(a)(2) (2020).

factor may be probative of joint employment and rejected requests to delete the factor from the analysis when promulgating the 2020 Rule.[193] The Department did note, however, that ''courts have not found joint employer status when maintenance of employment records is the only evidence to support such a finding.'' [194] The Department thus clarified that, although the maintenance of employment records is a relevant factor, satisfaction of the fourth factor alone cannot lead to a finding of joint employer status.[195] The Department is not aware of any reason or legal basis to support changing that approach. Where an employer maintains the employee's employment records, but no other factors indicate that the employer is a joint employer, the employment records factor alone will not result in joint employment.

The Department welcomes comments on all aspects of its proposed maintenance of employment records factor.

3. Relevance of Reserved Control (Proposed § 791.115(c))

Proposed § 791.115(c) states that the potential joint employer's ability, power, or reserved right to act in relation to the employee is relevant for determining joint employer status, but the potential joint employer's actual exercise of control is more relevant than such ability, power, or right. It further states, as an example, that a potential joint employer's contractual authority to supervise, discipline, or fire employees is less relevant if in practice the potential joint employer never exercises such authority. The subsection also clarifies that, although contractual authority is generally relevant, a potential joint employer's ability, power, or reserved right to act in connection with any of the contractual provisions or business practices identified in § 791.125 is not relevant. This clarification is necessary to ensure that this proposal's general consideration of contractual authority does not override the position explained in § 791.125 that authority with respect to certain contractual provisions is not relevant to determining joint employer status under the FLSA.

The Department recognizes that the potential joint employer's ability, power, or reserved right to act in relation to the employee is relevant for determining joint employer status. Consistent with the ''ultimate determination [being] based 'upon the circumstances of the whole activity,''' [196] actual practices and contractual rights must both be considered. Courts view the power to control the employee or the work as an aspect of the joint employment determination.[197]

The 2020 Rule similarly recognized the relevance of the potential employer's reserved right to control, but stated that the ''potential joint employer must actually exercise—directly or indirectly—one or more of the[ ] indicia of control'' to be a joint employer under the FLSA.[198] The 2020 Rule further stated that ''[t]he potential joint employer's ability, power, or reserved right to act in relation to the employee may be relevant for determining joint employer status, but such ability, power, or right alone does not demonstrate joint employer status without some actual exercise of control.'' [199] The 2020 Rule added that ''[s]tandard contractual language reserving a right to act, for example, is alone insufficient for demonstrating joint employer status.'' [200]

However, the Department is not again proposing that regulatory text, nor does it maintain that actual exercise of control is necessary to find joint employment under the FLSA. Having further considered the matter, the Department believes that the more nuanced position it is proposing here—not requiring actual exercise of control for there to be joint employment, but recognizing that exercised control is more relevant than reserved control which is rarely or never exercised—is more consistent with the FLSA and longstanding caselaw, which focuses both on the ''degree'' of control [201] and on ''the 'economic *reality*' of the situation.'' [202] For example, in *Bonnette,* the court focused on the actual exercise of control where there was a factual dispute over reserved right of control, stating that ''[r]egardless of whether the [counties] are viewed as having the power to hire and fire . . . [they] *exercised* considerable control over the nature and structure of the employment relationship.'' 704 F.2d at 1470 (emphasis added). Similarly, in *Salinas* v. *Commercial Interiors,* the Fourth Circuit determined that a general contractor was a vertical joint employer in part because, in addition to its other control, it ''could—*and did*'' impose requirements on how the workers performed the work. 848 F.3d at 146 (emphasis added); *cf. Bartels* v. *Birmingham,* 332 U.S. 126, 128–32 (1947) (applying an ''economic reality'' test under the original Social Security Act and declining to find that a dance hall jointly employed a group of musicians (along with their band leader), despite an unexercised contract clause that gave the dance hall ''complete control'' over the musicians).

Moreover, the Department's position in the 2020 Rule that actual exercise of control is necessary to find joint employment under the FLSA stemmed in large part from its position that section 3(d)'s definition of ''employer'' was the sole statutory basis for joint employment.[203] In this proposal, however, the Department agrees (as explained above) that section 3(g)'s definition of ''employ'' is also relevant to determining joint employment, and considering both actual control and reserved right to control is consistent with defining ''employ'' as including ''to suffer or permit to work.'' [204] Section 3(g) indicates that joint employment may exist where the potential joint employer has substantial power to direct an employee's work, even if it does not actively direct the work.[205]

[193] 85 FR 2832.

[194] *Id.* (citing cases).

[195] *Id.*

[196] *Bonnette,* 704 F.2d at 1470 (quoting *Rutherford Food,* 331 U.S. at 730).

[197] *See, e.g., Bonnette,* 704 F.2d at 1470 (considering whether the potential joint employer has ''the *power* to hire and fire'' employees) (emphasis added); *Enterprise Rent-A-Car,* 683 F.3d at 468 (considering authority to control employee and their work); *Baystate,* 163 F.3d at 675–76 (citing a potential joint employer's power to decline to send a worker back to a job site as relevant to the joint employment determination).

[198] 29 CFR 791.2(a)(3)(i) (2020) (citing 29 U.S.C. 203(d)).

[199] 29 CFR 791.2(a)(3)(i) (2020).

[200] *Id.*

[201] *Layton,* 686 F.3d at 1178–79; *Torres-Lopez,* 111 F.3d at 642–43; *see also Zheng,* 355 F.3d at 72 (examining the ''degree'' of supervision).

[202] *Moreau,* 343 F.3d at 1188 (emphasis added); *see also Mitchell* v. *John R. Cowley & Bro., Inc.,* 292 F.2d 105, 112 (5th Cir. 1961) (emphasizing ''the actual circumstances of employment'' in determining whether joint employment exists).

[203] *See* 29 CFR 791.2(a)(3)(i) (2020) (citing 29 U.S.C. 203(d)); *see also* 84 FR 14044 (''Requiring the actual exercise of power ensures that the four-factor test is consistent with the provision of 3(d) that determines joint employer status, which requires an employer to be 'acting . . . in relation to an employee.' '') (quoting 29 U.S.C. 203(d)). In addition, the Seventh Circuit has advised in an FMLA case that, for joint employment to exist, ''each alleged employer must exercise control over the working conditions of the employee, although the ultimate determination will vary depending on the specific facts of each case.'' *Moldenhauer,* 536 F.3d at 644 (citing *Remington Hybrid Seed,* 495 F.3d at 408).

[204] 29 U.S.C. 203(g).

[205] *See Sec'y of Lab., U.S. Dep't of Lab.* v. *Lauritzen,* 835 F.2d 1529, 1543 (7th Cir. 1987) (Easterbrook, J., concurring) (explaining that the ''suffer or permit'' phrasing potentially ''sweeps in'' any work ''done for the employer's benefit or with the employer's acquiescence''). The Eleventh Circuit has noted that courts have found employment relationships ''under a multitude of circumstances where the alleged employer exercised little or no [actual] control or supervision

Continued

Taking into consideration this caselaw and all the FLSA's employment definitions, the Department believes that proposed § 791.115(c) will provide greater clarity on the respective roles that actual practice and contractual provisions play in determining the economic reality of potential joint employment.

The Department welcomes comments on all aspects of proposed § 791.115(c).

4. Indirect Control (Proposed § 791.115(d))

Proposed § 791.115(d) recognizes that indirect control may be considered when applying the four factors identified in proposed § 791.115(a). The former provides that indirect control is exercised by the potential joint employer through mandatory directions to another employer that controls the employee but adds that the other employer's voluntary decision to grant the potential joint employer's request, recommendation, or suggestion does not constitute indirect control that can demonstrate joint employer status. In addition, proposed § 791.115(d) also clarifies that acts which incidentally impact the employee also do not indicate joint employer status. The 2020 Rule contained the same provision.[206]

A potential joint employer may exercise indirect control by directing an intermediary employer to hire or fire an employee, set an employee's schedule, or determine an employee's pay, or otherwise effectuating these actions through the intermediary employer. Thus, indirect control is control that flows from the potential joint employer through the intermediary employer to the employee. If the potential joint employer directs the intermediary employer's exercise of control over the employee, indirect control of the employee exists. But agreeing to a mere request or recommendation, alone, is not enough for indirect control, although it can be indicative in rare circumstances.

The Third Circuit articulated this distinction in *Enterprise Rent-A-Car,* holding that such recommendations are not relevant to joint employer status. In that case, the parent company lacked the necessary direct control or authority over a subsidiary's assistant managers for joint employer status.[207] The plaintiffs sought to demonstrate joint employer status on the basis of indirect control by arguing that the parent company ''functionally held many of these [authority] roles by way of the guidelines and manuals it promulgated to its subsidiaries.'' [208] But the Third Circuit found ''no evidence that [the parent company's] actions at any time amounted to mandatory directions rather than mere recommendations.'' [209] Therefore, ''[i]nasmuch as the adoption of [the parent company's] suggested policies and practices was entirely discretionary on the part of the subsidiaries, [the parent company] had no more authority over the conditions of the assistant managers' employment than would a third-party consultant who made suggestions for improvements to the subsidiaries' business practices.'' [210]

The Department continues to believe, as it did when promulgating the 2020 Rule,[211] that the Third Circuit's description of indirect control is correct and sensible. If a parent company lacks authority to require a subsidiary to adopt certain employment practices, it cannot indirectly require the subsidiary's employees to adopt such practices. In sum, a potential joint employer exercises indirect control over an intermediary employer's employee by issuing ''mandatory directions'' to the intermediary employer. On the other hand, a potential joint employer's request, recommendation, or suggestion for an employment action, even if granted, is rarely evidence of indirect control because the intermediary employer has discretion to grant or refuse the request. In rare circumstances, such as when an intermediary employer repeatedly follows without question a potential joint employer's requests regarding employees, it may be inferred that the intermediary employer lacks discretion to refuse those requests, and therefore, indirect control exists. Proposed § 791.115(d) captures this distinction, and the illustrative examples in proposed § 791.115(g)(2) and (3) provide additional guidance.

Additionally, proposed § 791.115(d) clarifies that acts which incidentally impact the employees of another employer do not indicate joint employer status. General decisions by a business may impact other businesses with whom that business contracts or partners (and their employees), and the Department in the 2020 Rule sought to clarify that incidental impacts on their employees from these decisions do not indicate that the business is a joint employer.[212] For instance, a shipping facility that cuts back on its staffing needs during a slow period may incidentally impact the work schedules of its staffing agency's employees, but that general business decision would fall short of control over the employees' work schedules that would indicate joint employer status.[213] Similarly, the Eleventh Circuit in *Layton* found that certain business decisions made by a shipping and logistics company which incidentally impacted the workdays of drivers employed by a third party contractor, such as establishing the time that packages were available for pick-up each morning or relaying ''erratic pick-up orders'' that required drivers to work longer hours, were insufficient to indicate joint employment. 686 F.3d at 1178. While acknowledging that such business decisions ''may have incidentally impacted Drivers' working conditions,'' the court concluded that such decisions did not establish joint employment where the company ''did not involve itself with the specifics of how those goals would be reached'' or otherwise ''exert control as an employer would have.'' *Id.* The Department believes that proposed § 791.115(d) would bring helpful clarity to businesses as they make decisions that could potentially affect their business partners.

The Department welcomes comments on all aspects of proposed § 791.115(d).

5. Consideration of Additional Factors (Proposed § 791.115(e))

Proposed § 791.115(e) explains that additional factors beyond the four factors identified in proposed § 791.115(a) may be relevant for determining vertical joint employment. Proposed § 791.115(e) provides that, for example, additional indicia of whether the potential joint employer exercises significant control over the terms and conditions of the employee's work in addition to the four factors may be relevant. Proposed § 791.115(e) further provides that indicia of whether the employee is economically dependent on the potential joint employer for work may also be relevant. Proposed § 791.115(e) provides two examples of additional factors that may be considered. First, if the employee has a continuous or repeated relationship with the potential joint employer in that the potential joint employer continuously or repeatedly benefits from the employee's work whether or not the other employers involved change, that may indicate joint

over the putative employees.'' *Antenor,* 88 F.3d at 933 n.10.

[206] 29 CFR 791.2(a)(3)(ii) (2020).

[207] 683 F.3d at 471.

[208] *Id.*

[209] *Id.* at 470.

[210] *Id.*

[211] 85 FR 2834–35.

[212] *Id.* at 2835–36.

[213] *Id.* at 2835 n.72.

employment. Second, if the employee works at a location or facility that is owned or controlled by the potential joint employer that benefits from the employee's work, that may indicate joint employment. Of course, if there is no continued or repeated relationship and the employee does not work at a location or facility that is owned or controlled by the potential joint employer, those facts would indicate no joint employment if they are considered. Proposed § 791.115(e) cautions, however, that any additional factors are generally less relevant than the four factors identified in proposed § 791.115(a), which typically carry greater weight in the analysis than any additional factors. Proposed § 791.115(e) adds that if the four factors identified in proposed § 791.115(a) unanimously indicate joint employment or no joint employment, there is a substantial likelihood that the indicated outcome is correct, and additional factors are highly unlikely, either individually or collectively, to outweigh the combined probative value of those four factors. This provides application clarity to workers, employers, and the Department's investigators alike—either demonstrating joint employer status or its absence—that is very likely to broadly align with the wide variety of tests, standards, and analyses applied by the federal circuit courts.

It is well-settled that factors in multi-factor tests for determining FLSA joint employment are not exhaustive and that additional factors may be considered where material and appropriate.[214] The 2020 Rule allowed for the consideration of additional factors, ''but only if they are indicia of whether the potential joint employer exercises significant control over the terms and conditions of the employee's work.'' [215] The Department is not proposing to adopt this provision from the 2020 Rule. Although limiting the consideration of additional factors to those that relate to control is supported by the Third Circuit,[216] the Department, having considered the issue further for purposes of this proposal, recognizes that courts, including *Bonnette,* generally do not place such limits on the consideration of additional factors.[217] The Department further recognizes that the district court in *Scalia* ruled that the 2020 Rule's provision regarding the consideration of additional factors, in its view, ''unlawfully limits the factors the Department will consider in the joint employer inquiry.'' [218] Accordingly, this proposal does not limit the consideration of additional factors beyond the four factors identified in § 791.115(a) to those that relate to control, but recognizes that such factors are likely to be relevant where the four factors point to different conclusions.

Moreover, the Department is not proposing to exclude from the analysis any factors solely because they may assess or relate to economic dependence on an employer for work. The 2020 Rule excluded consideration of factors relating to the employee's economic dependence on the potential joint employer.[219] The Department's exclusion of economic dependence factors from the analysis in the 2020 Rule was predicated on its effort to bring analytical clarity by distinguishing between the analysis for determining a worker's status as an employee or not under the FLSA and the analysis for determining whether a worker who has already been determined to be an employee of an employer has a joint employer. The 2020 Rule advised that the analysis to determine a worker's status as an employee or not is based on sections 3(e) and 3(g) and assesses economic dependence, and that the analysis for determining joint employment is based on section 3(d) and does not assess economic dependence.[220] However, as explained above, the Department in this proposal recognizes that these FLSA definitions should be viewed together and that none of them should be excluded when considering joint employment. Moreover, the Department, having considered the issue further, recognizes that some courts consider economic dependence on an employer for work when determining joint employment under the FLSA,[221] and the Department notes that the district court in *Scalia* ruled that the 2020 Rule's provision excluding consideration of economic dependence, in its view, ''contradict[ed] caselaw and the Department's [prior] views.'' [222]

Thus, factors assessing economic dependence on a putative joint employer for work may be considered as additional factors where material and appropriate. However, the Department proposes to clarify that economic dependence on work is not the ''ultimate question'' or ''ultimate test'' of the joint employer analysis, as stated by the Department's current MSPA regulation and some courts.[223] Economic dependence on the employer for work is the ultimate inquiry when determining whether a particular worker is an employee or an independent contractor,[224] but it has less relevance in determining whether multiple businesses jointly employ the same economically dependent

[214] *See, e.g.,* 85 FR 2836 (''Courts that apply multi-factor balancing tests leave open the possibility of considering other factors.'') (citing cases); *Bonnette,* 704 F.2d at 1470 (''The ultimate determination must be based 'upon the circumstances of the whole activity.' '') (quoting *Rutherford Food,* 331 U.S. at 730); *Zheng,* 355 F.3d at 71–72 (explaining that a joint employment ''determination is to be based on 'the circumstances of the whole activity,' '' and informing the district court that, on remand, it is ''free to consider any other factors it deems relevant to its assessment of the economic realities'') (quoting *Rutherford Food,* 331 U.S. at 730); *Torres-Lopez,* 111 F.3d at 639 (''A court should consider all those factors which are relevant to the particular situation in evaluating the economic reality of an alleged joint employment relationship under the FLSA.'') (brackets and internal quotation marks omitted) (citing *Bonnette,* 704 F.2d at 1470).

[215] 29 CFR 791.2(b) (2020). The 2020 Rule stated that, ''[b]ecause evaluating control of the employment relationship by the potential joint employer over the employee is the purpose of the Department's four-factor balancing test, it is sensible to limit the consideration of additional factors to those that indicate control.'' 85 FR 2836.

[216] *Enterprise Rent-A-Car,* 683 F.3d at 469–470 (stating that its enumerated ''factors *do not constitute an exhaustive list* of all potentially relevant facts'' and that ''other indicia of 'significant control' '' beyond the enumerated factors may be relevant to determining joint employer status under the FLSA) (emphasis in original).

[217] *See supra* fn. 214.

[218] 490 F. Supp. 3d at 790.

[219] 29 CFR 791.2(c) (2020) (''[T]o determine joint employer status, no factors should be used to assess economic dependence.'').

[220] 85 FR 2838; *see also id.* at 2821 (explaining that ''[e]conomic dependence is relevant when applying section 3(g) and determining whether a worker is an employee under the [FLSA],'' but ''determining whether a worker who is an employee under the [FLSA] has a joint employer for his or her work is a different analysis that is based on section 3(d)'').

[221] *See Layton,* 686 F.3d at 1177–78 (citing *Antenor,* 88 F.3d at 932–33); *Baystate,* 163 F.3d at 675. *But see Salinas,* 848 F.3d at 138 (criticizing courts that rely on an economic realities/economic dependence approach to determine joint employment because that approach ''reflects a failure to distinguish the joint employment inquiry from the separate, employee-independent contractor inquiry,'' and adding that *Rutherford Food* does not support ''the use of economic dependence to guide the entire joint employment analysis'').

[222] 490 F. Supp. 3d at 790–91.

[223] *See* 29 CFR 500.20(h)(5)(iii); *Torres-Lopez,* 111 F.3d at 648; *see also Antenor,* 88 F.3d at 932–33 (asserting that economic dependence is the ''ultimate notion'' and ''dominant factor'' in FLSA joint employer cases).

[224] *See* Employee or Independent Contractor Status Under the Fair Labor Standards Act, Family and Medical Leave Act, and Migrant and Seasonal Agricultural Worker Protection Act, 91 FR 9932, 9973 (proposed § 795.105(b)) (Feb. 27, 2026). Notably, when the Eleventh Circuit identified economic dependence as the ''ultimate notion'' and ''dominant factor'' in FLSA joint employment cases in *Antenor,* 88 F.3d at 932–33, the court quoted directly from *Usery* v. *Pilgrim Equipment Co., Inc.,* 527 F.2d 1308, 1311 (5th Cir. 1975), a case addressing whether a worker was an employee or independent contractor and that did not involving joint employment.

workers.[225] As the Second Circuit explained, economic dependence factors, particularly ''the workers' investment in the business, and the degree of skill and independent initiative'' are ''used primarily to distinguish independent contractors from employees,'' and ''they do not bear directly on whether workers who are already employed by a primary employer are also employed by a second employer. Instead, they help courts determine if particular workers are independent of *all* employers.'' [226]

For example, particular workers may perform unskilled work with little or no personal investment and little or no opportunity for profit or loss; such facts might establish that the workers are economically dependent employees, but they are of no value in determining whether such workers are jointly employed by a particular entity. While there are some factors germane to economic dependence which are ''not limited to the employee/independent contractor distinction,'' [227] factors which are so limited should not be considered in the joint employer analysis, as explained *infra* in section III.D.6. of this NPRM.

More fundamentally, as the Seventh Circuit (Easterbrook, J.) observed in *Remington Hybrid Seed,* economic dependence is ''scarcely . . . helpful'' in assessing joint employer disputes on its own, as some degree of economic dependency on the clients or business partners of an employer is ''true of all labor.'' [228] For example, any employee of a subcontractor or franchisee could be characterized as economically dependent in some sense on the general contractor or franchisor affiliated with his or her subcontractor/franchisee employer, but neither courts nor the Department have applied the FLSA to extend joint employer status to all general contractors and franchisors. *See Zheng,* 355 F.3d at 76 (explaining that judicial precedent interpreting joint employer status under the FLSA is ''manifestly not intended to bring normal, strategically-oriented contracting schemes within the ambit of the [FLSA]''); *see also infra* section III.F.1. Although the Department is not proposing categorically to reject the relevance of economic dependence on the potential joint employer for work as it did in the 2020 Rule, additional factors indicative of economic dependence are less relevant than the four factors identified in proposed § 791.115(a), often may not be material to the analysis or question, and need not be considered in every case.

The Department posits that providing in the proposed regulatory text two examples of additional factors that may be considered—whether the employee has a continuous or repeated relationship with the potential joint employer and whether the employee works at a location or facility that is owned or controlled by the potential joint employer—would both be useful guidance and enjoys broad support across several circuit courts.[229] As with the four factors proposed for consideration in every case, these additional factors can operate in either direction, *i.e.,* indicating the presence or absence of a vertical joint employment relationship, depending on the facts. *Compare Salinas,* 848 F.3d at 147 (finding joint employment in part because workers for the subcontractor at issue ''worked almost exclusively on Commercial jobsites''), *with Moreau,* 356 F.3d at 948 (finding no joint employment in part because the subcontractor at issue ''did not service Air France exclusively, and its employees would rotate from plane to plane and carrier to carrier so as to fill up an entire workday'').[230]

Finally, as explained above, while additional factors may be considered where material and appropriate under the circumstances, in the Department's experience, additional factors often will not be either material to the question of joint employment or need to be considered. This is because the four factors identified in § 791.115(a) frequently clearly indicate a particular outcome, any relevant additional facts may and will be considered under one or more of those four factors, or both. Therefore, it is important to note that, unlike some tests that, in practice, allow for a determination to be made based on strong showing of a few of many factors, the four factors identified in § 791.115(a) must be considered in every case, and consideration of additional factors will depend on the circumstances of the case. *See Enterprise Rent-A-Car,* 683 F.3d at 469 (advising that the four *Bonnette* factors ''reflect the facts that will generally be most relevant in a joint employment context'' and ''generally serve as the starting point'' for a vertical joint employment analysis). For these reasons, proposed § 791.115(e) provides that the four factors identified in § 791.115(a) generally are more relevant and carry greater weight in the analysis than any additional factors. And even where additional factors may appear generally relevant to a particular situation, they are highly unlikely to outweigh the combined probative value of those four factors when they unanimously point to one reliable outcome measured against the wide variety of judicial tests. These provisions would provide useful guidance on how to apply the factors and help to ensure that any consideration of additional factors does not overtake consideration of the four factors.

