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Contents

Federal Register

Vol. 91, No. 80

Monday, April 27, 2026

Administrative Conference of the United States
NOTICES
Frontline Decision Making in the Adjudication of Applications, 22488–22489

Agency for Healthcare Research and Quality
NOTICES
Patient Safety Organizations:
Voluntary Relinquishment for symplr PSO, 22536

Agriculture Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22489–22490

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22536–22538

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Communication System for Runaway and Homeless Youth, Currently Operated by the National Runaway Safeline Data Collection, 22538–22539

Coast Guard
RULES
Safety Zone:
Cheboygan River, Black River, Indian River, Crooked River, Cheboygan, MI, 22456–22457

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Comptroller of the Currency
PROPOSED RULES
Streamlining Regulations Concerning Public Welfare Investments, Open Market Collateralized Loan Obligations, and Federal Savings Association Nondiscrimination Requirements, 22481–22485

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Common Core of Data School-Level Finance Survey 2025–2027, 22528–22529
Jacob K. Javits Gifted and Talented Students Education Program, 22528

Energy Department
See Federal Energy Regulatory Commission
PROPOSED RULES
Energy Conservation Program:
Petition for Rulemaking, 22477–22481

Federal Aviation Administration
PROPOSED RULES
Airworthiness Directives:
The Boeing Company Airplanes, 22485–22487
NOTICES
Order Establishing Scheduling Limits:
Operating Limitations at Chicago O'Hare International Airport, 22573

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22529–22533
Combined Filings, 22534–22535
Environmental Assessments; Availability, etc.:
Ampersand Gilman Hydro LP, 22530
Transcontinental Gas Pipe Line Co., LLC, Proposed North Padre Island Lateral Abandonment Project, 22533–22534

Federal Motor Carrier Safety Administration
RULES
Administrative Rulemaking, Guidance, and Enforcement Procedures, 22431–22454

Federal Reserve System
NOTICES
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 22535
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 22535–22536

Federal Transit Administration
RULES
Administrative Rulemaking, Guidance, and Enforcement Procedures, 22431–22454

Fish and Wildlife Service
RULES
Endangered and Threatened Species:
Designation of Critical Habitat for the Rayed Bean, Sheepnose, Snuffbox, and Spectaclecase Mussels, 22590–22702

Food and Drug Administration
NOTICES
Charter Amendments, Establishments, Renewals and Terminations:
Anesthetic and Analgesic Drug Products Advisory Committee, 22539–22542
Hearings, Meetings, Proceedings, etc.:
Vaccines and Related Biological Products Advisory Committee; U.S. 2026–2027 Formula for COVID–19 Vaccine Composition, 22542–22543

Foreign Assets Control Office
NOTICES
Sanctions Action, 22576–22586

Foreign-Trade Zones Board
NOTICES
Application for Subzone:
Fisher BioServices, Foreign-Trade Zone 255, Frederick, MD, 22490

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health

Homeland Security Department
See Coast Guard

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Ocean Energy Management Bureau
NOTICES
Proposed Appointment to the National Indian Gaming Commission, 22545

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Chassis and Subassemblies Thereof from the People's Republic of China, 22494–22497
Circular Welded Carbon Steel Pipes and Tubes from Thailand, 22490–22493
Oil Country Tubular Goods from the People's Republic of China, 22493–22494

Justice Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals
Immigrant and Employee Rights Section Charge Form, 22548–22549
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Pilot Study Examining Interpersonal Violence Experienced by Young Adults, 22547–22548

Labor Department
See Occupational Safety and Health Administration

Land Management Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Alaska Reindeer Grazing Requirements, 22545–22546

National Highway Traffic Safety Administration
RULES
Administrative Rulemaking, Guidance, and Enforcement Procedures, 22431–22454

National Institutes of Health
NOTICES
Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 22544
Eunice Kennedy Shriver National Institute of Child Health and Human Development, 22544–22545
National Institute on Deafness and Other Communication Disorders, 22543–22544