The Department welcomes comments on all aspects of proposed § 791.115(e) and the consideration of additional factors.

6. Factors That Are Not Relevant (Proposed § 791.115(f))

Proposed § 791.115(f) provides that, notwithstanding any foregoing provisions of the proposed regulatory text, the following factors are primarily probative of a worker's status as an employee or independent contractor and have no relevance in determining joint employer status: (1) whether the employee is in a job that requires special skill, initiative, judgment, or foresight; (2) whether the employee has the opportunity for profit or loss based on his or her managerial skill; and (3) whether the employee invests in equipment or materials required for work or the employment of helpers.

Although the Department is not proposing to exclude economic dependence on an employer for work from determining joint employer status, the Department believes that certain factors are indisputably probative of economic dependence in the context of determining whether a worker is an employee or independent contractor—

[225] *See Salinas,* 848 F.3d at 137–39 (criticizing courts which ''incorrectly frame the joint employment inquiry as a question of an employee's 'economic dependence' on a putative joint employer'').

[226] *Zheng,* 355 F.3d at 67.

[227] *Aimable,* 20 F.3d at 444.

[228] 495 F.3d at 407.

[229] For example, the Second Circuit considers, among other factors, whether the employee uses the potential joint employer's premises and equipment for the work and whether the employee works exclusively or predominantly for the potential joint employer. *See Barfield,* 537 F.3d at 143 (citing *Zheng,* 355 F.3d at 72). The Eleventh Circuit considers whether the potential joint employer owns ''the facilities where the work occurred.'' *Layton,* 686 F.3d at 1176–77. *See also Rutherford Food,* 331 U.S. at 730 (noting that the employees worked continuously for the slaughterhouse (they did not ''shift as a unit from one slaughter-house to another) and used the slaughterhouse's ''premises and equipment'' for the work); *but see Layton,* 686 F.3d at 1176 (rejecting consideration of the ''permanency and exclusivity of employment'').

[230] The Department notes that the 2020 Rule included a provision advising that a potential joint employer's ''allowing [an] employer to operate a business on its premises (including 'store within a store' arrangements)'' did not make joint employer status more or less likely under the FLSA. 29 CFR 791.2(d)(5) (2020). As discussed below in section III.F., the Department is not proposing to readopt that provision in this NPRM.

not whether an employee has more than one employer operating jointly *vis à vis* him or her. The Department is not aware of any basis for stating that, as a matter of reality, skilled workers are more or less likely than unskilled workers to have a joint employer. Moreover, concepts like opportunity for profit or loss, investments, and initiative strike at the core of the analysis for determining employee or independent contractor status under the FLSA.[231] Indeed, in a joint employment case, the First Circuit in *Baystate* rejected factors that some courts applied ''for the purpose of determining whether a worker is an 'employee' or an ''independent contractor,''' such as the employee's skill and initiative, opportunity for profit or loss, and investments.[232] The First Circuit explained that the ''usefulness of [these factors] is significantly limited in this case, however, because the employee/independent contractor choice is no longer before us.'' [233] Similarly, the Eleventh Circuit agreed in *Layton* that the employee's opportunity for profit and loss and the degree of skill required to perform the job were not relevant when determining joint employment.[234] The court explained that such ''factors only distinguished whether one was an employee or an independent contractor.'' [235] Discussing its prior decision in *Aimable,* the court further explained that ''[b]ecause it had been determined [in that case] that the farm workers were employees of the contractor, there was no need to evaluate whether hallmarks of an independent-contractor relationship existed.'' [236] Although the Ninth Circuit, for example, considers in its joint employment analysis the three factors identified in proposed § 791.115(f),[237] in line with the First and Eleventh Circuits, the Department believes that they should not be considered for the reasons explained above.

The 2020 Rule provided that the three factors identified in proposed § 791.115(f) were not relevant to determining joint employer status because they relate to economic dependence on a putative joint employer for work, which the 2020 Rule generally excluded from consideration.[238] Although this NPRM likewise considers the three factors to be irrelevant, it does so for different reasons, as explained above. The 2020 Rule also provided that whether the employee ''is in a specialty job'' was irrelevant because that factor assessed economic dependence; the question is whether the individual is employed by one or more employers.[239] To be clear, however, the Department is not including that language from the 2020 Rule in this NPRM. As explained above, the Department's proposed analysis does not exclude consideration of economic dependence on an employer for work. In addition, the Department recognizes that a number of courts consider whether the employee performs a specialty job in their joint employment analyses.[240]

Finally, the Department is not proposing to identify as an irrelevant factor the *number* of contractual relationships, other than with the employer, that the potential joint employer has entered into to receive similar services. The 2020 Rule included such a provision, explaining that the factor assesses economic dependence and is not relevant, like all factors assessing economic dependence.[241] As explained above, however, the Department is not proposing in this NPRM to exclude consideration of any factor simply because it assesses economic dependence for work, even though the number of contractual relationships is less likely to be probative of joint employment. The Department welcomes comments on whether consideration of the number of contractual relationships, other than with the employer, that the potential joint employer has entered into to receive similar services should be expressly excluded or included or not addressed in any final rule.

The Department welcomes comments on all aspects of proposed § 791.115(f).

7. Examples (Proposed § 791.115(g))

Proposed § 791.115(g) includes five examples illustrating and applying the Department's proposed analysis for vertical joint employment, generally tracking the factual scenarios addressed in the examples in § 791.2(g)(3) through (7) of the 2020 Rule.[242] Each proposed example provides a hypothetical factual situation, explains how the vertical joint employment standard applies, and concludes whether the persons or entities are joint employers. The Department's conclusions following each example are, like all illustrative examples, limited to substantially similar factual situations.

The Department welcomes comments on all aspects of the proposed examples.

E. Determining Horizontal Joint Employment (Proposed § 791.120)

The Department proposes to readopt as § 791.120 most of the regulatory text regarding horizontal joint employment from the 2020 Rule. Specifically, the Department proposes to readopt the regulatory text from § 791.2(e)(2) of the 2020 Rule (except for the last sentence) as § 791.120(a), the last sentence of the regulatory text from § 791.2(e)(2) of the 2020 Rule as § 791.120(b), and the examples regarding horizontal joint employment from § 791.2(g)(1) and (2) of the 2020 Rule as § 791.120(c). The Department is not proposing to readopt the regulatory text from § 791.2(e)(1) of the 2020 Rule because that provision merely explained what horizontal joint employment is and would be repetitive of proposed § 791.110(b). The Department is proposing non-substantive changes to the regulatory text that it adopted in the 2020 Rule, such as changing references to the ''Act'' to the ''FLSA'' and changing references to ''second'' joint employer scenario and ''this'' scenario to ''horizontal'' joint employer scenario. As noted above,

[231] *See* 91 FR 9973–74 (proposed § 795.105(d)(1)(ii)) (describing the worker's opportunity for profit or loss based on his or her exercise of initiative (such as managerial skill or business acumen or judgment) or management of his or her investments or capital expenditures as a core factor in the independent contractor analysis).

[232] 163 F.3d at 675 n.9.

[233] *Id.*

[234] 686 F.3d at 1176 (citing *Aimable,* 20 F.3d at 443–44). As noted in fn. 229 above, *Layton* also rejected as irrelevant consideration of the ''permanency and exclusivity of employment.''

[235] 686 F.3d at 1176 (citing *Aimable,* 20 F.3d at 443–44).

[236] *Id.*

[237] *Torres-Lopez,* 111 F.3d at 639–640.

[238] 29 CFR 791.2(c)(1)–(3) (2020); *see also* 85 FR 2837–38.

[239] 29 CFR 791.2(c)(1) (2020); *see also* 85 FR 2837–38.

[240] *See, e.g., Layton,* 686 F.3d at 1176 (considering, among other factors, whether the employees perform ''a specialty job integral to the business''); *Remington Hybrid Seed,* 495 F.3d at 408 (concluding that a corn grower jointly employed workers hired to provide detasseling and rogueing services in part because ''detasseling is a specialty job in an agricultural operation''); *Zheng,* 355 F.3d at 72–74 (considering ''the extent to which [workers] performed a discrete line-job that was integral to [the joint employer's] process of production,'' informed by ''industry custom and historical practice''); *Torres-Lopez,* 111 F.3d at 639–40 (considering, among other factors, ''whether the work was a 'specialty job on the production line'''') (quoting *Rutherford Food,* 331 U.S. at 730). The district court in *Scalia* noted that the 2020 Rule rejected ''considering 'whether the employee is in a specialty job' in the joint employer inquiry,'' but stated that the rejection contradicted Supreme Court precedent because *Rutherford Food* ''held that it *was* relevant that the workers 'did a specialty job on the production line.''' 490 F. Supp. 3d at 791 (citing 331 U.S. at 730) (emphasis in original). The Department additionally notes that consideration of whether the work is ''integral'' is a departure from the Supreme Court's consideration in *Rutherford Food* of whether work was ''part of the integrated unit of production.'' 331 U.S. at 729; *see* also 91 FR 9956 (discussing this consideration in the context of determining employee or independent contractor status under the FLSA).

[241] 29 CFR 791.2(c)(4) (2020); *see also* 85 FR 2821.

[242] *See* 29 CFR 791.2(g)(3)–(7) (2020).

while the Department did not use terms such as ''vertical'' or ''horizontal'' joint employment in the 2020 Rule, it is in this proposal due both to their ubiquity and the clarity they provide.

Proposed § 791.120(a) describes the circumstances in which there may be horizontal joint employment, explaining how to determine if the employers are joint employers in this scenario and focusing on the association or lack thereof between the employers. The proposed regulatory text explains that, if the employers are acting independently of each other and are disassociated with respect to the employment of the employee, each employer may disregard all work performed by the employee for the other employer in determining its own responsibilities under the FLSA. The proposed regulatory text further explains that, if the employers are sufficiently associated with respect to the employment of the employee, they are joint employers and must aggregate the hours worked by the employee for each of them for purposes of determining compliance with the FLSA. As in prior versions of part 791, the proposed regulatory text provides three situations where the employers will generally be sufficiently associated: (1) there is an arrangement between them to share the employee's services; (2) one employer is acting directly or indirectly in the interest of the other employer in relation to the employee; or (3) they share control of the employee, directly or indirectly, by reason of the fact that one employer controls, is controlled by, or is under common control with the other employer. The proposed regulatory text advises that such a determination depends on all of the facts and circumstances.

Proposed § 791.120(b) explains that business relationships between two employers that have little to do with their employment of specific workers, such as sharing a vendor or being franchisees of the same franchisor, are not generally probative, and could not alone indicate a sufficient association between the employers to establish that they are joint employers.

Proposed § 791.120(c) provides two illustrative examples which imitate the factual scenarios previously adopted in § 791.2(g)(1) and (2) of the 2020 Rule.[243] Each example provides a hypothetical factual situation and discusses how the Department's standard for determining horizontal joint employment would apply and whether or not there is joint employment.

The standard for determining horizontal joint employment reflected in proposed § 791.120 is longstanding and well-settled. For example, the Department's pre-2020 version of 29 CFR part 791, which was adopted in 1958 and derived from the 1939 Interpretative Bulletin No. 13, explained that, when one employee performs separate work for two or more employers in the same workweek, the determination of a joint employment relationship turns on the association or lack thereof between the two potential joint employers.[244] The pre-2020 regulation elaborated on this guidance with three non-exhaustive situations where there would generally be sufficient association between the employers and thus horizontal joint employment.[245]

The 2020 Rule explained that the pre-2020 FLSA regulation provided ''clear and useful'' guidance in the horizontal joint employment scenario.[246] The 2020 Rule added that ''focusing on the relationship between the two employers is the correct approach'' in this scenario, and that the pre-2020 regulation's ''focus on the relationship between the two employers has been useful to both the public and courts.'' [247] For these reasons, the 2020 Rule retained the analysis provided in the pre-2020 regulation (with non-substantive revisions) as its standard for determining horizontal joint employment.[248]

The Department's subsequent Rescission Rule agreed that the 2020 Rule's horizontal joint employment standard ''reflected the Department's historical approach to the issue, and was consistent with the relevant case law.'' [249] The Rescission Rule rescinded the 2020 Rule in its entirety because it would have been ''difficult and impractical'' to leave the horizontal joint employer provision standing alone.[250] However, the Department emphasized that it was not reconsidering the substance of that standard and that the ''focus of a horizontal joint employment analysis will continue to be the degree of association between the potential joint employers, as it was in the [2020] Rule and the prior version of part 791.'' [251]

In 2025, WHD again applied its historical approach to the horizontal joint employment scenario, analyzing in Opinion Letter FLSA2025–5 whether a restaurant and a members club for whom an employee worked separate hours are sufficiently associated with each other with respect to the employee such that they jointly employ the employee.[252] Noting that ''[h]orizontal joint employment typically occurs when employers are sufficiently associated with respect to the employment of the particular employee(s),'' WHD concluded that there were sufficient facts to demonstrate a horizontal joint-employer relationship between the restaurant and members club.

The Department is not aware of any basis for changing its longstanding approach to horizontal joint employment and accordingly proposes to readopt the standard from the 2020 Rule as explained above. The Department welcomes comments on all aspects of its proposed horizontal joint employment standard.

F. Relevance of Certain Business Practices (Proposed § 791.125)

Like other agencies enforcing labor or antidiscrimination laws, WHD looks beyond titles and labels to the particular facts and practices when administering the Act and other statutes for which it is responsible. As such, the Department proposes to clarify that certain general common business models and business practices, standing alone, do not categorically or in the abstract make joint employer status more or less likely under the FLSA, FMLA, or MSPA. Specifically, the Department proposes to largely readopt the guidance from the Department's 2020 Rule at § 791.2(d)(2)–(5), with one revision (described below) and one omission: the Department does not propose to readopt the guidance that ''allowing [another] employer to operate

[243] 29 CFR 791.2(g)(1)–(2) (2020).

[244] 29 CFR 791.2(a) (1958).

[245] 29 CFR 791.2(b) (1958).

[246] 85 FR 2851.

[247] *Id.* at 2845; *see also* 84 FR 14052 (citing *A-One Med. Servs.,* 346 F.3d at 917–18; *Murphy* v. *Heartshare Human Servs. of New York,* 254 F. Supp. 3d 392, 399–404 (E.D.N.Y. 2017); *Li* v. *A Perfect Day Franchise, Inc.,* 281 FRD. 373, 400–01 (N.D. Cal. 2012); *Chao* v. *Barbeque Ventures, LLC,* No. 8:06CV676, 2007 WL 5971772, at *6 (D. Neb. Dec. 12, 2007); WHD Opinion Ltr. FLSA 2005–17NA, 2005 WL 6219105 (June 14, 2005) (applying 1958 regulation to determine that separate health care facilities were joint employers and employees' hours worked for different facilities must be aggregated in a workweek to calculate whether overtime pay is due); WHD Opinion Ltr., 1998 WL 1147714 (Jul. 13, 1998) (applying 1958 regulation to determine that separate health care entities were joint employers and employees' hours worked for different entities must be aggregated in a workweek for purposes of calculating any overtime pay due under the FLSA).

[248] 85 FR 2844–45. The district court decision that vacated the 2020 Rule's vertical joint employer standard severed the horizontal joint employer standard and did not vacate it. *Scalia,* 490 F. Supp. 3d at 795–96 (agreeing that the 2020 Rule ''makes only 'non-substantive revisions' to existing law for horizontal joint employer liability'') (quoting 85 FR 2844).

[249] 86 FR 40954.

[250] *Id.*

[251] *Id.*

[252] *See https://www.dol.gov/sites/dolgov/files/WHD/opinion-letters/FLSA/FLSA-2025-05.pdf.*

on its premises (including 'store within store' arrangements)'' does not make joint employer status more or less likely under the FLSA. Notably, the Department is proposing to locate guidance about the relevance of certain business models and business practices in a standalone section in part 791, which would make clear that such guidance is applicable in the contexts of both horizontal joint employment as well as vertical joint employment while also underscoring that such guidance would be independent and severable from other parts of the rule, including the analyses proposed to determine joint employer status in § 791.115 and § 791.120.

In the Department's view, general provisions relating to health, safety or legal compliance, quality control requirements, and common support practices do not establish or indicate the existence of joint employment. The mere existence of such business practices does not speak to whether a party is ''acting directly or indirectly in the interest of [another] employer in relation to an employee,'' 29 U.S.C. 203(d), or ''suffer[ing] or permit[ting]'' work from the employees of another employer, 29 U.S.C. 203(g). Instead, as explained above, joint employer status turns on '''the circumstances of the whole activity,''' with factors germane to the wages and working conditions of the employees at issue guiding the inquiry. *Bonnette,* 704 F.2d at 1469–70.

Moreover, promulgating such guidance in the Code of Federal Regulations would allow parties to maintain certain basic—often best—business practices with greater clarity and confidence that such responsible behavior will not transform them into a joint employer.[253] The Department notes that many of these identified business practices—such as basic anti-harassment policies, workplace safety measures, providing association health plans, sponsoring apprenticeship programs, etc.—are beneficial to all parties, including workers and consumers.

1. Franchising, Brand-and-Supply Agreements, and Similar Business Models

In § 791.125(a), the Department proposes to reaffirm that merely operating as a franchisor, entering into a brand and supply agreement, or using a similar business model does not, by itself, make joint employer status more or less likely. The Department notes that this proposed guidance is not a categorical statement that franchisors and similar businesses ''can never qualify'' as joint employers;[254] but it would make clear that merely operating as a franchisor or pursuing a similar business model has no categorical impact—positive or negative—in determining whether the business is a joint employer.

In a franchising relationship, one party—the franchisor—grants a license to other parties—franchisees—to use the franchisor's brand name and operational model in selling the franchisor's products or services. The franchisor typically ''provides the franchisee with franchising leadership and support and exercises some controls to ensure the franchisee's adherence to brand guidelines,'' while each franchisee ''is responsible for the day-to-day management of its independently owned business and benefits or risks loss based on [its] own performance and capabilities.''[255] Similarly, in a brand and supply agreement, ''one business agrees to sell another business' products under that business' brand name and comply with certain brand standards and signage requirements,'' though ''without agreeing to limitations or requirements for other products or services offered.''[256]

The Department recognizes that franchising and brand-and-supply agreements are common and legitimate business models, and that such arrangements do not in and of themselves result in joint employment under the FLSA. In particular, the Department emphasizes that its proposed vertical joint employment analysis is not intended to make franchisors or businesses in any similar business model more or less likely to be joint employers than other types of businesses; instead, it is intended to provide a general analysis—the application of which does not take into account franchising or any similar business model. Under the proposed rule, whether a franchisor or any similar business is a joint employer would depend on application of the factors proposed herein to the facts of the business' relationship with the employees. This is consistent with the approach that courts currently take in that they apply their varied economic realities analyses to the facts before them, almost always rejecting arguments that franchisors are joint employers unless there is sufficient supporting evidence above and beyond the franchise relationship that the franchisor is involved in the day-to-day management of the franchisee and its employees.[257] This guidance is also consistent with the Department's ''longstanding position that certain business models—such as the franchise model—do not themselves indicate joint employer status under the FLSA.''[258]

Reaffirming this guidance could prevent an overly broad application of the FLSA that would presumptively render franchisors and similar entities as joint employers simply by virtue of that characterization, regardless of the particulars of the relationship between them. At the same time, the Department recognized in the 2020 Rule that it would be inappropriate to state that

[253] The Portal-to-Portal Act of 1947 provides parties with a defense against FLSA liability for any acts or omissions made in good faith reliance ''on any written administrative regulation, order, ruling, approval, or interpretation'' issued by the Administrator of the Wage and Hour Division. *See* 29 U.S.C. 259; *see also* 29 CFR 790.13–.19 (elaborating on the requirements for a ''good faith reliance'' defense under the Portal-to-Portal Act). This reliance defense is not available for alleged FMLA or MSPA violations. Separately, the Department's FMLA and MSPA regulations are legislative rules which carry the '''force and effect of law.''' *Perez* v. *Mortgage Bankers Ass'n,* 575 U.S. 92, 96 (2015). Congress has afforded the Department broad rulemaking authority under the FMLA and MSPA. *See* 29 U.S.C. 2654; 29 U.S.C. 1861.

[254] *Orozco* v. *Plackis,* 757 F.3d 445, 452 (5th Cir. 2014); *see also Olvera* v. *Bareburger Grp. LLC,* 73 F. Supp. 3d 201, 208 (S.D.N.Y. 2014) (denying a franchisor's motion to dismiss in an FLSA lawsuit where ''plaintiffs . . . have not merely stated, in a conclusory fashion, that the franchisor defendants were joint employers . . . [but] have alleged several facts that, if true, would satisfy the 'economic reality' test for establishing employer status'').

[255] International Franchise Association, ''What is a Franchise?'', *https://www.franchise.org/franchising-overview/what-is-a-franchise.*

[256] 85 FR 2840.