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Northeastern United States:
Framework Adjustment 17 to the Mackerel, Squid, and Butterfish Fishery Management Plan, 22457–22466
Northeast Multispecies Fishery; Allocation of 2026 Northeast Multispecies Annual Catch Entitlements and Notice of Default Specifications, 22467–22476
NOTICES
Hearings, Meetings, Proceedings, etc.:
Fisheries of the Caribbean; Southeast Data, Assessment, and Review, 22525–22526
Fisheries of the South Atlantic; Southeast Data, Assessment, and Review, 22498
New England Fishery Management Council; Correction, 22525
North Pacific Fishery Management Council, 22497–22498, 22525
Taking or Importing of Marine Mammals:
U.S. Army Corps of Engineers Miller Sands Island, Rice Island, and Cottonwood Island Pile Dike Repairs Projects on the Lower Columbia River in Oregon and Washington, 22498–22525

Nuclear Regulatory Commission
NOTICES
Environmental Impact Statements; Availability, etc.:
Duke Energy Carolinas, LLC; Belews Creek, North Carolina Site, Early Site Permit, 22549–22551
Licenses; Exemptions, Applications, Amendments, etc.:
Three Mile Island Unit 2 Independent Spent Fuel Storage Installation, 22551–22553

Occupational Safety and Health Administration
NOTICES
Maryland State Plan:
Level of Federal Enforcement: Private Sector Employment on Federal Properties, 22549

Ocean Energy Management Bureau
NOTICES
Oil and Gas Lease:
Outer Continental Shelf, 22546–22547

Patent and Trademark Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
DOCX Submission Requirements, 22526–22528

Personnel Management Office
NOTICES
Privacy Act; Systems of Records, 22553–22554

Pipeline and Hazardous Materials Safety Administration
RULES
Administrative Rulemaking, Guidance, and Enforcement Procedures, 22431–22454

Postal Regulatory Commission
NOTICES
New Postal Products, 22554

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Regulation S—Rules Governing Offers and Sales Made Outside the United States without Registration under the Securities Act, 22561–22562
Written Representation as to Purchaser Residency, 22558, 22561
Meetings; Sunshine Act, 22554–22555
Self-Regulatory Organizations; Proposed Rule Changes:
Cboe Exchange, Inc., 22562–22566
LCH SA, 22566–22569
Nasdaq ISE, LLC, 22555–22558
The Nasdaq Stock Market LLC, 22558–22561

Social Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22569–22573

State Department
RULES
Security Review Committee, 22454–22456

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See Federal Transit Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration
See Transportation Statistics Bureau
RULES
Administrative Rulemaking, Guidance, and Enforcement Procedures, 22431–22454

Transportation Statistics Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Barrier Failure Reporting in Oil and Gas Operations on the Outer Continental Shelf, 22575–22576
Oil and Gas Industry Safety Data Program, 22573–22574

Treasury Department
See Comptroller of the Currency
See Foreign Assets Control Office

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
VA Loan Electronic Reporting Interface System and Title Requirements for Conveyance of Real Property to the Secretary, 22586–22587

Separate Parts In This Issue

Part II
Interior Department, Fish and Wildlife Service, 22590–22702

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

10 CFR

Proposed Rules:

430.....22477

12 CFR

Proposed Rules:

24.....22481
43.....22481
128.....22481

14 CFR

300.....22431
302.....22431
399.....22431

Proposed Rules:

39.....22485

22 CFR

7.....22454

33 CFR

165.....22456

49 CFR

1.....22431
5.....22431
7.....22431
106.....22431
389.....22431
553.....22431
601.....22431
605.....22431

50 CFR

17.....22590
648 (2 documents) 22457, 22467

Rules and Regulations

Federal Register
Vol. 91, No. 80
Monday, April 27, 2026

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

14 CFR Parts 300, 302, and 399

49 CFR Parts 1, 5, and 7

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 106

Federal Motor Carrier Safety Administration

49 CFR Part 389

National Highway Traffic Safety Administration

49 CFR Part 553

Federal Transit Administration

49 CFR Parts 601 and 605

[Docket No. DOT–OST–2025–0007]

RIN 2105–AF32

Administrative Rulemaking, Guidance, and Enforcement Procedures

AGENCY: Office of the Secretary of Transportation (OST), Pipeline and Hazardous Materials Safety Administration (PHMSA), Federal Motor Carrier Safety Administration (FMCSA), National Highway Traffic Safety Administration (NHTSA), Federal Transit Administration (FTA); U.S. Department of Transportation (Department or DOT).

ACTION: Final rule.

SUMMARY: This final rule reinstates and expounds upon procedural reforms for the Department's rulemakings, guidance documents, and enforcement actions rescinded by a final rule published by the Department on April 2, 2021, ''Administrative Rulemaking, Guidance, and Enforcement Procedures.'' Accordingly, this final rule revises and updates the Department's internal policies and procedures relating to the issuance of rulemaking documents. In addition, this final rule updates the Department's procedural requirements governing the review and clearance of guidance documents, and the initiation and conduct of enforcement actions, including administrative enforcement proceedings and judicial enforcement actions brought in Federal court.

DATES: This final rule is effective on May 27, 2026.

FOR FURTHER INFORMATION CONTACT: Jill Laptosky, Office of Regulation and Legislation, Office of the General Counsel, *Jill.Laptosky@dot.gov.*

SUPPLEMENTARY INFORMATION: The Department reinstates procedural reforms to its policies and procedures governing the issuance of rulemakings and guidance documents, and the initiation and conduct of enforcement actions repealed by a final rule published by the Department on April 2, 2021, ''Administrative Rulemaking, Guidance, and Enforcement Procedures'' (86 FR 17292), which the Department issued in response to two Executive Orders that were revoked by the President in Executive Order 14148, ''Initial Rescissions of Harmful Executive Orders and Actions'' (January 20, 2025).[1] The reforms set forth (1) updated policies and procedures governing the development and issuance of regulations by the Department's operating administrations and components of the Office of the Secretary; (2) enhanced procedures for the review and clearance of guidance documents; and (3) improved procedural requirements governing the Department's administrative enforcement actions and judicial enforcement actions brought in Federal court, including express rights of regulated parties to enforce the protections of this rule through administrative proceedings.

The Department proposed codification of these procedures in a notice of proposed rulemaking (NPRM) published on May 16, 2025.[2] The comment period closed on June 16, 2025. The Department received 18 comments during the public comment period. Most of the comments supported the rulemaking. Though, for the reasons discussed below, the rulemaking is finalized as proposed, the Department has made several changes to the proposed measures in response to the comments. In addition, the Department is implementing a handful of additional procedural enhancements at the request of commenters.

In rescinding these procedures in 2021, the Department argued that many of the provisions that would be reinstated through this action were already contained in existing internal procedures, could be accomplished by internal directives as necessary and appropriate, and could slow important regulatory efforts. The Department has reconsidered these justifications for the 2021 rulemaking and, after reviewing comments received in response to the NPRM, reiterates its support of the recodification of the procedures. Though many of the procedures contained in this final rule are found in internal procedures, they are not located in one comprehensive and consolidated source. Codifying the Department's procedures concerning enforcement and the development and issuance of rulemaking and guidance documents into the Code of Federal Regulations leaves no doubt to departmental staff and regulated entities on the expectations regarding the procedural safeguards and expectations governing the Department's administrative actions. In addition, the Department finds that any administrative delay associated with these procedures would not only be minimal, based on past practice with these procedures, but also would be outweighed by the Department's production of higher quality rulemaking, guidance documents, and enforcement actions. The Department produces its best work when it is informed by robust public input, the best available data, and sound law and economics, and these procedures increase opportunities to receive those essential building blocks for good governance that would strengthen the overall quality and fairness of the Department's administrative actions. In addition, the Department revises the

[1] Executive Order 14148, ''Initial Rescissions of Harmful Executive Orders and Actions,'' 90 FR 8237 (January 28, 2025).

[2] *See* U.S. Department of Transportation, Notice of Proposed Rulemaking, ''Administrative Rulemaking, Guidance, and Enforcement Procedures,'' 90 FR 20956 (May 16, 2025).

existing policies and procedures because they are inconsistent with current departmental and Administration policy, and do not consider the costs and implications of government regulation and intervention adequately. Many of the comments received in response to the NPRM supported these principles and agreed with the Department's determination that these procedural reforms serve the best interests of the American public.