[257] *See Orozco,* 757 F.3d at 452 (''We do not suggest that franchisors can never qualify as the FLSA employer for a franchisee's employees; rather, we hold that [the employee] failed to produce legally sufficient evidence to satisfy the economic reality test and thus failed to prove that [the franchisor] was his employer under the FLSA.''); *see also Chen* v. *Domino's Pizza, Inc.,* No. 09–107 (JAP), 2009 WL 3379946 (D.N.J. Oct. 16, 2009) (holding that a ''conclusory statement'' does not establish that Domino's Pizza jointly employs the employees of its franchisees under the FLSA); *Singh* v. *7-Eleven, Inc.,* No. C–05–04534 (RMW), 2007 WL 715488, at *3 (N.D. Cal. Mar. 8, 2007) (franchisor's brand standards and business model did not make it a joint employer); *Ochoa* v. *McDonalds Corp.,* 133 F. Supp. 3d 1228, 1235 (N.D. Cal. 2015) (same); *Gessele* v. *Jack in the Box, Inc.,* No. 3:14–CV–1092–BR, 2016 WL 7223324, at *11 (D. Or. Dec. 13, 2016) (holding that franchisor was not joint employer based on facts that the court found were similar to the facts in *Singh*); *In re Jimmy John's Overtime Litig.,* No. 14 C 5509, 2018 WL 3231273, at *20 (N.D. Ill. Jun. 14, 2018) (''Jimmy John's' control over the systems, operations, and dress code at franchise stores, as pervasive as it may seem, does not amount to joint employment.'').

[258] 85 FR 2823. Moreover, the Department's enforcement practice has been that when the Department ''investigates a typical franchisee for potential FLSA violations, the Department does not seek recovery from the franchisor as a joint employer simply because it has a franchise arrangement.'' 84 FR 14047.

there is no business model that could make joint employment more likely. *See* 85 FR 2841. Accordingly, the Department clarified in that rule that ''the franchise business model, the brand and supply business model, and other *similar* business models'' do not automatically ''make joint employer status more likely, while still allowing for the possibility that business models could be devised that, unlike these models, would . . . make joint employer status more likely.'' *Id.* (emphasis added).

The Department welcomes comments on its readoption of this provision from the 2020 Rule, including feedback on other businesses models that commenters believe may or may not be indicative of joint employment.

2. Compliance With Legal Obligations or Health and Safety Standards

Similar to the 2020 Rule, the Department proposes in § 791.125(b) that contractual provisions addressing and requiring compliance with general legal obligations or health and safety standards—and the monitoring of such provisions—do not make joint employer status more or less likely. Examples of such provisions include mandating compliance with the FLSA and similar laws, requiring policies against unlawful harassment, requiring background checks, and requiring the establishment of workplace safety practices and protocols or the provision of training regarding matters such as health, safety, or legal compliance. Businesses regularly insist on such provisions with their business partners to reduce risk and ensure compliance with statutory or regulatory requirements.

Courts have held that this type of oversight reflects responsible contracting, not employer-like control. For example, in *Moreau,* the Ninth Circuit held that an airline was not a joint employer merely because it insisted that a ground-handling contractor comply with ''various safety and security regulations, such as ensuring that food equipment was properly stowed or that the plane's load was adequately balanced,'' which the court found to be ''qualitatively different'' than the kind of control which might be indicative of joint employer status. 356 F.3d at 951. Speaking to the commonality of such practices, the court noted that ''[a]ny airline . . . concerned about its passengers' safety would be remiss to simply delegate a task to another party and not double-check to verify that the task was done properly.'' *Id.* Similarly, in *Zhao* v. *Bebe Stores, Inc.,* the court dismissed the relevance of a retailer's attempts to monitor its garment supplier's ''compliance with labor laws,'' such as its ability to access the supplier's payroll records, because there was ''no authority'' to suggest that such monitoring ''can or should be used to find the existence of a joint employment arrangement.'' 247 F. Supp. 2d 1154, 1161 (C.D. Cal. 2003). Many other courts have similarly dismissed the relevance of actions taken to ensure compliance with legal or safety requirements.[259]

Courts have recognized there are compelling policy reasons for discounting the relevance of contractual requirements relating generally to health, safety, and legal compliance. In *Zhao,* for example, the court noted that holding a retailer's attempts to ensure that its suppliers were complying with the law to be evidence of joint employer status ''would be counterproductive and would create a disincentive for clothing designers and manufacturers to monitor contractor shops to ensure compliance with the FLSA.'' 247 F. Supp. 2d at 1161. The Department does not want any perceived possibility of joint employer liability to deter business from taking steps to ensure legal compliance and protect the health and safety of workers, customers, and other members of the public.

At the same time, not every contractual provision between businesses necessarily relates to ''legal obligations''—that is, obligations imposed by government through law or regulation—and the Department wishes to avoid such an overly broad misinterpretation of its language in proposed § 791.125(b). Accordingly, the Department has made a small revision to the language that it previously adopted in the 2020 Rule by using the word ''general'' rather than ''specific'' in the phrase ''requiring the employer to comply with general legal obligations.'' [260] The Department welcomes feedback on proposed § 791.125(b).

3. Quality Control and Brand Reputation Standards

The Department proposes to readopt in § 791.125(c) regulatory text providing that requiring, monitoring, or enforcing another business' adherence to quality control standards—such as specifications relating to the size or scope of the work, quantity and quality standards, deadlines, morality clauses, or specifications regarding the use of standardized products, services, or advertising to maintain brand standards—do not make joint employer status more or less likely. Quality control measures are focused on the goods and services themselves by determining criteria for an acceptable work product or service and evaluating the end work product in light of those criteria, as opposed to actions directed toward the day-to-day management of the other business' employees. However, if a potential joint employer engages in day-to-day supervision of the other business, becoming involved with employees' firing or disciplinary actions, scheduling, or other conditions of employment, such actions would be relevant in assessing joint employer status.

Courts have drawn this distinction repeatedly. In *Zheng,* the Second Circuit acknowledged that the supervision of employees can be evidence of control indicative of a joint employment relationship, but emphasized that ''supervision with respect to contractual warranties of quality and time of delivery has no bearing on the joint employment inquiry, as such supervision is perfectly consistent with a typical, legitimate subcontracting arrangement.'' 355 F.3d at 75. Similarly, in *Singh,* the court rejected the plaintiffs' arguments that requiring a franchisee location to be open 24 hours a day constituted ''control of employee work schedules or conditions'' under the *Bonnette* analysis, as the policy was ''merely reflective of an inherent interrelation of operations between the two entities and 7-Eleven's goal of attaining conformity to certain operational standards and details.'' 2007 WL 715488, at *4–5. And in *Jacobson* v. *Comcast Corp.,* the court concluded that

[259] *See, e.g., Godlewska* v. *HDA,* 916 F. Supp. 2d 246, 259–60 (E.D.N.Y. 2013), *aff'd sub nom. Godlewska* v. *Human Dev. Ass'n,* 561 F. App'x 108 (2d Cir. 2014) (contrasting ''quality control[ ] . . . to ensure compliance with the law or protect clients' safety'' with ''control over the employee's 'day-to-day conditions of employment' [that] is relevant to the joint employment inquiry''); *Zampos* v. *W & E Commc'ns, Inc.,* 970 F. Supp. 2d 794, 803 (N.D. Ill. 2013) (requiring installation contractors to subject applicants to background checks and drug tests does not implicate ''hiring and firing'' factor because ''this purported control, relating to the safety and security of Comcast customers, is qualitatively different from the control exercised by an employer''); *Johnson* v. *Serenity Transp., Inc.,* No. 15–CV–02004–JSC, 2017 WL 1365112, at *10 (N.D. Cal. Apr. 14, 2017) (''Maintaining records for purposes of ensuring regulatory compliance or monitoring safety does not constitute maintenance of employment records to satisfy this *Bonnette* factor.''); *cf. Senne* v. *Kansas City Royals Baseball Corp.,* 591 F. Supp. 3d 453, 515 (N.D. Cal. 2022) (concluding that Major League Baseball jointly employed minor league baseball players because the facts established that Major League Baseball was ''not merely a regulatory body'').

[260] *Cf.* 29 CFR 791.2(d)(3) (2020) (addressing contractual provisions ''requiring the employer to comply with *specific* legal obligations'') (emphasis added).

quality control procedures intended to provide reliable service to cable customers such as ''monitor[ing] the location of technicians,'' ''specif[ying] the time at which [technicians] are supposed to arrive at appointments,'' and ''regularly evaluat[ing] completed work to ensure that it meets standards,'' was ''qualitatively different from the control exercised by employers over employees.'' 740 F. Supp. 2d 683, 691–92 (D. Md. 2010); *see also Mitchell* v. *Hertzke,* 234 F.2d 183, 190 (10th Cir. 1956) (concluding that ''[contractual] powers . . . limited to determining the time and conditions of the planting, the conditions under which the beans were to be raised, and the time when they were to be harvested'' was insufficient to establish that a vegetable canning company jointly employed the farm workers of its suppliers).[261]

As these cases illustrate, quality control measures are often integral to modern business. Without evidence showing that an entity's enforcement of such measures is affecting the working conditions of the employees who work for one or more other employers, they do not establish or indicate joint employer status. This proposed guidance would assist companies in understanding any possibility of joint employment when considering actions to safeguard their brand integrity.

4. Other Common Business Practices

The Department also proposes to readopt in § 791.125(d) regulatory text providing that certain common basic business practices—such as providing another employer with a sample employee handbook, offering an association health or retirement plan to another employer or participating in such a plan with the employer, or jointly participating in an apprenticeship program with another employer—does not make joint employer status more or less likely under the FLSA.[262] By providing these kinds of additional resources to employers, potential joint employers are giving employers access to a greater degree of business expertise, training resources, and benefit plans than they would be able to attain on their own—all of which benefit employees generally. Concerns about incurring joint employer liability should not deter businesses from providing such resources.

In sum, the Department continues to believe that the aforementioned programs and resources serve practical ends for businesses and workers, but do not themselves indicate control over employment. Of course, if a potential joint employer took actions such as enforcing the terms of a franchise handbook against a franchisee's employee, directing an employer's employee to participate in a joint apprenticeship program, or exercising control over an employer's employee who worked on its premises, those actions could indicate joint employer status.

5. Omission of the 2020 Rule's Guidance Regarding a Business That Allows Another Employer To Operate on Its Premises

The Department does not propose to include a provision advising that ''allowing [another] employer to operate on its premises (including 'store within a store' arrangements)'' does not make joint employer status more or less likely under the FLSA. Several courts have identified an entity's ownership of the premises where work is performed to be a relevant factor in assessing whether the entity is a joint employer. *See Moreau,* 356 F.3d at 947 (considering ''whether the premises . . . of the employer are used for the work''); *Zheng,* 355 F.3d at 72 (same); *see also Salinas,* 848 F.3d at 141 (considering ''[w]hether the work is performed on a premises owned or controlled by one or more of the putative joint employers, independently or in connection with one another''). As the Eleventh Circuit explained in *Layton,* an entity's ownership of the location where the work at issue is performed could be relevant in a joint employer case ''because a landowner is thought to have some knowledge of and control over what happens on his land.'' 686 F.3d at 1180; *see also Zheng,* 355 F.3d at 72 (''[W]hether a putative joint employer's premises . . . are used by its putative joint employees . . . is relevant because the shared use of premises . . . may support the inference that a putative joint employer has functional control over the plaintiffs' work.''); *Antenor,* 88 F.3d at 937 (''[A] business that owns or controls the worksite will likely be able to prevent labor law violations, even if it delegates hiring and supervisory responsibilities to labor contractors.''). Conversely, when work is performed in locations that an alleged joint employer does not own, that fact can be relevant in determining that the entity is not a joint employer. *See, e.g., Layton,* 686 F.3d at 1180 (finding the fact that drivers only ''spent a small part of their days'' in warehouses owned by the alleged joint employer ''weighs against a finding of joint employment''); *Wirtz* v. *Dr. Pepper Bottling Co. of Atlanta,* 374 F.2d 5, 8 (5th Cir. 1967) (concluding that workers were not jointly employed by Dr. Pepper in part because the workers ''were not employed at all on company premises and were not allowed to go there'').

Although the Department recognizes that where the work is performed has been considered probative by some circuits and may be considered as an additional factor in some cases (*see* proposed § 791.115(e)), the Department is not proposing to include a factor related to the location where the work is performed for consideration in every case because many courts do not include a location-related factor in their joint employer analyses. Moreover, the location where work is performed may not be relevant in every case, such as cases involving workers in occupations that require work in remote locations or in the homes of third-party consumers. However, the Department believes that categorically excluding the relevance of a business ''allowing [another] employer to operate on its premises'' from the joint employer analysis would conflict with the judicial precedent described above.

The Department welcomes feedback from commenters on the business practices and actions that it has proposed as not relevant to the joint employer analysis, including suggestions of any additional business practices or actions that should be addressed—particularly those that affect businesses in all industries, as the Department intends for the guidance in restored part 791 to be generally applicable.

6. Examples (Proposed § 791.125(e))

Proposed § 791.125(e) includes three illustrative examples applying the Department's proposed regulatory text regarding certain business models and business practices. The proposed examples imitate the illustrative examples previously adopted in § 791.2(g)(8) through (10) of the 2020 Rule,[263] but have been modified to make

[261] *See also* 85 FR 2843 n.86 (citing cases).

[262] Proposing to clarify that offering or participating in an association health or retirement plan does not make joint employer status more or less likely under the FLSA would not impact the interpretation of ''employer'' under the Employee Retirement Income Security Act (ERISA) because ERISA defines ''employer'' differently than the FLSA. *See* 29 U.S.C. 1002(5) (defining ''employer'' under ERISA to mean ''any person acting . . . in relation to an employee benefit plan'' and to include ''a group or association of employers acting for an employer in such capacity'').

[263] *See* 85 FR 2861. The Department has not proposed to readopt the example provided in § 791.2(g)(11) of the 2020 Rule because the Department is not proposing to readopt the 2020 Rule's guidance regarding the relevance of a

Continued

the examples, like proposed § 791.125 generally, independent and severable from the rest of the rule, including the analyses to determine vertical and horizontal joint employment in proposed §§ 791.115 and 791.120, respectively. As with the examples proposed for inclusion in §§ 791.115(g) and 791.120(c), the examples provided in proposed § 791.125(e) are limited to substantially similar factual situations. The Department welcomes comments on all aspects of these proposed examples.

G. Proposed Revisions to FMLA and MSPA Regulations

The Department is proposing to revise the regulations addressing joint employer status under the FMLA and MSPA to provide that the same FLSA analysis proposed for adoption in part 791 would also apply when determining joint employer status under the FMLA and MSPA.

Both MSPA and the FMLA statutorily incorporate FLSA definitions regarding the scope of employment. *See* 29 U.S.C. 1802(5) (providing that the term ''employ'' for the purposes of MSPA has the meaning given such term under section 3(g) of the FLSA); 29 U.S.C. 2611(3) (providing that the terms ''employee'' and ''employ'' for purposes of the FMLA have the same meanings given such terms in sections 3(e) and (g) of the FLSA).[264]

In addition, the Department's MSPA and FMLA regulations recognize that the scope of employment under those statutes is determined by the FLSA. For example, the MSPA regulations state that ''employ,'' ''employer'', and ''employee'' are each given the meaning set forth in the FLSA. 29 CFR 500.20(h)(1)–(3) (citing 29 U.S.C. 203(d), (e), and (g)). The MSPA regulations also provide that ''[t]he definition of the term employ includes the joint employment principles applicable under the Fair Labor Standards Act.'' 29 CFR 500.20(h)(5). Similarly, the FMLA regulations note that the definitions of ''employ'' and ''employee'' come from the FLSA. 29 CFR 825.102, 825.105(a).

Both MSPA and the FMLA thus support applying to those statutes the same analysis that the Department applies for determining joint employer status under the FLSA. In addition, applying one analysis across the three statutes will encourage consistent results and will provide a simpler approach for employers, businesses, and workers in determining their rights and obligations under the statutes. In the 2020 rulemaking, the Department received comments supporting a consistent approach to determining joint employer status across all federal labor laws, including, for example, the National Labor Relations Act (NLRA).[265] Although only Congress can achieve that,[266] where a uniform analysis is consistent with the statutes, as it would be with the FLSA, FMLA, and MSPA here, the Department believes that regulations adopting a uniform analysis would not only be beneficial, but also consistent with Congressional intent.

Failing to make conforming edits to the MSPA regulation when promulgating an FLSA joint employer regulation would risk confusing agricultural employers, agricultural associations, and farm labor contractors which might be subject to both the FLSA and MSPA, as well as the agricultural workers that such entities engage. Revising the MSPA regulation (29 CFR 500.20(h)(5)) to conform with the Department's FLSA regulation would avoid these concerns and provide uniformity between MSPA and the FLSA on this issue.

The FMLA regulation's guidance for determining whether an entity is a joint employer would be similarly unclear unless the Department makes conforming revisions. The regulation defines ''Employee'' in 29 CFR 825.102 as having the same meaning as that term has under the FLSA and notes that the ''definition of employ for purposes of FMLA is taken from the [FLSA],'' 29 CFR 825.105(a). However, the FMLA joint employer regulation that the Department proposes to revise sets forth nearly the same test as the FLSA joint employment regulation that was in effect from 1958 to 2020.[267] As such, the joint employment test in the FMLA regulation is inconsistent with the proposed FLSA analysis in this rulemaking.[268] The Department believes that proposing to replace content in 29 CFR 825.106(a) borrowed from an FLSA regulation that no longer exists with a cross-reference to the new guidance in part 791 would address this concern and provide useful guidance when making the determination under the FMLA.

In addition, many courts have not limited their FMLA joint employer analysis to the analysis set forth in 29 CFR 825.106(a). For instance, courts frequently apply the analysis from the Ninth Circuit's decision in *Moreau,* which considered a variety of factors drawn from FLSA and MSPA cases, including the *Bonnette* factors. 356 F.3d at 950–53; *see, e.g., Olson* v. *United States ex rel. Dep't of Energy,* 980 F.3d 1334, 1339 (9th Cir. 2020) (approving of district court's application of *Moreau* factors to joint employment analysis). Notably, the Seventh Circuit concluded that the FMLA regulation ''does not . . . provide much guidance in determining the parameters of what constitutes a joint-employment relationship'' and instead endorsed a holistic analysis examining whether ''each alleged employer . . . exercise[s] control over the working conditions of the employee . . . depending on the specific facts of each case.'' *Moldenhauer,* 536 F.3d at 644; *see also Schubert* v. *Bethesda Health Grp., Inc.,* 319 F. Supp. 2d 963, 970–72 (E.D. Mo. 2004) (noting that ''[t]he [FMLA] regulation does not provide much guidance to assist courts in defining the exact boundaries of a joint employment relationship'' and applying a four-factor *Bonnette* test).

The divergent approaches taken by courts when evaluating joint employer status under the FMLA suggest that—like the Department's pre-2020 FLSA regulation from which it borrowed—the current FMLA regulation does not provide a sufficiently detailed analysis,

business that allows another employer to operate on its premises. *See supra* section III.F.5.

[264] *See also Garcia-Celestino* v. *Ruiz Harvesting, Inc.,* 843 F.3d 1276, 1287 (11th Cir. 2016) (noting that when Congress enacted MSPA, ''it adopted the same sweeping statutory 'suffer or permit to work' definition of the term 'employ,' incorporating the FLSA definition by reference'') (citing 29 U.S.C. 1802(5)); *Mendel* v. *City of Gibraltar,* 727 F.3d 565, 569 (6th Cir. 2013) (''To answer the question of whether [workers] fall within the scope of the FMLA's definition of an 'employee,' we must turn to the section of the FLSA that addresses this issue.'') (citing 29 U.S.C. 2611(3)).

[265] *See* 85 FR 2828.

[266] Courts have explained that the FLSA's particular statutory definitions require an analysis for joint employment which is different and generally broader than the common law standard that applies under statutes like the NLRA. *See, e.g., Bonnette,* 704 F.2d at 1469 (stating that ''the definition of 'employer' under the FLSA is not limited by the common law concept of 'employer' '' and ''is to be given an expansive interpretation''); *see also, e.g., Falk,* 414 U.S. at 195 (noting the ''expansiveness of the [FLSA's] definition of 'employer' ''). Thus, in the absence of amendatory legislation, the Department cannot adopt for the FLSA the standard which the National Labor Relations Board applies to assess joint employment under the NLRA.

[267] Specifically, the FMLA regulation provides that ''a joint employment relationship generally will be considered to exist in situations such as: (1) Where there is an arrangement between employers to share an employee's services or to interchange employees; (2) Where one employer acts directly or indirectly in the interest of the other employer in relation to the employee; or, (3) Where the employers are not completely disassociated with respect to the employee's employment and may be deemed to share control of the employee, directly or indirectly, because one employer controls, is controlled by, or is under common control with the other employer.'' *Compare* 29 CFR 825.106(a) *with* 29 CFR 791.2(b) (2019).

[268] *See infra* section V.F.2. (explaining why the Department is not proposing to readopt the pre-2020 FLSA regulation as a regulatory alternative).

at least with respect to cases of potential vertical joint employment. In any event, because courts regularly consider FLSA and MSPA cases in evaluating joint employment under the FMLA, modifying the FMLA joint employment regulation to be consistent with the FLSA regulation will provide additional clarity and consistency across the statutes.

In regard to MSPA, courts regularly cite the Department's MSPA regulation and apply the factors set forth at 29 CFR 500.20(h)(5) to make a joint employment determination under MSPA (either alone or in combination with other factors). *See, e.g., Charles* v. *Burton,* 169 F.3d 1322, 1328–29 (11th Cir. 1999); *Reyes-Trujillo* v. *Four Star Greenhouse, Inc.,* 513 F. Supp. 3d 761, 791–92 (E.D. Mich. 2021); *Perez* v. *Valley Garlic, Inc.,* No. 116CV01156AWIEPG, 2017 WL 772147, at *5 (E.D. Cal. Feb. 27, 2017). This application of the Department's MSPA regulation is certainly appropriate, as the regulation is a legislative rule issued pursuant to an express delegation of rulemaking authority that is binding on regulated entities.[269] However, certain provisions of the current MSPA joint employer regulations are inconsistent with the FLSA guidance proposed in this rulemaking, including, *inter alia,* its identification of economic dependence as the ''ultimate question'' of the joint employment analysis,[270] and its consideration of ''[t]he extent to which the services rendered by the worker(s) are repetitive, rote tasks requiring skills which are acquired with relatively little training,'' [271] To the extent the test for joint employment set forth in the current MSPA regulation differs in meaningful ways from the Department's proposed FLSA guidance, the current MSPA regulation should be updated as part of this rulemaking. As a general matter, the Department does not believe it would be advisable to have differing multi-factor tests for joint employer status under laws that share the same statutory definitions for employment.

In sum, the Department's proposed edits to the FMLA and MSPA regulations are motivated by the fact that the analysis for determining joint employer status should be the same under those statutes as it is under the FLSA, as well as the concerns identified herein with the joint employer analyses in those regulations. Workers and businesses alike would benefit from the simplicity and certainty of having a single uniform standard for assessing joint employer status under all three laws, distilled from a thorough review of the caselaw which has developed under all three laws.