Rulemaking Procedures

Most commenters supported the Department's proposed rulemaking provisions, commitment to economics and sound data, and vision for public engagement to understand holistically the impacts of its rulemaking actions. Some commenters, however, expressed concern that the procedures would delay rulemakings essential to advancing the Department's safety mission. The Department assures these commenters that safety is always our number one priority, and these procedures will not compromise the Department's safety mission.

The rulemaking procedures set forth in this final rule are finalized as proposed. The procedures apply to all phases of the Department's rulemaking process, from advance notices of proposed rulemakings (ANPRM) to the promulgation of final rules, including substantive rules, rules of interpretation, and rules prescribing agency procedures and practice requirements applicable to outside parties. The final rule outlines regulatory policies, such as ensuring that there are no more regulations than necessary, that where they impose burdens, regulations are narrowly tailored to address identified market failures or statutory mandates, and that they specify performance objectives when appropriate. The Department's regulatory policies also include a provision that for each new significant regulation issued, at least 10 existing regulatory burdens must be identified for revocation. Some commenters did not support this provision and asked for guidance on how it would be implemented by the Department. The Department notes that the requirement for agencies to eliminate 10 regulations for each new significant regulation issued is a requirement of Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' and refers interested commenters to a memorandum issued by the Office of Management and Budget (OMB), ''Guidance Implementing Section 3 of Executive Order 14192, Titled 'Unleashing Prosperity Through Deregulation,'" to understand how agencies like the Department will implement that order.[3]

This final rule reflects the reestablishment of the Department's Regulatory Reform Task Force and assigns it an important role in the development of the Department's regulatory portfolio and ongoing review of regulations. The Regulatory Reform Task Force is chaired by the Regulatory Reform Officer and tasked with evaluating proposed and existing regulations and making recommendations to the Secretary of Transportation regarding their promulgation, repeal, replacement, or modification, consistent with applicable law. The final rule outlines the structure, membership, and responsibilities of the Regulatory Reform Task Force at proposed 49 CFR 5.9. One commenter asked how external stakeholders may submit input to the Regulatory Reform Task Force and how frequently it will conduct its reviews. The Task Force's reviews are ongoing, and external stakeholders may submit input to the Task Force through the Department's Office of Regulation and Legislation at *Transportation.RegulatoryInfo@dot.gov*. The Department also encourages stakeholders to submit comments on any aspect of its regulatory agenda, including ideas for regulatory reform and deregulation, through the semiannual Unified Agenda of Regulatory and Deregulatory Actions.[4] Along the same lines, one commenter suggested that the Department review all waivers or regulatory exemptions that have been in effect with satisfactory results for over 5 years for incorporation into regulation. The Department finds value in this suggestion and intends to refer it to the Task Force for review.

This final rule also sets procedures the Department follows for all stages of the rulemaking process, including the initiation of new rulemakings, the development of economic analyses, the contents of rulemaking documents, their review and clearance, and the opportunity for fair and sufficient public participation. The final rule also updates the Department's policies regarding contacts with outside parties during the rulemaking process as well as the ongoing review of existing regulations. Commenters generally supported these provisions, particularly the Department's commitment to ensuring the public has an opportunity to provide feedback on the Department's various rulemakings.

Commenters provided helpful feedback on our proposed rulemaking procedures, and we are making changes in the final rule in response to comments. First, one commenter suggested that the Department publish all complaints, subject to appropriate redactions, that are used to support its rulemakings and cease reliance on complaints to support rulemakings when the Department's investigation of such complaints is ongoing. The Department supports the publication of material information on which the Department relies in considering its rulemakings and has added language to § 5.13(h)(3)(i) to effectuate this requirement, which the Department may fulfill by publishing the complaints themselves or, if publishing all complaints would be impracticable based on their volume, a summary of the complaints. This addition is consistent with the Department's polices in § 5.19 to ensure the substance of material information submitted by the public on which the Department relies in proposing or finalizing a rule is adequately disclosed such that all interested parties have notice of the information and an opportunity to comment on its accuracy and relevance. The Department declines to adopt the suggestion that we cease reliance on complaints under investigation. With the addition of the provision requiring the disclosure of complaints on which the Department relies, the suggestion to cease reliance on open complaints is not necessary because the veracity of the disclosed complaints may be raised during the public comment period.

Second, at least one commenter requested that the Department add language to the final rule encouraging the Department to notify the public as soon as possible on the disposition of a petition to extend a comment period. The Department agrees that such a notification to the public would be helpful and is adding language to § 5.13(i)(4) encouraging the Department, as appropriate, to notify the public

[3] *See* Clark, Jeffrey B., Acting Administrator, Office of Information and Regulatory Affairs, Memorandum M–25–20 for Regulatory Policy Officers at Executive Departments and Agencies and Management and Executive Directors of Certain Agencies and Commissions, ''Guidance Implementing Section 3 of Executive Order 14192, Titled 'Unleashing Prosperity Through Deregulation,' '' *available at https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-20-Guidance-Implementing-Section-3-of-Executive-Order-14192-Titled-Unleashing-Prosperity-Through-Deregulation.pdf* (March 26, 2025).

[4] The Unified Agenda of Regulatory and Deregulatory Actions, published in the fall and spring at *RegInfo.gov*, provides uniform reporting of data on regulatory and deregulatory activities under development through the Federal Government, including approximately 60 departments, agencies, and commissions. The Department hosts a docket (DOT–OST–1999–5129) for public comments on any aspects of the Department's regulatory agenda.

whether a petition to extend a comment period has been granted or denied. This notification will be published in the **Federal Register** and included in the rulemaking docket. The Department may also inform the public by posting on the agency's website or by other appropriate means. One commenter supported the Department's implementation of longer comment periods, but no changes are made in the final rule because the Department's procedures provide a minimum comment period length, and the Department often offers longer comment periods.

Third, some commenters suggested that the Department should not be allowed to meet a benefit-cost analysis requirement simply by stating that data does not exist to determine the benefits or costs of a regulation. The commenters suggested that the Department should be required to commission a study if data does not exist to support a rulemaking. The Department agrees that it is not wise or sound regulatory policy to regulate in the absence of data, economic support, or studies. At the same time, the Department recognizes that urgent and compelling safety needs may require the Department to act immediately, thus precluding the Department from commissioning data or studies. Likewise, the Department often needs to fulfill statutory mandates for rulemakings, which Congress has determined are necessary to address a problem that Congress has identified. To balance these competing interests, § 5.13(e)(2) will encourage the Department to quantify benefits and costs for discretionary regulatory rulemakings (*i.e.,* discretionary rulemakings that are subject to regulatory offsetting requirements found in Executive Order 14192).

One commenter did not support the Department's use of benefit-cost analysis to justify rulemakings, arguing that they are not appropriate for safety rulemakings. The commenter recommended considering the trajectory of technology costs over time into the Department's analyses. In benefit-cost analysis, a key principle is that technology costs generally decrease over time, driven by factors like innovation, increased efficiency, and economies of scale. The commenter also argued that benefit-cost analysis should not be the sole determining factor for making safety-sensitive decisions, and the Department could not agree more. Benefit-cost analysis is just one of many factors that the Department considers when issuing regulations. The commenter asked the Department to consider ''intangible benefits like lives saved.'' The Department is pleased to inform this commenter that the Department's benefit-cost analyses often do consider nonquantifiable and intangible benefits, including scenarios that are infrequent or rare. For the Department, however, ''lives saved'' is not simply an ''intangible'' factor but one that we have quantified by developing a methodology for calculating the value of a statistical life and applying it in analyses that assess the economic benefits for preventing fatalities.[5] Departmental guidance on the topic also established policies for assigning comparable values to the prevention of injuries. These methodologies ensure consistency across the Department, sound consideration of safety benefits, and analytical efficiency.