For the MSPA regulations, the Department is proposing to revise 29 CFR 500.20(h)(5) as follows: the Department will retain the first three sentences of § 500.20(h)(5), but it will delete the fourth and fifth sentences. This deletion is necessary because the ''completely disassociated'' language is drawn from the 1958 version of the FLSA joint employment regulation and is not fully consistent with the regulation proposed here. The Department also proposes adding a sentence at the end of this paragraph that states ''The criteria set forth in §§ 791.110 through 791.125 of this chapter apply to any determination of whether a joint employment relationship exists under MSPA.'' This revision would incorporate into the MSPA regulations the analysis for determining joint employer status in part 791. Next, the Department proposes to retain all of § 500.20(h)(5)(i). This paragraph is consistent with the proposed FLSA regulation in this NPRM, while providing guidance specific to MSPA. The Department further proposes to retain the first two sentences of § 500.20(h)(5)(ii) and delete the remainder of subsection (ii). The portion of subsection (ii) that would be deleted emphasizes the test articulated in *Hodgson* v. *Griffin & Brand of McAllen, Inc.,* 471 F.2d 235, 237–38 (5th Cir. 1973), which differs from the criteria set forth in this proposal, and thus this discussion would be removed to ensure consistency. The Department proposes removing all of § 500.20(h)(5)(iii). This paragraph references a worker's economic dependence on a particular entity as the ''ultimate question'' to be determined in the joint employment analysis, which is not consistent with the regulation proposed here. And the Department proposes removing all of § 500.20(h)(5)(iv) except for this sentence: ''The analysis as to the existence of an employment relationship is not a strict liability or per se determination under which any agricultural employer/association would be found to be an employer merely by retaining or benefiting from the services of a farm labor contractor.'' These deletions are necessary to ensure that the guidance in subparagraph (iv) does not conflict with the proposed FLSA regulation, while retaining the sentence that is consistent with the proposed FLSA regulation and which provides guidance specific to MSPA. Paragraph (iv) would be renumbered as (iii) given the removal of paragraph (iii). The Department welcomes comments on all aspects of its proposed revisions to § 500.20(h)(5).

For the FMLA regulations, the Department is proposing to revise 29 CFR 825.106(a) by retaining the first two sentences of that subsection, but deleting the remainder of the subsection, including paragraphs (1), (2), and (3). The Department then proposes adding a new third sentence to § 825.106(a): ''The criteria set forth in §§ 791.110 through 791.125 of this chapter apply to any determination of whether a joint employment relationship exists.'' This revision would incorporate into the FMLA regulations the analysis for determining joint employer status in part 791.

The Department notes that 29 CFR 825.106(c) sets forth the concept of a primary and secondary employer, and assigns certain responsibilities to the primary employer, such as providing FMLA leave and maintenance of health benefits. The regulation provides that ''[f]actors considered in determining which is the primary employer include authority/responsibility to hire and fire, assign/place the employee, make payroll, and provide employment benefits.'' 29 CFR 825.106(c). At this time, the Department does not propose any changes to 29 CFR 825.106(c), however, it invites comments on this provision. In particular, the Department is interested in whether commenters believe the current test for determining the primary employer is appropriate in light of proposed §§ 791.110 through 791.120 and what changes or alternatives, if any, commenters may suggest.

[269] *See* 29 U.S.C. 1861. The Supreme Court has advised that legislative rules which carry the ''force and effect of law'' are those which: (1) ''affect[ ] individual rights and obligations''; (2) are ''rooted in a grant of [legislative] power by the Congress''; and (3) are ''promulgat[ed] . . . [in] conform[ity] with any procedural requirements imposed by Congress.'' *Chrysler Corp.* v. *Brown,* 441 U.S. 281, 302–03 (1979) (internal quotation marks omitted). Similarly, the Department's FMLA regulation is a legislative rule issued pursuant to express rulemaking authority. *See* 29 U.S.C. 2654.

[270] *Compare* 29 CFR 500.20(h)(5)(iii) *with* section III.D.5. and proposed § 791.115(e) (explaining that economic dependence is not the ''ultimate question'' of the joint employer analysis, although certain factors indicative of economic dependence may be considered as additional factors).

[271] *Compare* 29 CFR 500.20(h)(5)(iv)(D) *with* section III.D.6. and proposed § 791.115(f) (proposing to exclude the performance of unskilled work as irrelevant to a joint employer analysis).

The Department is not proposing to make any changes to 29 CFR 825.104(c)(2), which provides that separate businesses or entities may be considered to be parts of a single employer for FMLA purposes if they satisfy the ''integrated employer'' test.[272]

The Department welcomes comments on all aspects of its proposed revisions to 29 CFR 825.106(a).

H. Proposed Revisions to 29 CFR Part 780

The Department is proposing to revise two references to joint employment in 29 CFR part 780, which provides guidance regarding the exemptions in the FLSA applicable to agriculture, processing of agricultural commodities, and related subjects. 29 CFR 780.305(c) addresses situations where a farmer may be a joint employer with a contractor who supplies ''harvest hands,'' and 29 CFR 780.331(d) addresses situations where a farmer may be a joint employer with a ''crew leader'' who supplies employees. Both regulations provide factors for determining joint employment that substantially overlap with the factors in proposed § 791.115(a). Nonetheless, and to ensure that its regulatory guidance regarding FLSA joint employment is uniform, the Department is proposing to revise the two references in part 780 so that they cross-reference part 791.

Specifically, the Department proposes to replace the first sentence of 29 CFR 780.305(c) and the regulatory citation that follows with: ''Whether a farmer whose crops are harvested by an independent contractor is considered to be a joint employer with the contractor who supplies the harvest hands shall be determined by applying the criteria set forth in §§ 791.110 through 791.125 of this chapter.'' And the Department proposes to replace the first sentence of 29 CFR 780.331(d) and the case citations that follow with: ''Whether or not a labor contractor or crew leader is found to be a bona fide independent contractor, whether the employees of the labor contractor or crew leader are jointly employed by the farmer who is using their labor shall be determined by applying the criteria set forth in §§ 791.110 through 791.125 of this chapter.''

The Department welcomes comments on all aspects of its proposed revisions to 29 CFR part 780.

I. Severability (Proposed § 791.130)

The Department proposes to readopt as § 791.130 the regulatory text from the 2020 Rule which provided that any provision of part 791 found to be invalid or unenforceable ''shall be construed so as to continue to give the maximum effect to the provision permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event the provision shall be severable from part 791 and shall not affect the remainder thereof.'' [273] For example, as was the case in the 2020 Rule, the Department's proposed analysis here for assessing vertical joint employment would be independent and severable from its proposed analysis for assessing horizontal joint employment.[274] However, in reaction to concerns identified in the Department's withdrawal of the 2020 Rule, the Department has organized the proposed regulatory text in this NPRM to ensure that each provision would not be ''difficult and impractical . . . to remain alone'' in the event that other provisions are invalidated, enjoined, or otherwise not put into effect.[275]

The Department welcomes comments on all aspects of its proposed severability provision at § 791.130.

IV. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.,* and its attendant regulations, 5 CFR part 1320, require the Department to consider the agency's need for its information collections, their practical utility, as well as the impact of paperwork and other information collection burdens imposed on the public, and how to minimize those burdens. The PRA typically requires an agency to provide notice and seek public comments on any proposed collection of information contained in a proposed rule. *See* 44 U.S.C. 3506(c)(2)(B); 5 CFR 1320.8.

This NPRM does not contain a collection of information subject to OMB approval under the PRA. The Department welcomes comments on this determination.

V. Preliminary Regulatory Impact Analysis (PRIA) Conducted in Accordance With Executive Order 12866, Regulatory Planning and Review, and Executive Order 13563, Improving Regulation and Regulatory Review, and Executive Order 14192, Unleashing Prosperity Through Deregulation

Under Executive Order 12866, OMB's Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and, therefore, subject to the requirements of the Executive Order and OMB review.[276] Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as a regulatory action that is likely to result in a rule that may: (1) have an annual effect on the economy of $100 million or more, or adversely affect in a material way a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant); (2) create serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. OIRA has determined that this proposed rule is a significant regulatory action under section 3(f) of Executive Order 12866.

Executive Order 13563 directs agencies to, among other things, propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; that it is tailored to impose the least burden on society, consistent with obtaining the regulatory objectives; and that, in choosing among alternative regulatory approaches, the agency has selected those approaches that maximize net benefits. Executive Order 13563 recognizes that some costs and benefits are difficult to quantify and provides that, when appropriate and permitted by law, agencies may consider and discuss qualitatively values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.[277]

Executive Order 14192, titled ''Unleashing Prosperity Through Deregulation,'' was issued on January 31, 2025. This rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action, as the Department estimates that the recurring cost savings attributable to the proposed rule—including reduced compliance costs and reduced litigation costs, as well as the avoided ''opportunity costs of . . . previously foregone activities'' [278]—would exceed one-time

[272] *See supra* fn. 139.

[273] 29 CFR 791.3 (2020).

[274] *See Scalia,* 490 F. Supp. 3d at 795–96.

[275] 86 FR 40954.

[276] *See* Regulatory Planning and Review, 58 FR 51735, 51741 (Oct. 4, 1993).

[277] *See* Improving Regulation and Regulatory Review, 76 FR 3821 (Jan. 21, 2011).

[278] OMB Memo M–25–20, ''Guidance Implementing Section 3 of Executive Order 14192, Titled 'Unleashing Prosperity Through Deregulation' '' at 11 (Mar. 26, 2025); *see also* OMB

regulatory familiarization costs. The analysis below outlines the impacts that the Department anticipates may result from this proposed rule and was prepared pursuant to the above-mentioned executive orders.

A. Introduction

1. Background and Need for Rulemaking

An employee may have multiple employers. In most cases, each employment will be distinct from the others, and each employer will be responsible on its own for complying with the law with respect to the employee. In some cases, however, two or more employers may employ the employee in a manner that makes them joint employers of the employee such that they are together responsible for complying with the law with respect to the employee.

This rulemaking proposes to revise the analysis the Department would apply to determine joint employer status under Fair Labor Standards Act (FLSA), the Family and Medical Leave Act (FMLA), and the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), which are enforced by the Department's Wage and Hour Division (WHD). The FMLA and MSPA both incorporate the FLSA's statutory definitions of employment,[279] suggesting that the same analysis to determine whether joint employment exists under the FLSA should determine whether joint employment exists under the FMLA and MSPA.

Under the FLSA, joint employers are jointly and severally liable for any wages, damages, and penalties owed to the employee(s), and an employee's total hours worked each week for all joint employers is used to determine the employee's entitlement to overtime pay. Similarly, under MSPA, each joint employer must ensure that the employee receives all applicable employment-related rights granted by MSPA, such as accurate and timely disclosure of the terms and conditions of employment, written payroll records, and payment of wages when due.[280] Under the FMLA, employees who are jointly employed by two or more employers must be counted by all joint employers in determining employer coverage and employee eligibility under the FMLA,[281] though only an employee's ''primary employer'' is responsible for giving required notices to the employee, providing FMLA leave, and maintaining health benefits.[282] In most instances, job restoration is the primary responsibility of the primary employer; a secondary employer may also be responsible in certain circumstances for restoring the employee to the same or equivalent job upon return from FMLA leave.[283]

Joint employment generally arises in two contexts, commonly described as ''vertical'' or ''horizontal.'' In ''vertical'' joint employment, an employee is jointly employed by two or more employers that simultaneously benefit from the employee's work. Typically, the employee works one set of hours and there is no dispute that the employee has at least one employer for the work; the issue is whether another person that also benefits from the work is the employee's joint employer. This scenario is described as ''vertical'' because it often centers around whether business partners which are higher or lower in a particular industry structure—such as contractors and subcontractors or staffing agencies and their clients—are joint employers of the employee. By contrast, in ''horizontal'' joint employment, an employee works separate hours for two (or more) employers in the same workweek, and the employers are sufficiently associated with each other such that they are joint employers. Typically, it is undisputed that each employer employs the employee for some hours worked, and the issue is whether the employers are sufficiently associated with each other with respect to the employment of the employee.

As explained more fully in section II, the Department believes that rulemaking is necessary to restore clarity and consistency regarding joint employer status under the FLSA, FMLA, and MSPA. The Department has not maintained regulatory guidance addressing FLSA joint employment since July 2021, when it rescinded its earlier FLSA joint employer regulation. The absence of such guidance has created uncertainty for businesses, workers, and courts, particularly in ''vertical'' scenarios where multiple entities are simultaneously benefiting from the same work performed by one or more workers. In such FLSA cases, the Department has been applying a vertical joint employment standard consistent with the judicial precedent that may apply in that case, which varies throughout the Federal courts. Meanwhile, the Department's existing FMLA and MSPA regulations articulate joint employment standards that are different from each other and from the FLSA standard that the Department is proposing to adopt—an outcome at odds with the understanding that the standard for determining joint employer status should align under all three laws, which share the same statutory definitions of employment. Finally, the Department believes that regulated entities would benefit from regulatory guidance about certain business models and business practices that, standing alone, would not make joint employer status more or less likely under the FLSA, FMLA, or MSPA.

Accordingly, in this rulemaking, the Department is proposing to restore a regulation for determining joint employer status under the FLSA at 29 CFR part 791, where it was located prior to 2021. Additionally, the Department is proposing to revise the regulations addressing joint employer status under the FMLA and MSPA so that the FLSA analysis in part 791 applies when determining joint employer status under those statutes.

2. Summary of the Analysis

This preliminary analysis addresses the potential benefits, costs, cost savings, and transfer effects that the Department expects would result if the proposed rule were adopted in a future final rule. Consistent with its approach in other rulemakings, the Department has prepared an estimate of regulatory familiarization costs, all of which would occur within the first year of the rule's implementation. Due to data limitations and inherent uncertainty over whether and how different parties such as businesses, workers, and courts might respond to this rulemaking, the Department's preliminary analysis of other potential effects attributable to the proposed rule (including potential benefits and cost savings) is qualitative. However, the Department believes that the unquantified benefits and cost savings of this rulemaking (including cost savings attributable to reduced compliance costs and reduced litigation costs) would significantly outweigh initial familiarization costs, particularly

Circular A–4 at 37 (Sept. 17, 2003), *https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf.*

[279] *See* 29 U.S.C. 1802(5) (providing that the term ''employ'' for the purposes of MSPA has the meaning given such term under section 3(g) of the FLSA); 29 U.S.C. 2611(3) (providing that the terms ''employee'' and ''employ'' for purposes of the FMLA have the same meaning that such terms are given under the FLSA).

[280] *See* WHD Fact Sheet #35: Joint Employment and Independent Contractors Under the Migrant and Seasonal Agricultural Worker Protection Act, *https://www.dol.gov/agencies/whd/fact-sheets/35-mspa-joint-employment.*

[281] *See* 29 CFR 825.106(d).

[282] *See* 29 CFR 825.106(c).

[283] *See* 29 CFR 825.106(e).

since benefits and cost savings would be perpetual.[284]

The Department estimates that a future final rule would result in initial undiscounted regulatory familiarization costs ranging between $425.17 million (a lower bound estimate) and $544.53 million (an upper bound estimate). Because the proposed rule would not impose any new requirements on regulated entities, the Department does not expect that this rulemaking would result in any other meaningful costs. Assuming for the sake of analysis that initial regulatory familiarization costs could be spread out over a 10-year period, the Department estimates that the proposed rule would have an annualized cost ranging from $42.52 million to $54.45 million at a discount rate of 7 percent in 2024 dollars.

As the Department has noted in its earlier rulemakings on this topic, the Department does not currently have data on the number of businesses that are or might be in joint employment relationships.[285] The Department requests comments, studies, and data on the prevalence of joint employment, how this proposed rule might affect the businesses and workers involved in such relationships, and how to quantify those impacts, if such quantification is possible. The Department also requests comments and data on any additional potential benefits, costs, cost savings, and transfer effects of this proposed rule.

EXHIBIT 1—ESTIMATED MONETIZED COSTS OF THE PROPOSED RULE

[2024 $millions]

	Net costs (upper bound)	Net costs (lower bound)
Undiscounted 10-Year Total	$544.53	$425.17
10-Year Present Value with a discount rate of 3%	560.86	437.92
10-Year Present Value with a discount rate of 7%	582.64	454.93
10-Year Average	54.45	42.52
Annualized at a discount rate of 3%	56.09	43.79
Annualized at a discount rate of 7%	58.26	45.49

B. Potential Costs

1. Rule Familiarization

Adopting new regulations and revising existing regulations interpreting joint employer status would impose a one-time regulatory familiarization cost on private businesses and state and local government entities. To estimate these regulatory familiarization costs, the Department determined: (1) the number of potentially affected entities; (2) the average hourly compensation of the employees reviewing the regulation; and (3) the amount of time required to review the regulations.

i. Number of Potentially Affected Entities

It is uncertain whether private entities will incur regulatory familiarization costs at the firm or the establishment level. For example, in smaller businesses there might be just one specialist reviewing the regulations. Larger businesses might review the regulations at corporate headquarters and determine policy for all establishments owned by the business, while more decentralized businesses might assign a separate specialist to the task in each of their establishments. To avoid underestimating these costs, the Department uses both the number of establishments and the number of firms to estimate a potential range for regulatory familiarization costs. The lower bound of the range is calculated assuming that one specialist per firm will review the regulation, and the upper bound of the range assumes one specialist per establishment.

The most recent data on private sector entities at the time this proposed rule was drafted are from the 2022 Statistics of U.S. Businesses (SUSB), which reports 6.5 million private firms and 8.3 million private establishments with paid employees.[286] Included in these estimates are many businesses such as restaurants (797,836 establishments), hotels (56,920 establishments), and construction companies (860,651 establishments), each within industry sectors that may be more affected by this proposed rule than others. Additionally, the Department estimates 90,888 state and local governments (2022 Census of Governments) might incur familiarization costs.[287]

The Department believes that even entities that do not currently have workers with one or more joint employers will incur regulatory familiarization costs, because they will need to confirm whether the new and revised regulations include any provisions that may affect them or their employees.

ii. Hourly Compensation Rates

The Department used the hourly compensation rate presented in Exhibit 2 to estimate the rule familiarization costs below in the Subject-by-Subject Analysis. BLS's OEWS data show that the mean hourly wage for a Compensation, Benefits, and Job Analysis Specialists (SOC code 13–1141) is $39.86.[288] The Department used a 46-percent benefits rate [289] and a 17-percent overhead rate: [290]

[284] *See* 84 FR 68767 (explaining in a 2019 final rule addressing the calculation of overtime pay that ''[unquantified] cost savings will outweigh [quantified] regulatory familiarization costs . . . [because] the potential cost savings . . . will continue into the future, saving employers valuable time and resources'').

[285] *See* 85 FR 2854; *see also* 86 FR 40955.

[286] Statistics of U.S. Businesses 2022, *https://www.census.gov/programs-surveys/susb.html,* 2022 SUSB Annual Data Tables by Establishment Industry.

[287] 2022 Census of Governments—Organization.

[288] BLS, Occupational Employment and Wage Statistics, SOC Code 13–1141, May 2024, *https://data.bls.gov/oes/#/industry/000000.*

[289] BLS, Employer Costs for Employee Compensation—September 2025, Employer Costs for Employee Compensation Summary—2025 Q02 Results [Benefits rate based on compensation rates for civilian workers].

[290] Cody Rice, U.S. Environmental Protection Agency, ''Wage Rates for Economic Analyses of the Toxics Release Inventory Program,'' June 10, 2002, *https://www.regulations.gov/document/EPA-HQ-OPPT-2014-0650-0005.*

EXHIBIT 2—COMPENSATION RATES

[2024 dollars]

Position	Base hourly wage rate (a)	Loaded wage factor (b)	Overhead cost (c)	Hourly compensation rate (a + b + c)
Compensation, Benefits, and Job Analysis Specialist	$39.86	$18.34 ($39.86 × 0.46)	$6.78 ($39.86 × 0.17)	$64.97

iii. Time To Review

The Department judges 1 hour per entity, on average, to be an appropriate review time for the proposed rule. The Department believes that an hour, on average, is appropriate, because while some firms and establishments primarily impacted by the proposed rule would spend longer than one hour to review a rule, numerous other establishments may rely on Departmental or third-party summaries of the rule or spend little or no time reviewing the rule. Moreover, the relevant statutory definitions have been in the FLSA since its enactment in 1938. The Department has recognized the concept of joint employer status under the FLSA since at least 1939, and the Department issued its first FLSA regulation interpreting joint employer status in 1958 and its first such regulations under MSPA and the FMLA decades ago, both of which borrowed from the Department's then-existing FLSA regulation. Therefore, the Department expects that the standards applied by this proposed rule should be at least partially familiar to the specialists tasked with reviewing it. The Department invites feedback from commenters on this determination.

TABLE 1—TOTAL REGULATORY FAMILIARIZATION COSTS, CALCULATION BY NUMBER OF FIRMS AND ESTABLISHMENTS

[$1000s]

NAICS sector	By firm		By establishment	
	Firms	Cost [a]	Establishments	Cost [a]
Agriculture, Forestry, Fishing and Hunting	22,599	1,468	23,332	1,516
Mining, Quarrying, and Oil/Gas Extraction	17,341	1,127	23,180	1,506
Utilities	6,772	440	20,425	1,327
Construction	782,487	50,838	800,651	52,018
Manufacturing	239,265	15,545	285,500	18,549
Wholesale Trade	277,932	18,057	388,706	25,254
Retail Trade	645,404	441,932	1,045,890	67,951
Transportation and Warehousing	237,527	15,432	294,354	19,124
Information	89,332	25,804	160,946	10,457
Finance and Insurance	244,536	15,888	480,546	31,221
Real Estate and Rental and Leasing	366,557	23,815	466,656	30,319
Professional, Scientific, and Technical Serv	872,305	56,674	974,303	63,300
Management of Companies and Enterprises	25,413	1,651	51,218	3,328
Administrative and Support Services	376,192	23,077	450,481	27,408
Educational Services	103,287	6,711	114,806	7,459
Health Care and Social Assistance	693,801	45,076	976,418	63,438
Arts, Entertainment, and Recreation	148,290	9,634	162,960	10,588
Accommodation and Food Services	574,723	37,340	771,856	50,147
Other Services (except Public Admin.)	729,236	47,378	797,836	51,835
State and Local Governments	90,888	5,905	90,888	5,905
All Industries	6,543,887	415,524	8,380,952	539,158
Average annualized costs, 7 percent discount rate				
Over 10 years	$44,461		$57,690	
Average annualized costs, 3 percent discount rate				
Over 10 years	$42,799		$55,533	

[a] Each firm or establishment is expected to allocate 30 minutes of Compensation, Benefits, and Job Analysis Specialists' (SOC 13–1141) time for regulatory familiarization. The mean hourly rate for this occupation is $39.86 based on BLS's May 2024 Occupational Employment Statistics, and the wage load factor is 1.63 (0.46 for benefits and 0.17 for overhead). Therefore, the per-entity cost is $64.97.