Consistent with the current Administration and Department regulatory philosophy that rules imposing the greatest costs on the public should be subject to heightened procedural requirements, the final rule reinstates enhanced procedures for economically significant and high-impact rulemakings that were rescinded by the 2021 amendments. Economically significant rulemakings are defined as those rules that would result in a total annualized cost on the U.S. economy of $100 million or more, or a total net loss of at least 75,000 full-time jobs in the United States over 5 years. These changes can be found at 49 CFR 5.17(a)(1). High-impact rulemakings would result in a total annualized cost on the U.S. economy of $500 million or more, or a total net loss of at least 250,000 full-time jobs in the United States over 5 years as set forth in proposed 49 CFR 5.17(a)(2). These costly rulemakings are subject to enhanced rulemaking procedures, such as advance notices of proposed rulemakings and formal hearings. The procedures for economically significant and high-impact rulemakings are provided at proposed 49 CFR 5.17. In the NPRM, DOT invited public comment on whether the thresholds chosen for net job losses at the economically significant and high-impact levels are the most appropriate, whether DOT should consider different thresholds, and any data or studies that show net job loss estimates in connection with past DOT rulemakings. Though no data or studies were offered, some commenters weighed in on the proposal more generally. Many commenters supported the Department's decision to subject its costliest rulemakings to higher standards, with one commenter arguing that *more* rules should be subject those procedures. Another commenter challenged the Department's use of ANPRMs in this context, arguing that they offer little utility and may delay important regulatory work. In response, the Department will require *either* an ANPRM *or* a supplemental notice of proposed rulemaking (SNPRM) for its economically significant and high-impact rulemakings. This revision is intended to generate more utility by ensuring that the public has an opportunity to provide additional comment when it would be valuable during the appropriate stage of the rulemaking process. This revised requirement is reflected in § 5.17(b).

Other procedures, such as the filing of rulemaking petitions and direct final rules,[6] are finalized as proposed. One commenter supported the Department's judicious use of direct final rules. Other comments that focused on modal or OA-specific issues, were outside the scope of this rulemaking.

This rulemaking updates references throughout DOT regulations as needed to account for updated internal procedures (*e.g.,* 49 CFR part 605). This final rule also revises the regulations at 14 CFR 300.2 to delete a reference to rescinded DOT Order 2100.6 and 2100.6A, and replace it with DOT Order 2100.6B, and update the procedures for petitions for rulemakings found in 14 CFR 302.16 to provide explicitly that interested parties may file petitions for the Department to perform retrospective reviews as noted above. Other minor conforming amendments are finalized at 49 CFR parts 1 and 7. In addition, this final rule reinstates prior DOT policy regarding contacts with outside parties during the rulemaking process, which can be found at 5 CFR 5.19. Finally, the Department removes references to the monthly significant rulemaking report, which is duplicative of the semiannual Unified Agenda of Regulatory and Deregulatory Actions and will no longer be maintained.

Guidance Document Procedures

This final rule reinstates into the Code of Federal Regulations at 49 CFR part 5,

[5] *See* U.S. Department of Transportation, ''Departmental Guidance on Valuation of a Statistical Life in Economic Analysis,'' *available at https://www.transportation.gov/office-policy/transportation-policy/revised-departmental-guidance-on-valuation-of-a-statistical-life-in-economic-analysis* (April 28, 2025).

[6] This aspect of the rule amends the direct final rule procedures for the following operating administrations: Pipeline and Hazardous Materials Safety Administration, Federal Railroad Administration, Federal Motor Carrier Safety Administration, and National Highway Traffic Safety Administration.

subpart C, policies and procedures that apply to all guidance documents, which the Department defines as an agency statement of general applicability, intended to have future effect on the behavior of regulated parties, that sets forth a policy on a statutory, regulatory, or technical issue, or an interpretation of a statute or regulation, but which is not intended to have the force or effect of law in its own right and is not otherwise required by statute to satisfy the rulemaking procedures of the Administrative Procedure Act. One commenter requested that the final rule clarify that an operating administration's reinterpretation of Federal grant obligations falls within the scope of the definition of a ''guidance document.'' The Department declines to change the definition of a ''guidance document'' in this final rule but notes that if such a reinterpretation otherwise satisfies the definition, then it would be a guidance document.