Source for number of firms and establishments in each NAICS sector: Statistics of U.S. Businesses 2022, *https://www.census.gov/programs-surveys/susb.html,* 2022 SUSB Annual Data Tables by Establishment Industry; 2022 Census of Governments, 2022 Census of Governments, Organization Tables.

The Department estimates that the undiscounted lower bound of regulatory familiarization cost range would be $425.17 million, and the undiscounted upper bound would be $544.53 million. Additionally, the Department estimates that the Retail Trade industry would have the highest upper bound ($67.95 million), while the Professional, Scientific and Technical Services industry would have the highest lower bound ($56.67 million). The Department

estimates that all regulatory familiarization costs would occur in Year 1.

Additionally, the Department estimates average annualized costs of this proposed rule over 10 years and in perpetuity. Over 10 years, this proposed rule would have an average annual cost of $45.49 million to $58.26 million, calculated at a 7 percent discount rate ($43.79 million to $56.09 million calculated at a 3 percent discount rate).

2. Other Potential Costs

The Department considered whether this proposed rule would generate additional compliance costs beyond one-time regulatory familiarization. For example, the Department assumes that some firms may choose to adjust their business practices in response to a clearer joint employer analysis (including guidance regarding specific business practices and models which do not make joint employer status more or less likely). Specifically, firms may be more willing to invest in partnerships that enhance operational efficiency, and making the necessary business adjustments to facilitate such partnerships would have costs. However, it is difficult to quantify these effects in monetary terms, as the Department currently lacks data on the number of businesses that might be affected by this rulemaking, the specific costs of transitioning to different business models and business practices, and the extent to which this rulemaking would drive adoption of new business models or business practices. The Department welcomes feedback from commenters that may assist in quantifying this expected effect, including relevant data, research, or anecdotal evidence.

C. Potential Benefits and Cost Savings

This proposed rule is intended to promote clarity and uniformity in the Department's application of joint employer standards in its enforcement under the FLSA, FMLA, MSPA. To the extent that the proposed rule achieves those goals, the Department anticipates that the proposed rule would have various benefits and cost savings, which are discussed qualitatively below.

1. Reduced Compliance Costs

The Department anticipates that the proposed rule would reduce the time and money spent by some organizations to determine whether they are joint employers—particularly businesses in potential vertical joint employment relationships such as farms, farm labor contractors, franchisors, franchisees, general contractors, subcontractors, staffing agencies, and staffing agency clients. For example, some entities may be paying outside law firms or in-house attorneys to research and interpret the law governing possible FLSA joint employer liability and advise whether particular business practices could increase that possibility. Relatedly, FLSA-covered businesses which are also subject to the FMLA and/or MSPA may be incurring compliance costs to ascertain whether and to what extent the standard for joint employment may differ between the FLSA, FMLA, and/or MSPA. By establishing a uniform joint employer standard for the Department to apply in its enforcement under all three statutes, this rulemaking could reduce such compliance costs.

The Department lacks data on the compliance costs that businesses presently incur to understand joint employer liability under the FLSA, FMLA, and MSPA, and is uncertain of the extent to which the proposed rule would reduce such costs. The Department invites feedback on this issue.

2. Reduced Litigation Costs

Added clarity may reduce litigation regarding joint employer status arising under the FLSA, FMLA, and MSPA, including litigation between multiple parties regarding the allocation of liabilities and monetary damages. The proposed rule may also reduce the cost of such litigation, to the extent that the rulemaking promotes uniformity in the joint employer tests applied by courts or reduces disputes between litigants over the applicable criteria to determine joint employer status. Finally, entities which might better understand as a result of a clearer standard that they are joint employers might be more likely to avoid violations of the FLSA, FMLA, and MSPA, reducing the likelihood of disputes under those laws.

The Department welcomes feedback from commenters regarding how this effect might be quantified.

3. Increased Prevalence of Beneficial Business Practices

Though not specific to joint employer liability, there is a wide body of scholarship emphasizing that legal uncertainty can deter investment, innovation, and other beneficial economic activity.[291] Here, by clarifying the standard for determining joint employment under the FLSA, FMLA, and MSPA, the proposed rule would assist entities that might be hesitant to enter into certain relationships or engage in certain kinds of business practices out of concerns that they may be liable as a joint employer. For example, entities could rely on the guidance in proposed § 791.125 to more confidently engage in various beneficial business practices, such as: using or establishing an association health plan or association retirement plan with other businesses; providing a sample employee handbook, or other forms, to another business; jointly participating with another business in an apprenticeship program; or negotiating certain contractual provisions with other businesses, such as requiring workplace safety practices, anti-harassment policies, or other measures intended to encourage compliance with the law or to promote other desired business practices. Notably, many of these business practices would be beneficial for workers and consumers as well as businesses.

Beyond the specific practices identified in proposed § 791.125, the Department expects that clarifying the standard for determining joint employment as a general matter would encourage innovation and economic growth, as businesses would be more willing to invest in partnerships that enhance operational efficiency. However, it is difficult to quantify these effects in monetary terms, as the Department currently lacks data on the number of businesses that might be affected by this rulemaking, the degree to which such businesses are presently foregoing certain business models or business practices due to the possibility of joint employer liability, the specific opportunity costs of such foregone business models and business practices, and the extent to which this rulemaking would reduce or eliminate these undesirable outcomes. The Department welcomes feedback from commenters that may assist in quantifying this expected effect, including relevant data, research, or anecdotal evidence.

4. Improved Enforcement of Wage and Hour Laws

The proposed rule would enhance the Department's ability to enforce compliance with the FLSA, FMLA, and

[291] *See* Avinash Dixit and Robert Pindyck, *Investment Under Uncertainty,* at 9 (1994), *https://msuweb.montclair.edu/~lebelp/DixitPindyck1994.pdf* (''Reduction or elimination of unnecessary uncertainty may be the best kind of public policy to stimulate investment.''); *see also, e.g.,* Ryu, Dean, *The Pricing and Economic Impact of Legal Risk* (Sept. 25, 2024), *https://ssrn.com/abstract=4967369* or *http://dx.doi.org/10.2139/ssrn.4967369;* Lee, Jiwon and Schoenherr, David and Starmans, Jan, *The Economics of Legal Uncertainty* (Jan. 14, 2026) *https://ssrn.com/abstract=4276837;* Marcus, Alfred A., *Policy Uncertainty and Technological Innovation* (1981), *https://doi.org/10.5465/amr.1981.4285783.*

MSPA by having a clear and uniform standard for determining joint employment. A clear, consistent standard to apply during enforcement allows investigators to utilize a uniform analysis across various cases, conserving the Department's enforcement resources and leading to more consistent outcomes. Also, having clearer regulatory guidance and improved enforcement capabilities would likely result in faster resolutions to disputes, which in turn could benefit employees in obtaining faster relief for wage theft or other employment violations.

5. Improved Worker Awareness of Available Rights and Remedies

By reaffirming that the FLSA, FMLA, and MSPA contemplate the possibility of joint employment and providing a uniform standard to determine when it exists, the proposed rule would help workers to better understand their rights and available remedies. For example, proposed § 791.110(b) clarifies that, when an employee works separate hours for two (or more) joint employers in the same workweek, the employee's total hours worked across the workweek for each of the employers must be aggregated for purposes of FLSA compliance. Guidance to this effect existed in the Department's regulations prior to 2021,[292] but because the Department rescinded the entirety of its FLSA joint employer regulation in 2021, some workers in a horizontal joint employment scenario (such as the one addressed in WHD Opinion Letter FLSA2025–5) might not be aware of their entitlement to overtime pay resulting from aggregated hours worked across employers. And even if such workers are aware that joint employment is a possibility, the absence of any regulatory guidance may deter or delay the worker from asserting their rights or filing a complaint with the Department—steps which may be cost prohibitive for workers without the time, resources, or knowledge to perform their own legal research.

Restoring regulatory language that affirms the concept of joint employment and its FLSA consequences would benefit such workers. Relatedly, by providing a clear and uniform standard to determine when joint employment exists under the FLSA, FMLA, and MSPA, the proposed rule would better position workers who are jointly employed to assert their rights and, if necessary, seek redress from all parties who are liable as their employers.

[292] *See* 29 CFR 791.2(a) (2019).

D. Potential Transfers

Transfer payments are monetary payments from one group to another that do not affect total resources available to society (or, if resources are affected, it is through incentive effects uncaptured without more extensive analysis).[293] Consistent with this definition, the Department has historically characterized expected wage effects (or ''labor cost'' effects) as transfer payments, whether from businesses to workers, or from workers to businesses, or between subsets of affected workers.[294] In this rulemaking, the Department does not expect that there would be significant transfer effects as a consequence of the proposed rule, although some workers in vertically-tiered industries may, in some cases, have more or less difficulty collecting their owed wages. More generally, there is a correlation between the benefits and cost savings discussed above and the potential transfer effects discussed in this section.

As an initial matter, nothing in the proposed rule would reduce the wages owed to employees under the FLSA or MSPA. Although the presence or absence of joint employment can affect the amount of overtime pay due to employees who work separate sets of hours for multiple employers in the same workweek,[295] § 791.120 of the proposed rule reflects the Department's current and longstanding approach for determining joint employer status in this ''horizontal'' scenario.[296] Thus, if the proposed rule were adopted, there would be no change in the Department's aggregation of workers' hours to determine overtime hours worked.

With respect to ''vertical'' joint employment scenarios (where an employee's work simultaneously benefits two or more joint employers), the Department acknowledges that, in 2021, it expressed agreement with commenter concerns that its earlier 2020 Rule would have harmed workers by ''ma[king] it more difficult to collect back wages owed'' and ''incentiviz[ing] companies to expand their use of temporary staffing agencies, contractors, and subcontractors rather than employing workers directly.'' [297] The Department believes that such concerns are largely inapplicable to this rulemaking, which would provide an analysis resulting in a broader scope of vertical joint employment than the 2020 Rule that is similar to the analysis applied by many courts.[298] The intended outcome of this rulemaking is to clarify the standard for determining joint employer status under the FLSA based on Supreme Court precedent, seminal appellate court caselaw, and the Department's early guidance.

However, the Department acknowledges that the analysis for vertical joint employment in proposed § 791.115 may not result in as broad a scope of vertical joint employment as the analysis applied by some courts or the analysis provided in the Department's current MSPA regulation at 29 CFR 500.20(h)(5).[299] For example, unlike the current MSPA regulation, the proposed analysis does not consider ''[t]he extent to which the services rendered by the worker(s) are repetitive, rote tasks requiring skills which are acquired with relatively little training'' as a relevant factor in determining whether a particular worker is jointly employed.[300] Thus, under the proposed analysis, the Department might be slightly less likely to find that farmworkers engaged in repetitive tasks are jointly employed for MSPA purposes as compared to a baseline scenario where the Department continues applying its current MSPA regulation, although they certainly could be jointly employed under the proposed analysis in light of the other considerations entailed. The Department notes that, despite some differences, the proposed rule's analysis for vertical joint employment considers many of the same factors as the current

[293] OMB Circular A–4 at 38.

[294] *See, e.g.,* 84 FR 51269–79 (estimating ''transfers from employers to employees'' attributable to increases in earnings thresholds required to exempt certain salaried workers from the FLSA's wage and hour requirements); 83 FR 48539–40 (Sept. 26, 2018) (estimating ''potential transfers from employees to employers when employers no longer have to pay [a certain] minimum wage'').

[295] In the horizontal scenario, the employee's separate sets of hours are aggregated so that both employers are jointly and severally liable for the total hours the employee works in the workweek. As such, a finding of joint employment in this situation can result in some hours qualifying for an overtime premium. For example, if the employee works 40 hours for employer A in a workweek and 10 hours for employer B in the same workweek, and those employers are found to be joint employers, A and B are jointly and severally liable to the employee for 50 hours worked—which includes 10 overtime hours.

[296] *See supra* section III.E.

[297] 86 FR 40950, 40952; *see also Scalia,* 490 F. Supp. 3d at 793–95 (partially invalidating the 2020 Rule in part because it failed to ''adequately consider [its] cost to workers'').

[298] See *infra,* section V.F.1. (evaluating the 2020 Rule as a regulatory alternative to the analysis proposed here).

[299] *See infra,* section V.F.3. (evaluating the current MSPA regulation as a regulatory alternative to the analysis proposed here).

[300] *Compare* 29 CFR 500.20(h)(5)(iv)(D) *with supra* section III.D.6. (explaining the identification of worker skill as an irrelevant factor for joint employment in proposed § 791.115(f)).

MSPA regulation [301] and expects that the two standards would reach the same outcome in most cases.

Because the proposed rule's analysis might narrow the scope of vertical joint employment for some workers (*i.e.,* farmworkers subject to MSPA or workers in jurisdictions where courts might apply a broader FLSA or FMLA analysis), it could reduce, in some cases, the number of persons who are responsible for ensuring that employee rights under those statutes are fulfilled, including the payment of owed wages. This, in turn, may, for example, reduce the amount of wages that some employees collect under the FLSA and MSPA if their employer is unwilling or unable to comply with the law, such as where an employer is or becomes insolvent. However, in light of the proposed analysis' similarity to the analysis applied by many courts,[302] the magnitude of this effect is unlikely to be significant.

A transfer flowing instead from employers to workers (though different employers and workers than the ones experiencing the just-noted effect associated with the concept of vertical joint employment) might also occur, to the extent that the proposed rule improves the Department's ability to bring enforcement actions or raises employee awareness about the possibility of joint employment, as discussed above.

The Department welcomes feedback on this preliminary analysis of potential transfer effects and invites data or evidence from commenters that might help the Department to quantify any wage transfers attributable to this rulemaking.

E. Regulatory Alternatives

When proposing a significant regulatory action, Executive Order 12866 requires agencies to conduct ''[a]n assessment, including the underlying analysis, of costs and benefits of potentially effective and reasonably feasible alternatives to the planned regulation.'' [303] Here, in addition to ''the alternative of not regulating,'' [304] the Department considered three alternatives to the proposed rule, addressed below in ascending order of stringency (*i.e.,* from the narrowest to the broadest scope of joint employment): [305] (1) readopting the joint employer analysis from the Department's 2020 Rule; (2) readopting the joint employer analysis from the Department's pre-2020 FLSA regulation; or (3) adopting a joint employer analysis identical to the guidance provided in Administrator's Interpretation No. 2016–1. Consistent with the approach taken in this rulemaking, the Department assumed for each of the alternatives that the same joint employer analysis adopted for FLSA purposes would also apply to determine joint employer status under the FMLA and MSPA, consistent with statutory language for all three laws.

The analysis of each regulatory alternative is qualitative due to the same uncertainties and data limitations which necessitate a largely qualitative preliminary analysis of the proposed rule. However, the Department welcomes feedback on these regulatory alternatives, including any evidence or data that might be helpful in quantifying potential effects, and invites suggestions for any other regulatory alternatives that commenters believe would be feasible and appropriate.

1. Readopting the Joint Employer Analysis From the Department's 2020 Rule

Under this alternative, the Department would readopt the FLSA analysis from the Joint Employer Rule published in January 2020 and rescinded in July 2021 and also apply that analysis to determine joint employment under the FMLA and MSPA. There are many similarities between the 2020 Rule's joint employer analysis and the analysis proposed in this rulemaking, such as how the 2020 Rule distinguished between horizontal and vertical joint employment; [306] maintained the Department's longstanding analysis for horizontal joint employment; [307] clarified the distinction between joint employer status and independent contractor status; [308] and identified certain business models and business practices which do not make joint employer status more or less likely.[309] However, there are also several important differences. For example, unlike the analysis proposed in this rulemaking, the 2020 Rule: (1) rejected the relevance of the term ''employ'' in section 3(g) of the FLSA; [310] (2) rejected the relevance of ''economic dependence'' and related factors; [311] (3) advised that an individual or entity ''must actually exercise'' one or more of the four enumerated factors to be a vertical joint employer; [312] and (4) advised that ''allowing [an] employer to operate a business on [another company's] premises . . . does not make joint employer status more or less likely under the [FLSA].'' [313]

The Department considers this alternative to be less stringent than the analysis in this proposed rule because the four differences described above (and others) would narrow the circumstances under which an entity could be found to be a vertical joint employer. Thus, applying this standard uniformly across the FLSA, FMLA, and MSPA may reduce compliance obligations and expected liability exposure for some businesses operating through subcontracting, staffing, or franchising arrangements, while also reducing the ability of some employees to collect wages owed to them under the FLSA or MSPA, to the extent that the employee's other employer (such as a staffing agency, subcontractor, or franchisee) is unable or unwilling to pay.[314]

The Department does not prefer this alternative. As noted earlier, the 2020 Rule was partially invalidated in September 2020 by the U.S. District Court for the Southern District of New York, which concluded that the rule provided a novel standard for vertical joint employment that was

[301] *Compare, e.g.,* 29 CFR 500.20(h)(5)(iv)(A), (B) & (G) *with* proposed § 791.115(a).

[302] *See supra,* section III.D.1. (explaining that ''the Department's proposed multi-factor balancing test is like the tests applied by many courts'' and ''is by far the closest thing to a common denominator applied by courts when determining FLSA vertical joint employment'').

[303] Exec. Order No. 12866 § 6(a)(3)(C)(iii), 58 FR 51741.

[304] Exec. Order No. 12866 § 1, 58 FR 51735. Section II of this NPRM explains why there is a compelling need for this rulemaking.

[305] OMB guidance advises that, where possible, agencies should analyze at least one ''more stringent option'' and one ''less stringent option'' to the proposed approach. OMB Circular A–4 at 16.

[306] *Compare* section III.C. *supra* and proposed § 791.110 *with* 85 FR 2825 (discussing ''Two Joint Employer Scenarios'').

[307] *Compare* section III.E. *supra* and proposed § 791.120 *with* 85 FR 2844–45 (discussing ''non-substantive revisions'' to the Department's pre-2020 guidance on horizontal joint employment).

[308] *Compare* section III.D.6. *supra* and proposed § 791.115(f) *with* 85 FR 2837 (discussing ''factors for determining whether a worker is an employee or independent contractor . . . [which] are not relevant for determining whether additional persons are jointly liable under the [FLSA]'').

[309] *Compare* section III.F. *supra* and proposed § 791.125 *with* 85 FR 2839–44.

[310] The 2020 Rule advised that a ''person [who] simultaneously benefits'' from the work of another employer's employee is a joint employer ''*only* if that person is acting directly or indirectly in the interest of the employer in relation to the employee,'' on the grounds ''that section 3(d)—not sections 3(e) or 3(g)—is the statutory basis for determining joint employer status under the [FLSA].'' 85 FR 2828 (emphasis added).

[311] *See* 29 CFR 791.2(c) (2020) (advising that ''[w]hether [an] employee is economically dependent on the potential joint employer is not relevant for determining the potential joint employer's liability under the [FLSA]'' and that ''no factors should be used to assess economic dependence'').

[312] 29 CFR 791.2(a)(3)(i) (2020).

[313] 29 CFR 791.2(d)(5) (2020).

[314] *See* 85 FR 2853; *see also* 86 FR 40952.

''impermissibly narrow'' for the FLSA [315]—a conclusion the Department later endorsed when it rescinded the 2020 Rule in July 2021.[316] In light of this history, the Department has concerns that readopting the 2020 Rule and particularly its vertical joint employment analysis would carry greater legal risk than the analysis proposed in this rulemaking, undermining the Department's goal of adopting a uniform analysis for joint employment under the FLSA, FMLA, and MSPA that courts find persuasive. As explained in section III, the vertical joint employer analysis proposed in this rulemaking is more consistent with longstanding judicial precedent than the analysis that was adopted in the 2020 Rule, which the Department acknowledged at the time ''clearly differs'' from the judicial precedent in most federal circuits.[317] Accordingly, the Department expects that the analysis proposed in this rulemaking would be more likely to influence courts than the 2020 Rule,[318] which in turn would increase the likelihood that this rulemaking achieves the kinds of beneficial outcomes that motivated the 2020 Rule, such as promoting innovation and certainty in business relationships, reducing compliance costs for organizations operating in multiple jurisdictions, and reducing litigation over the allocation of FLSA-related liability and damages.[319]

2. Readopting the Joint Employer Analysis From the Department's Pre-2020 Regulation

Under this alternative, the Department would readopt the FLSA joint employer regulation that was in effect from 1958 until it was superseded by the 2020 Rule and amend the joint employer provisions in the Department's FMLA and MSPA regulations to align their standards. As discussed in section I.B. of this NPRM, the Department's pre-2020 FLSA regulation provided general guidance advising that joint employment exists where employers are ''not completely disassociated'' with respect to the employment of a particular worker, ''depend[ing] upon all the facts in the particular case.'' [320] The pre-2020 regulation was longstanding (having been introduced in 1958, imitating earlier interpretive guidance), but it did not articulate a detailed analysis for assessing vertical joint employment.[321] Accordingly, the Department's pre-2020 regulation was not influential in shaping FLSA judicial precedent deciding vertical joint employment cases. For example, the Supreme Court did not apply or even mention the Department's pre-2020 FLSA regulation when it found vertical joint employment in 1973 when deciding *Falk* v. *Brennan,* 414 U.S. 190 (1973), and federal appellate courts usually applied analyses other than the analysis in the pre-2020 regulation when deciding vertical joint employment cases. *See, e.g., Reyes* v. *Remington Hybrid Seed Co., Inc.,* 495 F.3d 403 (7th Cir. 2007) (not mentioning the pre-2020 regulation); *Wirtz* v. *Lone Star Steel Co.,* 405 F.2d 668 (5th Cir. 1968) (same); *Aimable* v. *Long & Scott Farms,* 20 F.3d 434, 438 n.6 (11th Cir. 1994) (citing to the pre-2020 regulation in a footnote); *see also Wirtz* v. *Hebert,* 368 F.2d 139, 141 (5th Cir. 1966) (concluding it was ''unnecessary to consider'' the pre-2020 regulation where ''[the FLSA] and case law is entirely sufficient, in view of the facts adduced, to sustain the position of the Secretary'').

The Department views this alternative as intermediate in stringency, as restoring the pre-2020 regulation would permit a broader scope of joint employment than would have existed under the 2020 Rule. However, the Department maintains that the pre-2020 FLSA regulation provided ''ambiguous'' guidance that was not particularly helpful to workers, businesses, or the courts when determining vertical joint employment.[322] In particular, the pre-2020 FLSA regulation did not identify any factors for determining vertical joint employment, in contrast to the various multi-factor tests developed by federal courts of appeals in the decades after the Department initially adopted the pre-2020 FLSA regulation (in 1958). For these reasons, the Department declined to restore the pre-2020 regulation when it rescinded the 2020 Rule in July 2021, and the Department does not view this option as a preferable regulatory alternative now.

3. Adopting a Joint Employer Analysis Identical to the Guidance Provided in Administrator's Interpretation No. 2016–1

Under this alternative, the Department would adopt a joint employer standard identical to the one articulated in Administrator's Interpretation No. 2016–1 (the ''Joint Employer AI'') and apply it uniformly across the FLSA, FMLA, and MSPA. Like the analysis proposed in this rulemaking, the Joint Employer AI provided detailed guidance distinguishing between horizontal and vertical joint employment, explaining that ''the focus of a horizontal joint employment analysis is the relationship between the two (or more) employers'' while ''the vertical joint employment analysis instead examines . . . the relationships between [workers and potential joint employers],'' such as ''the construction worker and the general contractor'' or ''the farmworker and the grower[.]'' [323] However, there are several notable differences between the analysis for vertical joint employment proposed in this rulemaking and the analysis discussed in the Joint Employer AI.

For example, unlike this rulemaking, the Joint Employer AI criticized the four-factor *Bonnette* tests applied by ''some courts'' to assess vertical joint employment—which closely resembles the four-factor test described in proposed § 791.115(a)—as ''unduly narrow'' and ''not consistent'' with the FLSA, asserting that the four factors ''address only or primarily the potential joint employer's control'' over workers.[324] Instead, the Joint Employer AI instructed that vertical joint employment under the FLSA or MSPA should be assessed by applying the seven factors in the current MSPA regulation,[325] which—in addition to encompassing the considerations in the four *Bonnette* factors—also includes considerations such as: ''[t]he degree of

[315] *New York* v. *Scalia,* 490 F. Supp. 3d 748, 786 (S.D.N.Y. 2020).

[316] *See* 86 FR 40939.

[317] 85 FR 2824.

[318] *See* 86 FR 40950 (''[T]here has been no widespread adoption of the [2020] Rule's vertical joint employment analysis, and the [2020] Rule has not significantly affected judicial analysis of FLSA joint employment cases.'').

[319] *See* 85 FR 2853–54 (discussing such outcomes).

[320] 29 CFR 791.2(a) (2019).

[321] *See* AI No. 2016–1 at 3 (advising that ''guidance provided in the FLSA joint employment regulation . . . is useful when analyzing potential *horizontal* joint employment cases'' but advising readers to consult ''the MSPA joint employment regulation . . . when analyzing potential vertical joint employment'') (emphasis added).

[322] 85 FR 2824; *cf. Moldenhauer* v. *Tazewell-Pekin Consol. Communications Center,* 536 F.3d 640, 644 (7th Cir. 2008) (interpreting similar regulatory text from the current FMLA regulation and concluding that it ''does not . . . provide much guidance in determining the parameters of what constitutes a joint-employment relationship''); *Schubert* v. *Bethesda Health Group, Inc.,* 319 F. Supp. 2d 963, 970 (E.D. Mo. 2004) (''The [FMLA] regulation does not provide much guidance to assist courts in defining the exact boundaries of a joint employment relationship[.]''); *Moreau* v. *Air France,* 356 F.3d 942, 946 (9th Cir. 2004) (noting that ''the FMLA joint employer regulation mirrors the wording of the [pre-2020 FLSA regulation]'' but otherwise ignoring both regulations in an FMLA joint employer case).

[323] Joint Employer AI at 5.

[324] *Id.* at 13–14 (citing *Baystate Alternative Staffing, Inc.* v. *Herman,* 163 F.3d 668, 675 (1st Cir. 1998), and *In re Enterprise Rent-A-Car Wage & Hour Emp't Practices Litig.,* 683 F.3d 462, 468–69 (3d Cir. 2012)).

[325] *Id.* at 11–12.

permanency and duration of the relationship of the parties''; ''[t]he extent to which the services rendered by the worker(s) are repetitive, rote tasks requiring skills which are acquired with relatively little training''; ''[w]hether the activities performed by the worker(s) are an integral part of the overall business operation of the [potential joint employer];'' and ''[w]hether the work is performed on the [potential joint employer's] premises.'' [326] In another difference from the approach proposed in this rulemaking, the Joint Employer AI advised that the ''ultimate inquiry'' of a vertical joint employment analysis is ''whether the employee is economically dependent on the potential joint employer,'' [327] emphasizing that ''the scope of employment relationships and joint employment under the FLSA and MSPA is as broad as possible.'' [328] Finally, unlike the analysis proposed in this rulemaking, the Joint Employer AI did not identify any factors, business models, or business practices which do not make joint employer status more or less likely.

The Department considers this alternative more stringent than the proposed rule because its application would likely result in greater instances of vertical joint employer findings. Thus, adopting the analysis from the Joint Employer AI would increase compliance costs and litigation exposure for businesses which could be scrutinized as potential vertical joint employers, such as franchisors, general contractors, or staffing agency clients. However, this alternative could benefit workers by making it easier for them to recover unpaid wages from a joint employer if one employer is unable or unwilling to pay.

The Department does not prefer this alternative, for many of the reasons discussed at length in section III of this NPRM. For example and as explained above, economic dependence should not be the ''ultimate inquiry'' of the joint employer analysis, as the concept of economic dependence is typically more relevant in determining whether workers are employees in the first instance (as opposed to independent contractors), and some degree of economic dependency on the clients or business partners of an employer is ''true of all labor.'' [329] Relatedly and as also explained above, ''the extent to which the services rendered by the worker(s) are repetitive, rote tasks requiring skills which are acquired with relatively little training'' is not material to the joint employer analysis, as this factor has nothing to do with the relationship between an employee and any potential joint employer.[330] By contrast, although the four-factor test proposed to determine vertical joint employment in this rulemaking is not exhaustive, it is by far the closest thing to a common denominator among the various multi-factor tests applied by different federal circuit courts and would be simpler to understand and apply than the seven-factor test endorsed by the Joint Employer AI. Finally, because the Joint Employer AI did not identify any factors, business models or business practices that do not make joint employer status more or less likely, adopting the Joint Employer AI would fail to provide the same degree of beneficial clarity and certainty that could result from this rulemaking, as discussed in greater detail in section V.B.1.

VI. Initial Regulatory Flexibility Analysis (IRFA)

The Regulatory Flexibility Act of 1980 (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), hereafter jointly referred to as the RFA, requires agencies to prepare an initial regulatory flexibility analysis (IRFA) when they propose any rule that would have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 603, 605(b). Because this proposed rule could have a significant (beneficial) impact on a significant number of small entities, the Department has prepared this IRFA.

A. Reasons Why Action by the Agency Is Being Considered

An employee may have multiple employers. In most cases, each employment will be distinct from the others, and each employer will be responsible on its own for complying with the law with respect to the employee. In some cases, however, two or more employers may employ the employee in a manner that makes them joint employers of the employee such that they are together responsible for complying with the law with respect to the employee. For example, under the Fair Labor Standards Act (FLSA), joint employers are jointly and severally liable for any wages, damages, and penalties owed to the employee(s), and an employee's total hours worked each week for all joint employers is used to determine the employee's entitlement to overtime pay. Similarly, under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), each joint employer must ensure that the employee receives all employment-related rights granted by MSPA, such as accurate and timely disclosure of the terms and conditions of employment, written payroll records, and payment of wages when due.[331] Under the Family and Medical Leave Act (FMLA), employees who are jointly employed by two or more employers must be counted by all joint employers in determining employer coverage and employee eligibility under the FMLA,[332] though only an employee's ''primary employer'' is responsible for giving required notices to the employee, providing FMLA leave, and maintaining health benefits.[333] Job restoration is the primary responsibility of the primary employer; a secondary employer may also be responsible in certain circumstances for restoring the employee to the same or equivalent job upon return from FMLA leave.[334]

Joint employment generally arises in two contexts, commonly described as ''vertical'' or ''horizontal.'' In ''vertical'' joint employment, an employee is jointly employed by two or more employers that simultaneously benefit from the employee's work. Typically, the employee works one set of hours and there is no dispute that the employee has at least one employer for the work; the issue is whether another person that also benefits from the work is the employee's joint employer. This scenario is described as ''vertical'' because it often centers around whether business partners which are higher or lower in a particular industry structure—such as contractors and subcontractors or staffing agencies and their clients—are joint employers of the employee.

[326] 29 CFR 500.20(h)(5)(iv)(A)–(G).

[327] Joint Employer AI at 13.

[328] *Id.* at 3.

[329] *Remington Hybrid Seed,* 495 F.3d at 407; *see also supra* section III.D.5.

[330] *See supra* section III.D.6.

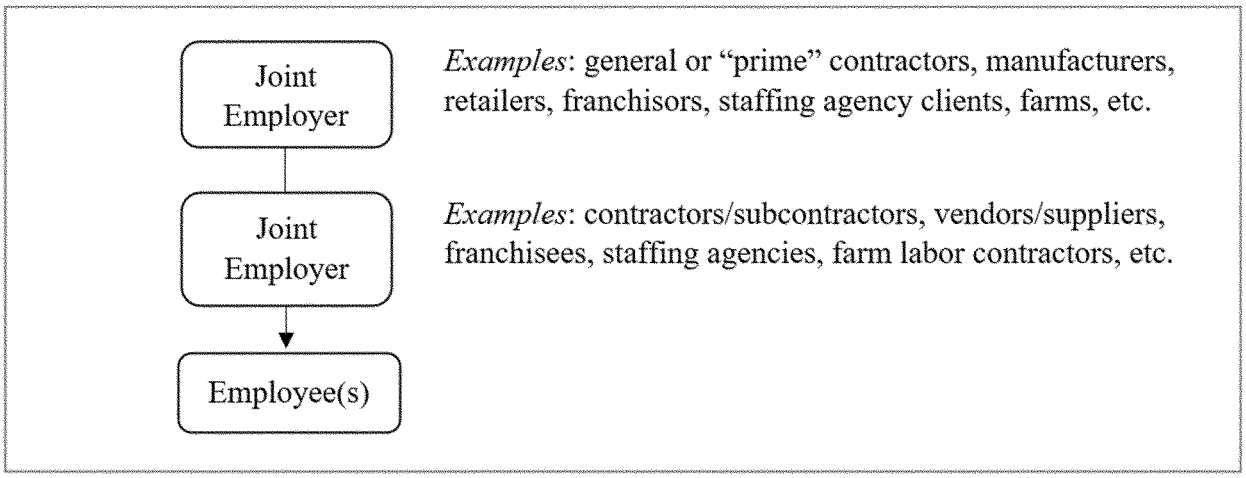
[331] *See* WHD Fact Sheet #35: Joint Employment and Independent Contractors Under the Migrant and Seasonal Agricultural Worker Protection Act, *https://www.dol.gov/agencies/whd/fact-sheets/35-mspa-joint-employment.*

[332] *See* 29 CFR 825.106(d).

[333] *See* 29 CFR 825.106(c).

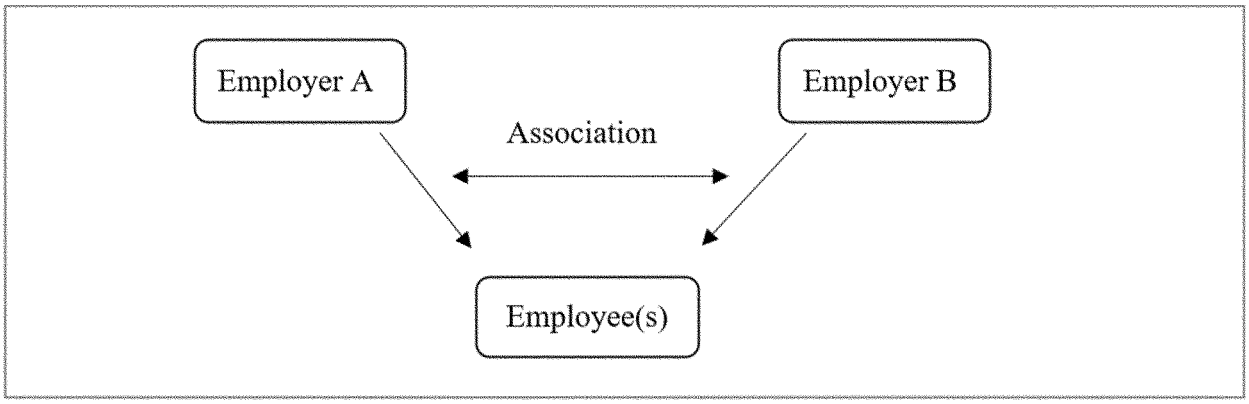
[334] *See* 29 CFR 825.106(e).

Figure A: Vertical Joint Employment



By contrast, in ''horizontal'' joint employment, an employee works separate hours for two (or more) employers in the same workweek, and the employers are sufficiently associated with each other such that they are joint employers. Typically, it is undisputed that each employer employs the employee for some hours worked, and the issue is whether the employers are sufficiently associated with each other with respect to the employment of the employee.

Figure B: Horizontal Joint Employment



As explained more fully in section II, the Department believes that rulemaking is necessary to restore clarity and consistency regarding joint employer status under the FLSA, FMLA, and MSPA. The Department has not maintained regulatory guidance addressing FLSA joint employment since July 2021, when it rescinded its earlier FLSA joint employer regulation. The absence of such guidance has created uncertainty for businesses, workers, and courts, particularly in ''vertical'' scenarios where multiple entities are simultaneously benefiting from the same work performed by one or more workers. In such FLSA cases, the Department has been applying a vertical joint employment standard consistent with the judicial precedent that may apply in that case, which varies throughout the Federal courts. Meanwhile, the Department's existing FMLA and MSPA regulations articulate joint employment standards that are different from each other and from the FLSA standard that the Department is proposing to adopt—an outcome at odds with the understanding that the standard for determining joint employer status should align under all three laws, which share the same statutory definitions of employment. Finally, the Department believes that regulated entities would benefit from regulatory guidance about certain business models and business practices that, standing alone, would not make joint employer status more or less likely under the FLSA, FMLA, or MSPA.

Accordingly, in this rulemaking, the Department is proposing to restore a regulation for determining joint employer status under the FLSA at 29 CFR part 791, where it was located prior to 2021. Additionally, the Department is proposing to revise the regulations addressing joint employer status under the FMLA and MSPA so that the FLSA analysis in part 791 applies when determining joint employer status under those statutes. Finally, the Department proposes to amend 29 CFR 780.305(c) and 29 CFR 780.331(d) so those provisions, which address FLSA joint employment in certain agricultural settings, also cross-reference to the

proposed FLSA analysis in restored part 791.

B. Statements of Objectives and Legal Basis for the Proposed Rule

The objectives of this rulemaking are to: (1) provide clear and helpful regulatory guidance regarding joint employment under the FLSA, FMLA, and MSPA, including the distinction between horizontal and vertical joint employment; (2) provide an analysis for assessing vertical joint employment that would enhance the Department's ability to consistently enforce the FLSA, FMLA, and MSPA, notwithstanding differences in the various tests applied by courts; (3) promote greater uniformity in the joint employer analysis applied by courts; (4) reduce compliance and litigation costs attributable to legal uncertainty about the current standard for joint employment; and (5) reduce the chill on organizations which may be hesitant to enter into certain relationships or engage in certain kinds of business practices because of uncertainty whether they would be joint employers of another employer's employees.

The Department's authority to interpret the FLSA comes with its authority to administer and enforce the FLSA. *See Herman* v. *Fabri-Centers of Am., Inc.,* 308 F.3d 580, 592–93 & n.8 (6th Cir. 2002) (noting that ''[t]he Wage and Hour Division of the Department of Labor was created to administer the [FLSA]'' while agreeing with the Department's interpretation of one of the FLSA's provisions); *Dufrene* v. *Browning-Ferris, Inc.,* 207 F.3d 264, 267 (5th Cir. 2000) (''By granting the Secretary of Labor the power to administer the FLSA, Congress implicitly granted him the power to interpret.''); *Condo* v. *Sysco Corp.,* 1 F.3d 599, 603 (7th Cir. 1993) (same). Additionally, Congress has delegated the Department with broad rulemaking authority to interpret the FMLA and MSPA. *See* 29 U.S.C. 2654; 29 U.S.C. 1861.

C. Description of the Number of Small Entities to Which the Proposed Rule Will Apply

The RFA defines a ''small entity'' as a (1) small not-for-profit organization, (2) small governmental jurisdiction, or (3) small business. In order to evaluate the proposed rule, the Department used the United States Census Bureau's 2022 SUSB Annual Data table to identify the number of private firms (6.5 million) and private establishments (8.3 million) that would potentially be affected by the proposed rule. Of those, SUSB data estimates that approximately 6.46 million firms and 6.95 million establishments had fewer than 500 employees.[335] [336] [337] For each industry, the SUSB data tabulates total establishment and firm counts by both enterprise employment size (*e.g.,* 0–4 employees, 5–9 employees, etc.) and receipt size (*e.g.,* less than $100,000, $100,000–$499,999, etc.). The general methodological approach was to classify all establishments or firms in categories below the 500 employee cutoff as a ''small entity.''

D. Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule

As explained more fully in section V.B.1 of this NPRM, affected entities would incur cost from rule familiarization. The Department assumes that a Compensation, Benefits, and Job Analysis Specialist (SOC Code 13–1141) (or a staff member in a similar position) would review any final rule.[338] According to the OEWS, these workers had a mean wage of $39.86 per hour. The Department assumes that it would take on average 1 hour to review the substance of the rule if adopted as proposed. The Department expects that the standards applied by this proposed rule should be at least partially familiar with the specialists tasked to review it, and therefore believes that 1 hour, on average, is appropriate because while some establishments would spend more time to review a rule, many establishments may rely on Departmental or third party summaries of the rule or spend little or no time reviewing the rule. Assuming benefits are paid at a rate of 46 percent of the base wage, and overhead costs are 17 percent of the base wage, the reviewer's effective hourly rate is $64.97.

As discussed above in Section V.B.1, the Department calculated rule familiarization cost for 8.3 million establishments. Among those establishments, 6.37 million were identified as small businesses with under 500 employees. Annual payroll estimates for these small business establishments totaled $3,465 million which is approximately 39 percent of total payroll across all businesses regardless of size.

Table 2 presents the estimated number of small businesses, at the firm and establishment level, affected by the final rule.

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[335] The U.S. Census Bureau does not specifically define small business, but does break down its data into firms with 500 or more employees and those with fewer than 500 employees. *See* U.S Department of Commerce, Bureau of Census, 2022 Statistics of U.S. Businesses (SUSB) Annual Data Tables by Establishment Industry (Aug. 2025), *https://www.census.gov/data/tables/2022/econ/susb/2022-susb-annual.html* (from downloaded Excel Table entitled ''U.S., 6-digit NAICS''). Consequently, the 500-employee threshold is commonly used to describe the universe of small employers.

[336] The 2022 data are the most recently available with revenue data.

[337] For this analysis, the Department excluded independent contractors who are not registered as small businesses, and who are generally not captured in the Economic Census, from the calculation of small establishments.

[338] A Compensation/Benefits Specialist ensures company compliance with Federal and state laws, including reporting requirements; evaluates job positions, determining classification, exempt or non-exempt status, and salary; plans, develops, evaluates, improves, and communicates methods and techniques for selecting, promoting, compensating, evaluating, and training workers. *See* BLS, *Occupational Employment and Wage Statistics Query System, https://data.bls.gov/oes/#/industry/000000* (last updated May 2024).

Table 2: Regulatory Familiarization for Small Entities and Industry, Average by Firm and Establishment

NAICS Sector	By Firm			By Establishment		
	Firms	Cost Per Firm [a]	Cost per Sector ($1,000)	Establishments	Cost Per Firm [a]	Cost per Sector ($1,000)
Agriculture, Forestry, Fishing and Hunting	22,498	64.97	1,462	22,967	64.97	1,492

Mining, Quarrying, and Oil and Gas Extraction	17,003	64.97	1,105	18,813	64.97	1,222
Utilities	6,566	64.97	427	8,426	64.97	547
Construction	781,192	64.97	50,754	788,395	64.97	51,222
Manufacturing	235,088	64.97	15,274	788,395	64.97	16,251
Wholesale Trade	274,629	64.97	17,843	312,167	64.97	20,281
Retail Trade	643,115	64.97	41,783	718,945	64.97	46,710
Transportation and Warehousing	235,163	64.97	15,279	246,772	64.97	16,033
Information	87,987	64.97	5,717	160,946	64.97	6,528
Finance and Insurance	242,710	64.97	15,769	294,136	64.97	19,110
Real Estate and Rental and Leasing	365,322	64.97	23,735	397,563	64.97	25,830
Professional, Scientific, and Technical Services	868,529	64.97	56,428	902,276	64.97	58,621
Management of Companies and Enterprises	18,040	64.97	1,172	19,060	64.97	1,238
Administrative and Support Services	351,126	64.97	22,813	360,905	64.97	23,448
Educational Services	102,016	64.97	6,628	107,441	64.97	6,980
Health Care and Social Assistance	689,442	64.97	44,793	790,644	64.97	51,368
Arts, Entertainment, and Recreation	147,542	64.97	9,586	153,216	64.97	9,954
Accommodation and Food Services	572,464	64.97	37,193	633,139	64.97	41,135
Other Services (except Public Administration)	727,836	64.97	47,288	760,484	64.97	49,409
State and Local Governments	73,528	64.97	4,777	73,528	64.97	4,777
All Industries	6,461,796	64.97	419,823	6,955,333	64.97	451,888
Average Annualized costs, 7 percent discount rate						
Over 10 Years	44,921			48,352		
Average Annualized costs, 3 percent discount rate						
Over 10 Years	43,242			46,544		
Average Annualized costs per entity, 7 percent discount rate						
Over 10 years	8.64					
Average Annualized costs per entity, 3 percent discount rate						
Over 10 years	7.40					

[a] Each firm or establishment is expected to allocate 60 minutes of Compensation, Benefits, and Job Analysis Specialists' (SOC 13-1141) time for regulatory familiarization. The mean hourly rate for this occupation is $39.86

based on BLS's May 2024 Occupational Employment Statistics, and the wage load factor is 1.63 (0.46 for benefits and 0.17 for overhead). Therefore, the per-entity cost is $64.97.
Source for number of firms and establishments in each NAICS sector: Statistics of U.S. Businesses 2022, https://www.census.gov/programs-surveys/susb.html, 2022 SUSB Annual Data Tables by Establishment Industry; 2022 Census of Governments, https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html.

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The Department estimates that in Year 1, small businesses will incur a minimum cost of approximately $419 million in total regulatory familiarization costs, and a maximum of approximately $451 million. The estimated annual total cost to small entities of this rule over 10 years is $44.9 million to $48.4 million calculated at a 7 percent discount rate ($43.2 million to $46.5 million at a 3 percent discount rate).

The Department anticipates several benefits to small entities, including reduced compliance and litigation costs. Small businesses are expected to particularly benefit from this clarification, as the increased certainty and uniformity would allow them to make more informed business decisions without needing to invest as heavily in legal counsel to navigate complex joint employer determinations across multiple statutes. Clarifying joint employer criteria would be expected to encourage beneficial business practices and partnerships that businesses, including small entities, might otherwise forego due to uncertainty about potential liability. While the Department does not anticipate significant transfer effects, it acknowledges that the proposed standard may result in a slightly narrower scope of vertical joint employment compared to the current MSPA regulation or standards applied by some courts, potentially affecting wage recovery in limited cases involving, for example, insolvent employers, though this effect is expected to be small and potentially offset by improved enforcement capabilities. Accordingly, the Department does not expect that there would be meaningful costs attributable to this rulemaking apart from the cost of initial regulatory familiarization. The Department invites feedback on this determination.

Based on this analysis, the Department does not expect that small entities will incur large individual costs as a result of this rule, if finalized. A threshold of 1 percent of revenues has been used in prior rulemakings for the definition of significant economic impact. This threshold is also consistent with that sometimes used by other agencies within DOL.

Even though all entities will incur regulatory familiarization costs, these costs will be relatively small on a per-entity basis (an average of $64.47 per entity). Additionally, no such costs will be incurred after the first year following the promulgation of a final rule.

E. Alternatives to the Proposed Rule

The RFA requires agencies to discuss ''any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities.'' [339] In addition to ''the alternative of not regulating,'' [340] the Department considered three alternatives to the proposed rule: (1) readopting the joint employer analysis from the Department's 2020 Rule; (2) readopting the joint employer analysis from the Department's pre-2020 FLSA regulation; or (3) adopting a joint employer analysis identical to the guidance provided in Administrator's Interpretation No. 2016–1. The specific advantages and disadvantages of these alternatives are addressed in greater detail in section V.F. of this NPRM, but the Department believes that its proposed analysis will best achieve the stated objectives of this rulemaking while minimizing potential costs and legal risk.

In addition to the alternatives discussed above, Section 603(c) of the RFA describes four categories of regulatory alternatives that might be appropriate for consideration in an IRFA analysis. Those categories of regulatory alternatives are addressed below.

1. Differing Compliance and Reporting Requirements for Small Entities

The proposed rule would not impose new reporting, recordkeeping, or filing requirements on any entity, large or small.

2. Clarification, Consolidation, and Simplification of Compliance and Reporting Requirements for Small Entities

This proposed rule would not impose any new reporting requirements, and the Department makes available a variety of resources to employers for understanding their obligations and achieving compliance.

3. Use of Performance Rather Than Design Standards

This proposed rule would provide guidance regarding joint employer status under the FLSA, FMLA, and MSPA consistent with the statutory text of those laws and judicial precedent interpreting those laws. Using ''performance standards'' to assess joint employer status would be inconsistent with such authorities, which would undermine the Department's goal of adopting a uniform analysis for joint employer status under the FLSA, FMLA, and MSPA that courts find persuasive.

4. Exemption From Coverage of the Rule for Small Entities

The Department rejects this alternative because the proposed rule interprets statutory definitions of employment from the FLSA, and those definitions are uniformly applicable to all employers, regardless of their size. Moreover, the Department's goal in this rulemaking is to adopt an analysis for joint employment derived from judicial precedent that courts will find persuasive. Creating exceptions to the proposed analysis for small entities would contravene that objective.

The Department welcomes comments on this IRFA's analysis of regulatory alternatives.

F. Relevant Federal Rules Duplicating, Overlapping, or Conflicting With the Proposed Rule

Of the laws enforced by the Department's Wage and Hour Division, only the FMLA and MSPA share the FLSA's employment definitions. For statutes that do not incorporate the FLSA's definitions, WHD applies other standards to assess joint employment.[341]

VII. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, requires agencies to prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing any

[339] 5 U.S.C. 603(c).

[340] Exec. Order No. 12866 § 1, 58 FR 51735. Section II of this NPRM explains why there is a compelling need for this rulemaking.

[341] *See, e.g.,* 20 CFR 655.103(b) (applying ''the common law of agency'' to assess joint employer status under the H–2A program).

federal mandate that may result in excess of $100 million (adjusted annually for inflation) in expenditures in any one year by state, local, and tribal governments in the aggregate, or by the private sector. This rulemaking is not expected exceed that threshold. *See* section V for an assessment of anticipated costs, transfers, and benefits.

VIII. Executive Order 13132, Federalism

The Department has (1) reviewed this proposed rule in accordance with Executive Order 13132 regarding federalism and (2) determined that it does not have federalism implications. The proposed rule would 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.

IX. Executive Order 13175, Indian Tribal Governments

This proposed rule would not have tribal implications under Executive Order 13175 that would require a tribal summary impact statement. The proposed rule would 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.

List of Subjects

29 CFR Part 500

Administrative practice and procedure, Aliens, Employment, Housing, Insurance, Intergovernmental relations, Investigations, Licensing and registration, Migrant labor, Motor vehicle safety, Occupational safety and health, Penalties, Reporting and recordkeeping requirements, Wages, Whistleblowing.

29 CFR Part 780

Agriculture, Child Labor, Wages.

29 CFR Part 791

Employment, Wages.

29 CFR Part 825

Administrative practice and procedure, Airmen, Employee benefit plans, Health, Health insurance, Labor management relations, Maternal and child health, Penalties, Pensions, Reporting and recordkeeping requirements, Teachers.

For the reasons set out in the preamble, the Department of Labor proposes to amend 29 CFR chapter V as follows:

PART 500—MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION

■ 1. The authority citation for part 500 continues to read as follows:

Authority: Pub. L. 97–470, 96 Stat. 2583 (29 U.S.C. 1801–1872); Secretary's Order No. 01–2014 (Dec. 19, 2014), 79 FR 77527 (Dec. 24, 2014); 28 U.S.C. 2461 Note (Federal Civil Penalties Inflation Adjustment Act of 1990); and Pub. L. 114–74, 129 Stat 584.

■ 2. Amend § 500.20 by revising paragraph (h)(5) to read as follows:

(5) The definition of the term employ includes the joint employment principles applicable under the Fair Labor Standards Act. The term joint employment means a condition in which a single individual stands in the relation of an employee to two or more persons at the same time. A determination of whether the employment is to be considered joint employment depends upon all the facts in the particular case. The criteria set forth in §§ 791.110 through 791.125 of this chapter apply to any determination of whether a joint employment relationship exists under MSPA.

(i) If it is determined that a farm labor contractor is an independent contractor, it still must be determined whether or not the employees of the farm labor contractor are also jointly employed by the agricultural employer/association. Joint employment under the Fair Labor Standards Act is joint employment under the MSPA. Such joint employment relationships, which are common in agriculture, have been addressed both in the legislative history and by the courts.

(ii) The legislative history of the Act (H. Rep. No. 97–885, 97th Cong., 2d Sess., 1982) states that the legislative purpose in enacting MSPA was ''to reverse the historical pattern of abuse and exploitation of migrant and seasonal farm workers . . . ,'' which would only be accomplished by ''advanc[ing] . . . a completely new approach'' (Rept. at 3). Congress's incorporation of the FLSA term employ was undertaken with the deliberate intent of adopting the FLSA joint employer doctrine as the ''central foundation'' of MSPA and ''the best means by which to insure that the purposes of this MSPA would be fulfilled'' (Rept. at 6).

(iii) The analysis as to the existence of an employment relationship is not a strict liability or per se determination under which any agricultural employer/association would be found to be an employer merely by retaining or benefiting from the services of a farm labor contractor.

PART 780—EXEMPTIONS APPLICABLE TO AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES, AND RELATED SUBJECTS UNDER THE FAIR LABOR STANDARDS ACT

■ 3. The authority citation for part 780 continues to read as follows:

Authority: Secs. 1–19, 52 Stat. 1060, as amended; 75 Stat. 65; 29 U.S.C. 201–219. Pub. L. 105–78, 111 Stat. 1467.

■ 4. Amend § 780.305 by revising paragraph (c) to read as follows:

(c) Whether a farmer whose crops are harvested by an independent contractor is considered to be a joint employer with the contractor who supplies the harvest hands shall be determined by applying the criteria set forth in §§ 791.110 through 791.125 of this chapter. Each employer must include the contractor's employees in his man-day count in determining whether his own man-day test is met. Each employer will be considered responsible for compliance with the minimum wage and child labor requirements of the Act with respect to the employees who are jointly employed.

■ 5. Amend § 780.331 by revising paragraph (d) to read as follows:

(d) Whether or not a labor contractor or crew leader is found to be a bona fide independent contractor, whether the employees of the labor contractor or crew leader are jointly employed by the farmer who is using their labor shall be determined by applying the criteria set forth in §§ 791.110 through 791.125 of this chapter. In a joint employment situation, the man-days of agricultural labor rendered are counted toward the man-days of such labor of each employer. Each employer is considered equally responsible for compliance with the Act. With respect to the recordkeeping regulations in 29 CFR 516.33, the employer who actually pays the employees will be considered primarily responsible for maintaining and preserving the records of hours worked and employees' earnings specified in paragraph (c) of § 516.33 of this chapter.

■ 6. Add part 791 to subchapter B to read as follows:

PART 791—DETERMINING JOINT EMPLOYER STATUS UNDER THE FAIR LABOR STANDARDS ACT

Sec.

791.100 Introductory statement.
791.105 General Principles.
791.110 Two Scenarios of FLSA Joint Employment.
791.115 Determining Vertical Joint Employment.
791.120 Determining Horizontal Joint Employment.

791.125 Relevance of Certain Business Models and Business Practices.
791.130 Severability.

Authority: 52 Stat. 1060, as amended; 29 U.S.C. 201–219.

§ 791.100 Introductory statement.

This part contains the Department of Labor's general interpretations of the text governing joint employer status under the Fair Labor Standards Act. See 29 U.S.C. 201–19. The Administrator of the Wage and Hour Division will use these interpretations to guide the performance of his or her duties under the FLSA, and intends the interpretations to be used by employers, employees, and courts to understand employers' obligations and employees' rights under the FLSA. To the extent that prior administrative rulings, interpretations, practices, or enforcement policies relating to joint employer status under the FLSA are inconsistent or in conflict with the interpretations stated in this part, they are hereby rescinded. The interpretations stated in this part may be relied upon in accordance with section 10 of the Portal-to-Portal Act, 29 U.S.C. 251–262, notwithstanding that after any such act or omission in the course of such reliance, any such interpretation in this part ''is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect.'' 29 U.S.C. 259.

§ 791.105 General Principles.

(a) An employer or joint employer may be an individual, partnership, association, corporation, business trust, legal representative, public agency, or any organized group of persons, excluding any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such a labor organization.

(b) An employee may have multiple employers under the FLSA. In most cases, each employment will be distinct from the others, and each employer will be responsible on its own for complying with the FLSA with respect to the employee. However, in some cases as discussed below, two or more employers may employ the employee in a manner that makes them joint employers of the employee such that they are together responsible for complying with the FLSA with respect to the employee.

(c) For there to be joint employment, each employer must exist as a separate entity. In some cases, it may be unnecessary to consider joint employment because the entities constituting the alleged employers are in fact a single entity and thus a single employer for purposes of FLSA compliance. For example, if two entities are separately incorporated but effectively operate as a single entity, they may in fact be a single employer under the FLSA. Neither incorporating a separate entity nor manipulating corporate formalities may be used to divide a business' operation and avoid the FLSA's requirements. Closely-related entities that are not in fact separate may be liable as a single employer under the FLSA without needing to consider joint employment.

§ 791.110 Two Scenarios of FLSA Joint Employment

(a) *Vertical joint employment.* In the ''vertical'' joint employment scenario, an employee is jointly employed by two or more employers that simultaneously benefit from the employee's work. Typically, the employee works one set of hours and there is no dispute that the employee has at least one employer for the work; the issue is whether another person that also benefits from the work is the employee's joint employer.

(b) *Horizontal joint employment.* In the ''horizontal'' joint employment scenario, an employee works separate hours for two (or more) employers in the same workweek, and the employers are sufficiently associated with each other with respect to the employment of the employee such that they are joint employers. Typically, it is undisputed that each employer employs the employee for some hours worked, and the issue is whether the employers are sufficiently associated with each other with respect to the employment of the employee. When there is horizontal joint employment, the employee's total hours worked across the workweek for each of the employers must be aggregated for purposes of FLSA compliance, and each employer is jointly and severally liable for the employee's wages due under the FLSA, including any overtime premiums due based on the aggregated hours worked.

(c) *Joint and Several Liability for Joint Employers.* For each workweek that a person is a joint employer of an employee, that joint employer is jointly and severally liable with any other joint employers for compliance with all of the applicable provisions of the FLSA, including the overtime pay provisions, for all of the hours worked by the employee in that workweek. In discharging this joint obligation in a particular workweek, each joint employer may take credit toward minimum wage and overtime pay requirements for all payments made to the employee by any other joint employers.

§ 791.115 Determining Vertical Joint Employment.

(a) *Four factors to apply.* In the vertical joint employer scenario, four factors are relevant to the determination whether a person is a joint employer. Those four factors are whether the person: (1) Hires or fires the employee; (2) Supervises and controls the employee's work schedule or conditions of employment to a substantial degree; (3) Determines the employee's rate and method of payment; and (4) Maintains the employee's employment records. No single factor is dispositive in determining joint employer status under the FLSA, as the determination will depend on all of the facts in a particular case.

(b) *Meaning of ''employment records.''* As used in this section, ''employment records'' means records, such as payroll records, that reflect, relate to, or otherwise record information pertaining to the hiring or firing, supervision and control of the work schedules or conditions of employment, or determining the rate and method of payment of the employee. Except to the extent they reflect, relate to, or otherwise record that information, records maintained by the potential joint employer related to the employer's compliance with the contractual agreements identified in § 791.125 do not make joint employer status more or less likely under the FLSA and are not considered employment records under this section. Satisfaction of the maintenance of employment records factor alone will not lead to a finding of joint employment.

(c) *Relevance of reserved control.* The potential joint employer's ability, power, or reserved right to act in relation to the employee is relevant for determining joint employer status, but the potential joint employer's actual exercise of control is more relevant than such ability, power, or right. For example, a potential joint employer's contractual authority to supervise, discipline, or fire employees is less relevant if in practice the potential joint employer never exercises such authority. Notwithstanding the foregoing, a potential joint employer's ability, power, or reserved right to act in connection with any of the contractual provisions or business practices identified in § 791.125 does not make joint employer status more or less likely under the FLSA.

(d) *Indirect control.* Indirect control is exercised by the potential joint employer through mandatory directions to another employer that controls the employee. But that employer's

voluntary decision to grant the potential joint employer's request, recommendation, or suggestion does not constitute indirect control that can demonstrate joint employer status. Acts that incidentally impact the employee also do not indicate joint employer status.

(e) *Consideration of additional factors.* Additional factors may be relevant for determining joint employer status in this scenario. For example, indicia of whether the potential joint employer exercises significant control over the terms and conditions of the employee's work in addition to the four factors identified in paragraph (a) above may be relevant. Indicia of whether the employee is economically dependent on the potential joint employer for work may also be relevant. For example, if the employee has a continuous or repeated relationship with the potential joint employer in that the potential joint employer continuously or repeatedly benefits from the employee's work (whether or not the other employers involved change), that may indicate joint employment. As an additional example, if the employee works at a location or facility that is owned or controlled by the potential joint employer that benefits from the employee's work, that may indicate joint employment. However, additional factors are generally less relevant than the four factors identified in paragraph (a) above, which typically carry greater weight in the analysis than any additional factors. And, if the four factors identified in paragraph (a) above unanimously indicate joint employment or no joint employment, there is a substantial likelihood that the indicated outcome is correct, and additional factors are highly unlikely, either individually or collectively, to outweigh the combined probative value of the four factors identified in paragraph (a) above.

(f) *Factors that are not relevant.* Notwithstanding the foregoing, the following factors are primarily probative of a worker's status as an employee or independent contractor and have no relevance in determining joint employer status: (1) Whether the employee is in a job that requires special skill, initiative, judgment, or foresight; (2) Whether the employee has the opportunity for profit or loss based on his or her managerial skill; and (3) Whether the employee invests in equipment or materials required for work or the employment of helpers.

(g) *Examples.* The following illustrative examples demonstrate the application of the principles described in this section under the facts presented and are limited to substantially similar factual situations:

(1)(i) *Example.* An office park company hires a janitorial services company to clean the office park building after-hours. According to a contractual agreement between the office park and the janitorial company, the office park agrees to pay the janitorial company a fixed fee for these services and reserves the right to supervise the janitorial employees in their performance of those cleaning services. However, office park personnel do not set the janitorial employees' pay rates or individual schedules and do not in fact supervise the workers' performance of their work in any way. Is the office park a joint employer of the janitorial employees?

(ii) *Application.* Under these facts, the office park is not a joint employer of the janitorial employees because it does not hire or fire the employees, determine their rate or method of payment, or exercise control over their conditions of employment. The office park's reserved contractual right to control the employees' conditions of employment is not enough to establish that it is a joint employer.

(2)(i) *Example.* A restaurant contracts with a cleaning company to provide cleaning services. The contract does not give the restaurant authority to hire or fire the cleaning company's employees or to supervise their work on the restaurant's premises. A restaurant official provides general instructions to the team leader from the cleaning company regarding the tasks that need to be completed each day, monitors the performance of the company's work, and keeps records tracking the cleaning company's completed assignments. The team leader from the cleaning company provides detailed supervision. At the restaurant's request, the cleaning company decides to terminate an individual worker for failure to follow the restaurant's instructions regarding customer safety, although the company had declined to terminate a different worker as requested by the restaurant the prior week. Is the restaurant a joint employer of the cleaning company's employees?

(ii) *Application.* Under these facts, the restaurant is not a joint employer of the cleaning company's employees because the restaurant does not exercise significant direct or indirect control over the terms and conditions of their employment. The restaurant's daily instructions and monitoring of the cleaning work is limited and does not demonstrate that the restaurant is a joint employer. Records of the cleaning team's work are not employment records under paragraph (b) of this section, and therefore, are not relevant in determining joint employer status. While the restaurant requested the termination of a cleaning company employee for not following safety instructions, the decision to terminate was made voluntarily by the cleaning company and therefore is not indicative of indirect control.

(3)(i) *Example.* A restaurant contracts with a cleaning company to provide cleaning services. The contract does not give the restaurant authority to hire or fire the cleaning company's employees or to supervise their work on the restaurant's premises. However, in practice a restaurant official oversees the work of employees of the cleaning company by assigning them specific tasks throughout each day, providing them with hands-on instructions, and keeping records tracking the work hours of each employee. On several occasions, the restaurant requested that the cleaning company hire or terminate individual workers, and the cleaning company agreed without question each time. Is the restaurant a joint employer of the cleaning company's employees?

(ii) *Application.* Under these facts, the restaurant is a joint employer of the cleaning company's employees because the restaurant exercises sufficient control, both direct and indirect, over the terms and conditions of their employment. The restaurant directly supervises the cleaning company's employees' work on a regular basis and keeps employment records. And the cleaning company's repeated and unquestioned acquiescence to the restaurant's hiring and firing requests indicates that the restaurant exercised indirect control over the cleaning company's hiring and firing decisions.

(4)(i) *Example.* A packaging company requests workers on a daily basis from a staffing agency. Although the staffing agency determines each worker's hourly rate of pay, the packaging company closely supervises their work, providing hands-on instruction on a regular and routine basis. The packaging company also uses sophisticated analysis of expected customer demand to continuously adjust the number of workers it requests and the specific hours for each worker, sending workers home depending on workload. Is the packaging company a joint employer of the staffing agency's employees?

(ii) *Application.* Under these facts, the packaging company is a joint employer of the staffing agency's employees because it exercises sufficient control over their terms and conditions of employment by closely supervising

their work and controlling their work schedules.

(5)(i) *Example.* A packaging company has unfilled shifts and requests a staffing agency to identify and assign workers to fill those shifts. Like other clients, the packaging company pays the staffing agency a fixed fee to obtain each worker for an 8-hour shift. The staffing agency determines the hourly rate of pay for each worker, restricts all of its workers from performing more than five shifts in a week, and retains complete discretion over which workers to assign to fill a particular shift. Workers perform their shifts for the packaging company at the company's warehouse under limited supervision from the packaging company to ensure that minimal quantity, quality, and workplace safety standards are satisfied, and under more strict supervision from a staffing agency supervisor who is on site at the packaging company. Is the packaging company a joint employer?

(ii) Application. Under these facts, the packaging company is not a joint employer of the staffing agency's employees because the staffing agency exclusively determines the pay and work schedule for each employee. Although the packaging company exercises some control over the workers by exercising limited supervision over their work, such supervision, especially considering the staffing agency's supervision, is alone insufficient to establish that the packaging company is a joint employer without additional facts to support such a conclusion.

§ 791.120 Determining Horizontal Joint Employment.

(a) In the horizontal joint employer scenario, if the employers are acting independently of each other and are disassociated with respect to the employment of the employee, each employer may disregard all work performed by the employee for the other employer in determining its own responsibilities under the FLSA. However, if the employers are sufficiently associated with respect to the employment of the employee, they are joint employers and must aggregate the hours worked for each other with respect to the employee for purposes of determining compliance with the FLSA. The employers will generally be sufficiently associated if: (1) There is an arrangement between them to share the employee's services; (2) One employer is acting directly or indirectly in the interest of the other employer in relation to the employee; or (3) They share control of the employee, directly or indirectly, by reason of the fact that one employer controls, is controlled by, or is under common control with the other employer. Such a determination depends on all of the facts and circumstances.

(b) Certain business relationships, for example, which have little to do with the employment of specific workers—such as sharing a vendor or being franchisees of the same franchisor—are alone insufficient to establish that two employers are sufficiently associated to be joint employers.

(c) The following illustrative examples demonstrate the application of the principles described in this section under the facts presented and are limited to substantially similar factual situations:

(1)(i) *Example.* An individual works 30 hours per week as a cook at one restaurant establishment, and 15 hours per week as a cook at a different restaurant establishment affiliated with the same nationwide franchise. These establishments are locally owned and managed by different franchisees that do not coordinate in any way with respect to the employee. Are they joint employers of the cook?

(ii) *Application.* Under these facts, the restaurant establishments are not joint employers of the cook because they are not associated in any meaningful way with respect to the cook's employment. The similarity of the cook's work at each restaurant, and the fact that both restaurants are part of the same nationwide franchise, are not relevant to the joint employer analysis, because those facts have no bearing on the question whether the restaurants are acting directly or indirectly in each other's interest in relation to the cook.

(2)(i) *Example.* An individual works 30 hours per week as a cook at one restaurant establishment, and 15 hours per week as a cook at a different restaurant establishment owned by the same person. Each week, the restaurants coordinate and set the cook's schedule of hours at each location, and the cook works interchangeably at both restaurants. The restaurants decided together to pay the cook the same hourly rate. Are they joint employers of the cook?

(ii) *Application.* Under these facts, the restaurant establishments are joint employers of the cook because they share common ownership, coordinate the cook's schedule of hours at the restaurants, and jointly decide the cook's terms and conditions of employment, such as the pay rate. Because the restaurants are sufficiently associated with respect to the cook's employment, they must aggregate the cook's hours worked across the two restaurants for purposes of complying with the FLSA.

§ 791.125 Relevance of Certain Business Models and Business Practices.

(a) Operating as a franchisor or entering into a brand and supply agreement, or using a similar business model, does not make joint employer status more or less likely under the Act.

(b) The potential joint employer's contractual agreements with the employer requiring the employer to comply with general legal obligations or to meet certain standards to protect the health or safety of its employees or the public do not make joint employer status more or less likely under the Act. Similarly, the monitoring and enforcement of such contractual agreements against the employer does not make joint employer status more or less likely under the Act. Such contractual agreements include, but are not limited to, mandating that employers comply with their obligations under the FLSA or other similar laws; or institute anti-harassment policies; requiring background checks; or requiring employers to establish workplace safety practices and protocols or to provide workers training regarding matters such as health, safety, or legal compliance. Requiring the inclusion of such standards, policies, or procedures in an employee handbook does not make joint employer status more or less likely under the Act.

(c) The potential joint employer's contractual agreements with the employer requiring quality control standards to ensure the consistent quality of the work product, brand, or business reputation do not make joint employer status more or less likely under the Act. Similarly, the monitoring and enforcement of such agreements against the employer does not make joint employer status more or less likely under the Act. Such contractual agreements include, but are not limited to, specifying the size or scope of the work project, requiring the employer to meet quantity and quality standards and deadlines, requiring morality clauses, or requiring the use of standardized products, services, or advertising to maintain brand standards.

(d) The potential joint employer's practice of providing the employer a sample employee handbook, or other forms, to the employer; offering an association health plan or association retirement plan to the employer or participating in such a plan with the employer; jointly participating in an apprenticeship program with the employer; or any other similar business

practice, does not make joint employer status more or less likely under the Act.

(e) The following illustrative examples demonstrate the application of the principles described in this section under the facts presented and are limited to substantially similar factual situations.

(1)(i) *Example.* An Association, whose membership is subject to certain criteria such as geography or type of business, provides optional group health coverage and an optional pension plan to its members to offer to their employees. Employer B and Employer C both meet the Association's specified criteria, become members, and provide the Association's optional group health coverage and pension plan to their respective employees. The employees of both B and C choose to opt in to the health and pension plans. Does the participation of B and C in the Association's health and pension plans indicate that the Association is a joint employer of B's and C's employees, or that B and C are joint employers of each other's employees?

(ii) *Application.* Under these facts, nothing about the health or pension plans makes it more or less likely that the Association is a joint employer of B's or C's employees, or that B and C are joint employers of each other's employees. Participation in the Association's optional plans does not involve any control by the Association, direct or indirect, over B's or C's employees. And while B and C independently offer the same plans to their respective employees, there is no indication that B and C are coordinating, directly or indirectly, to control the other's employees.

(2)(i) *Example.* Entity A, a large national company, contracts with multiple other businesses in its supply chain. As a precondition of doing business with A, all contracting businesses must agree to comply with a code of conduct established by A, which includes paying employees a minimum hourly wage higher than the federal minimum wage, as well as a promise to comply with all applicable federal, state, and local laws. Employer B contracts with A and signs the code of conduct. Do the code of conduct and the promise to abide by it indicate that Entity A is a joint employer of Employer B's employees?

(ii) *Application.* Neither the code of conduct nor the promise to abide by it described in this example make it more or less likely that Entity A is a joint employer of B's employees. Although Entity A requires Employer B to maintain a wage floor, B retains control over how and how much to pay its employees, and the example does not indicate that the wage floor is accompanied by any other indicia of control. Relatedly, because there is no indication that A's requirement that B commit to comply with all applicable federal, state, and local law exerts any direct or indirect control over B's employees, this requirement has no bearing on the joint employer analysis.

(3)(i) *Example.* Franchisor A is a global organization representing a hospitality brand with several thousand hotels under franchise agreements. Franchisee B owns one of these hotels and is a licensee of Franchisor A's brand, which gives Franchisee B access to certain proprietary software for business operation or payroll processing. In addition, Franchisor A provides Franchisee B with a sample employment application, a sample employee handbook, and other forms and documents for use in operating the franchise, such as sample operational plans, business plans, and marketing materials. The licensing agreement is an industry-standard document explaining that B is solely responsible for all day-to-day operations, including hiring and firing of employees, setting the rate and method of pay, maintaining records, and supervising and controlling conditions of employment. Doe any of these facts indicate that Franchisor A is a joint employer of Franchisee B's employees?

(ii). *Application.* None of the facts described in this example make it more or less likely that Franchisor A is a joint employer of B's employees. Franchisor A's business practices of providing optional samples, forms, and documents that relate to staffing and employment are not direct or indirect control over Franchisor B's employees that would be indicative of joint employer status.

§ 791.130 Severability.

If any provision of this part is held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, or stayed pending further agency action, the provision shall be construed so as to continue to give the maximum effect to the provision permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event the provision shall be severable from part 791 and shall not affect the remainder thereof.

PART 825—THE FAMILY AND MEDICAL LEAVE ACT OF 1993

■ 7. The authority citation for part 825 continues to read as follows:

Authority: 29 U.S.C. 2654; 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990); and Pub. L. 114–74 at sec. 701.

■ 8. Amend § 825.106 by revising paragraph (a) to read as follows:

(a) Where two or more businesses exercise some control over the work or working conditions of the employee, the businesses may be joint employers under FMLA. Joint employers may be separate and distinct entities with separate owners, managers, and facilities. The criteria set forth in §§ 791.110 through 791.125 of this chapter apply to any determination of whether a joint employment relationship exists.

Dated: April 21, 2026.

Andrew B. Rogers,

Administrator, Wage and Hour Division.

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Part III

The President

Presidential Determination No. 2026–07 of April 20, 2026—Presidential Determination Concerning the Air Force's Jet Fighter Training Operations in Idaho, Oregon, and Nevada
Presidential Determination No. 2026–08 of April 20, 2026—Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Coal Supply Chains and Baseload Power Generation Capacity
Presidential Determination No. 2026–09 of April 20, 2026—Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Development, Manufacturing, and Deployment of Large-Scale Energy and Energy Related Infrastructure
Presidential Determination No. 2026–10 of April 20, 2026—Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Grid Infrastructure, Equipment, and Supply Chain Capacity
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Presidential Documents

Title 3—

The President

Presidential Determination No. 2026–07 of April 20, 2026

Presidential Determination Concerning the Air Force's Jet Fighter Training Operations in Idaho, Oregon, and Nevada

Memorandum for the Administrator of the Environmental Protection Agency [and] the Secretary of the Air Force

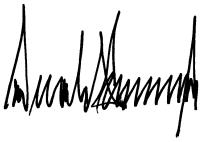
By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 313 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323), I determine that it is in the paramount interest of the United States to exempt the United States Air Force's jet fighter training operations in Idaho, Oregon, and Nevada (aspects of which are the subject of litigation in *Oregon Natural Desert Ass'n* v. *Meink,* Case No. 2:23-cv-01898 (D. Or.)) from Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution.

Therefore, pursuant to subsection (a) of section 313 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)), I hereby exempt the Air Force's jet fighter training operations in Idaho, Oregon, and Nevada from Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution; except that no exemption is hereby granted from the requirements of 33 U.S.C. 1316 and 1317.

The exemption granted by this memorandum shall be for the 1-year period beginning April 20, 2026, and ending April 20, 2027.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Clean Water Act or any other provision of law would require the Air Force to obtain permits pertaining to the control and abatement of water pollution for the exempted operations; or (b) limit the applicability or enforcement of any other requirement of law applicable to the Air Force's jet fighter training operations in Idaho, Oregon, and Nevada.

The Secretary of the Air Force is authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, April 20, 2026

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Presidential Documents

Presidential Determination No. 2026–08 of April 20, 2026

Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Coal Supply Chains and Baseload Power Generation Capacity

Memorandum for the Secretary of Energy

On January 20, 2025, I issued Executive Order 14156 (Declaring a National Energy Emergency), under the National Emergencies Act. That order found that America's inadequate energy production, transportation, refining, and generation capacity constitutes an unusual and extraordinary threat to the Nation's economy, national security, and foreign policy. It emphasized that our Nation's current inadequate and intermittent energy supply leaves us vulnerable to hostile foreign actors and poses an imminent and growing threat to the United States' prosperity and national security.

Consistent with that declaration, I find that ensuring reliable coal supply chains and baseload power generation capacity is essential to United States national defense. Coal mining and logistics, terminals, stockpile, and power generation facilities provide indispensable resilience to our power grids that cannot be replaced. Without sufficient coal-fired baseload power, the United States will lack the stable electricity required to support defense installations, industrial expansion, and the high-energy demands of emerging technologies, such as artificial intelligence.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including section 303 of the Defense Production Act of 1950, as amended (the ''Act'') (50 U.S.C. 4533), I hereby determine, pursuant to section 303(a)(5) of the Act, that:

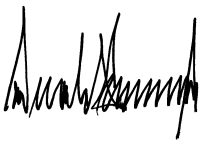
(1) coal supply chains and baseload power generation capacity, including coal mining, rail and barge logistics, export and domestic terminals, generating unit availability and life-extension work, on-site stockpiles, and associated reliability updates, are industrial resources, materials, or critical technology items essential to the national defense;

(2) without Presidential action under section 303 of the Act, United States industry cannot reasonably be expected to provide these capabilities for the needed industrial resource, material, or critical technology item in a timely manner due to financing constraints, regulatory delays, long-lead maintenance, expensive and bespoke repair cycles, and market barriers; and

(3) purchases, purchase commitments, financial support for the development of production capabilities, or other action pursuant to section 303 of the Act are the most cost-effective, expedient, and practical alternative methods for meeting this need.

I have declared a national emergency under Executive Order 14156, and I further determine that action to expand coal supply chain capacity and baseload generation availability is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability. Therefore, pursuant to section 303(a)(7) of the Act, I waive the requirements of section 303(a)(1)–(a)(6) of the Act for the purpose of expanding such capability.

You are authorized and directed to implement this determination, including making necessary purchases, commitments, and financial instruments to enable these projects, and to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, April 20, 2026

[FR Doc. 2026–08010
Filed 4–22–26; 11:15 am]
Billing code 6450–01–P

Presidential Documents

Presidential Determination No. 2026–09 of April 20, 2026

Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Development, Manufacturing, and Deployment of Large-Scale Energy and Energy Related Infrastructure

Memorandum for the Secretary of Energy

On January 20, 2025, I issued Executive Order 14156 (Declaring a National Energy Emergency), under the National Emergencies Act. That order found that America's inadequate energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to the Nation's economy, national security, and foreign policy. It emphasized that our Nation's current inadequate and intermittent energy supply leaves us vulnerable to hostile foreign actors and poses an imminent and growing threat to the United States' prosperity and national security.

Consistent with that declaration, I find that ensuring the domestic capability for development, manufacturing, and deployment of large-scale energy and energy-related infrastructure is essential to United States national defense, yet due to financing risks, regulatory delays, and market barriers, these cannot be met in full under existing market conditions.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including section 303 of the Defense Production Act of 1950, as amended (the ''Act'') (50 U.S.C. 4533), I hereby determine, pursuant to section 303(a)(5) of the Act, that:

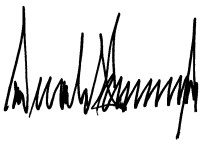
(1) development, manufacturing, and deployment of large-scale energy and energy-related infrastructure, including engineering, site acquisition and preparation, permitting, early-stage risk mitigation financing instruments, domestic manufacturing capacity, and enabling infrastructure, are industrial resources, materials, and critical technology items essential to the national defense;

(2) without Presidential action under section 303 of the Act, United States industry cannot reasonably be expected to provide these capabilities for the needed industrial resource, material, or critical technology items in a timely manner due to financing risks, regulatory delays, and market barriers; and

(3) purchases, purchase commitments, financial support for the development of production capabilities, or other action pursuant to section 303 of the Act are the most cost-effective, expedient, and practical alternative methods for meeting this need.

I have declared a national emergency under Executive Order 14156, and I further determine that action to expand the domestic capability to undertake development, manufacturing, and deployment of large-scale energy and energy-related infrastructure is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability. Therefore, pursuant to section 303(a)(7) of the Act, I waive the requirements of section 303(a)(1)–(a)(6) of the Act for the purpose of expanding such capability.

You are authorized and directed to implement this determination, including making necessary purchases, commitments, and financial instruments to enable these projects, and to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, April 20, 2026

[FR Doc. 2026–08011
Filed 4–22–26; 11:15 am]
Billing code 6450–01–P

Presidential Documents

Presidential Determination No. 2026–10 of April 20, 2026

Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Grid Infrastructure, Equipment, and Supply Chain Capacity

Memorandum for the Secretary of Energy

On January 20, 2025, I issued Executive Order 14156 (Declaring a National Energy Emergency), under the National Emergencies Act. That order found that America's inadequate energy production, transportation, and infrastructure constitute an unusual and extraordinary threat to the Nation's economy, national security, and foreign policy. It further recognized that foreign adversaries have exploited these vulnerabilities, and that an affordable and reliable domestic supply of energy, including the infrastructure needed to generate, transmit, and deliver it, is essential to ensuring United States defense readiness, economic strength, and energy independence.

Consistent with that declaration, I find that America's aging and constrained electric grid infrastructure poses an increasing threat to national defense. The Nation's capacity to design, produce, and deploy large-scale grid infrastructure, including transformers, high-voltage transmission components, advanced conductors, power electronics, substations, and grid-supporting manufacturing equipment, is dangerously limited. These supply chains face significant risks due to foreign competition, long production lead times, and an overreliance on imported equipment. As a result, the United States remains vulnerable in the event of war, disaster, or economic disruption.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including section 303 of the Defense Production Act of 1950, as amended (the ''Act'') (50 U.S.C. 4533), I hereby determine, pursuant to section 303(a)(5) of the Act, that:

(1) grid infrastructure and its associated upstream supply chains, including transformers, transmission lines and conductors, substations, high-voltage circuit breakers, power control electronics, protective relay systems, capacitor banks, electrical core steel, and related raw materials and manufacturing tools, are industrial resources, materials, or critical technology items essential to the national defense;

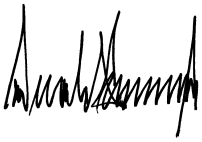
(2) without Presidential action under section 303 of the Act, United States industry cannot reasonably be expected to provide these capabilities for the needed industrial resource, material, or critical technology items in a timely manner due to limited domestic production capacity, extended procurement timelines, foreign supply dependence, and insufficient capital investment; and

(3) purchases, purchase commitments, financial support for the development of production capabilities, or other action pursuant to section 303 of the Act are the most cost-effective, expedient, and practical alternative methods for meeting this need.

I have declared a national emergency under Executive Order 14156, and I further determine that action to expand the domestic capability to develop, manufacture, and deploy grid infrastructure and supporting industrial supply chains is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability. Therefore, pursuant to section 303(a)(7) of the Act, I waive the requirements

of section 303(a)(1)–(a)(6) of the Act for the purpose of expanding such capability.

You are authorized and directed to implement this determination, including making necessary purchases, commitments, and financial instruments to enable these projects, and to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, April 20, 2026

[FR Doc. 2026–08013
Filed 4–22–26; 11:15 am]
Billing code 6450–01–P

Presidential Documents

Presidential Determination No. 2026–11 of April 20, 2026

Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Domestic Petroleum Production, Refining, and Logistics Capacity

Memorandum for the Secretary of Energy

On January 20, 2025, I issued Executive Order 14156 (Declaring a National Energy Emergency), under the National Emergencies Act. That order found that America's inadequate energy production, transportation, refining, and generation capacity constitutes an unusual and extraordinary threat to the Nation's economy, national security, and foreign policy. It emphasized that our Nation's current inadequate and intermittent energy supply leaves us vulnerable to hostile foreign actors and poses an imminent and growing threat to the United States' prosperity and national security.

Consistent with that declaration, I find that ensuring resilient domestic petroleum production, refining, and logistics capacity is central to United States defense readiness. Petroleum fuels the Nation's Armed Forces, industrial base, and crucial infrastructure. Without immediate Federal action, United States defense capabilities will remain vulnerable to disruption.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including section 303 of the Defense Production Act of 1950, as amended (the ''Act'') (50 U.S.C. 4533), I hereby determine, pursuant to section 303(a)(5) of the Act, that:

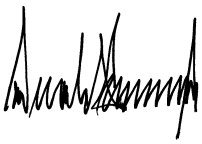
(1) domestic petroleum production, refining, and logistics capacity, including exploration and production, gathering and transmission pipelines, storage, and marine terminals, are industrial resources, materials, or critical technology items essential to the national defense;

(2) without Presidential action under section 303 of the Act, United States industry cannot reasonably be expected to provide these capabilities for the needed industrial resource, material, or critical technology item in a timely manner due to constrained financing, long lead times, permitting and infrastructure bottlenecks, and supply chain limitations; and

(3) purchases, purchase commitments, financial support for the development of production capabilities, or other action pursuant to section 303 of the Act are the most cost-effective, expedient, and practical alternative methods for meeting this need.

I have declared a national emergency under Executive Order 14156, and I further determine that action to expand the domestic petroleum production, refining, and logistics capacity is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability. Therefore, pursuant to section 303(a)(7) of the Act, I waive the requirements of section 303(a)(1)–(a)(6) of the Act for the purpose of expanding such capability.

You are authorized and directed to implement this determination, including making necessary purchases, commitments, and financial instruments to enable these projects, and to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, April 20, 2026

[FR Doc. 2026–08016
Filed 4–22–26; 11:15 am]
Billing code 6450–01–P

Presidential Documents

Presidential Determination No. 2026–12 of April 20, 2026

Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Natural Gas Transmission, Processing, Storage, and Liquefied Natural Gas Capacity

Memorandum for the Secretary of Energy

On January 20, 2025, I issued Executive Order 14156 (Declaring a National Energy Emergency), under the National Emergencies Act. That order found that hostile foreign actors have weaponized America's reliance on foreign energy and used it to cause dramatic swings in international commodity markets, leaving the United States and its allies dangerously exposed. It emphasized that America must develop its capacity to supply reliable, diversified, and affordable energy to international allies and partners to compete with hostile foreign powers, strengthen relations with allies and partners, and support international peace and security.

Consistent with that declaration, I find that ensuring sufficient natural gas and liquefied natural gas (LNG) capacity is critical to sustaining United States defense operations and ensuring allied energy security. Inadequate pipelines, processing, storage, or natural gas and LNG export capacity would leave the United States and its partners dangerously exposed in times of crisis.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including section 303 of the Defense Production Act of 1950, as amended (the ''Act'') (50 U.S.C. 4533), I hereby determine, pursuant to section 303(a)(5) of the Act, that:

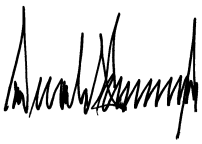
(1) natural gas and LNG capacity, including gathering and transmission pipelines, compression, processing plants, underground storage, LNG liquefaction, storage and marine load, export facilities, and critical distribution infrastructure, are industrial resources, materials, or critical technology items essential to the national defense;

(2) without Presidential action under section 303 of the Act, United States industry cannot reasonably be expected to provide these capabilities for the needed industrial resource, material, or critical technology item in a timely manner due to financing constraints, long-lead equipment and construction schedules, permitting delays, and infrastructure bottlenecks; and

(3) purchases, purchase commitments, financial support for the development of production capabilities, or other action pursuant to section 303 of the Act are the most cost-effective, expedient, and practical alternative methods for meeting this need.

I have declared a national emergency under Executive Order 14156, and I further determine that action to expand domestic natural gas transmission, processing, storage, and LNG capacity is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability. Therefore, pursuant to section 303(a)(7) of the Act, I waive the requirements of section 303(a)(1)–(a)(6) of the Act for the purpose of expanding such capability.

You are authorized and directed to implement this determination, including making necessary purchases, commitments, and financial instruments to enable these projects, and to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, April 20, 2026

[FR Doc. 2026–08017
Filed 4–22–26; 11:15 am]
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