This final rule reinstates procedures regarding the review and clearance of guidance documents rescinded by the 2021 amendments. The procedures ensure that all guidance documents receive legal review and, when appropriate, Office of the Secretary review. One commenter suggested that all guidance documents (not just certain ones meeting the threshold of significant or ''otherwise of importance to the Department's interests'') be reviewed by the Secretary's office, but the Department declines to adopt this suggestion to ensure efficient management of agency resources. The final rule also requires that, before guidance documents are issued, they must be reviewed to ensure they are written in plain language and do not impose any substantive legal requirements above and beyond statute or regulation. In addition, if a guidance document purports to describe, approve, or recommend specific conduct that stretches beyond what is required by existing law, the final rule requires that it include a clear and prominent statement effectively stating that the contents of the guidance document do not have the force and effect of law and are not meant to bind the public in any way, and the guidance document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. One commenter thought that the voluntary nature of guidance documents might be emphasized better if guidance documents described several ways that the public can comply with the underlying regulations, rather than specifying one means of compliance. The Department agrees to adopt a modified version of this commenter's suggestion, which is reflected in § 5.29(e) and (f). The procedures for the review and clearance of guidance documents can be found at 49 CFR 5.27, 5.29, and 5.35. These procedures were largely supported by commenters, many of whom commended the Department for its transparency and commitment to good governance.

In recognition of the fact that, even though guidance documents are not legally binding, they could nevertheless have a substantial economic impact on regulated entities that alter their conduct to conform to the guidance, this final rule requires a good faith cost assessment of the impact of the guidance document. This policy is outlined at 49 CFR 5.33. Several commenters appreciated the Department's grounded understanding that guidance documents can have real cost impacts for regulated entities. One commenter thought that the final rule should go further by requiring all guidance documents to receive formal economic analysis and only be issued if the benefits of the guidance document exceed its costs absent a compelling safety need. The Department declines to adopt this suggestion because the final rule already requires a ''good faith cost estimate'' for guidance documents, which strikes a balance between two coexisting certainties—that guidance documents are nonbinding and thus impose no direct costs but, at the same time, regulated entities may nevertheless incur costs when utilizing guidance documents.

This final rule also reinstates other policies and procedures rescinded by the 2021 amendments, such as those describing when guidance documents are subject to notice and an opportunity for public comment and how they will be made available to the public after issuance. See 49 CFR 5.31 and 5.41. In this final rule, the Department made some minor revisions to those notice-and-comment procedures to specify that notice and comment may be offered through the **Federal Register** or the agency's website (the NPRM only specified the agency's website). Two commenters suggested that it would be helpful for the Department to establish a website on which the public can view all departmental guidance documents with open comment periods. Though the Department encourages interested members of the public to check the **Federal Register** for information regarding open comment periods, the Department understands that it may be helpful to track open comment periods on departmental guidance documents in one convenient web-based location. As a result, the Department is exploring ways to provide the public with a running list of open comment periods for the Department's rulemakings and guidance documents.

These procedures will ensure that the public has access to guidance documents issued by the Department and a fair and sufficient opportunity to comment on guidance documents when appropriate and practicable. The final rule also provides a process for interested parties to petition the Department for the withdrawal or modification of guidance documents at proposed 49 CFR 5.43. It also reinstates a requirement that the comment period for significant guidance documents be at least 30 days, except when the agency for good cause finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest. See 49 CFR 5.41. One commenter suggested that comment periods for departmental guidance documents should be longer. The Department declines to adopt this suggestion because the final rule provides that 30 days for significant guidance documents is only a minimum comment period length, and comment periods may be longer as appropriate.

Enforcement Procedures

In the NPRM, the Department proposed to reinstate into the Code of Federal Regulations at 49 CFR part 5, subpart D, policies and procedures rescinded by the 2021 amendments. This proposal was intended to clarify the requirements governing enforcement actions initiated by DOT, to establish standard operating procedures within the Department's various enforcement programs so that DOT enforcement actions satisfy principles of due process and remain lawful, reasonable, and consistent with current Departmental and Administration policy, and to consolidate the procedural requirements into one centralized location.

In addition, the NPRM also proposed to add certain new provisions, including provisions conferring express rights on regulated parties to enforce the protections of the rule through administrative proceedings. As proposed, these proceedings included the opportunity for the subject of a DOT enforcement action to petition the General Counsel for a determination that responsible DOT personnel violated provisions of this rule with respect to the enforcement action. The proposed remedies for the violations included the removal of the enforcement team from the particular matter and, where appropriate, a recommendation from the

General Counsel to the relevant agency decisionmaker for appropriate administrative discipline of personnel found to have violated the rule; the elimination of certain issues or the exclusion of certain evidence or the directing of certain factual findings in the course of the enforcement action; and a requirement to restart the enforcement action again from the beginning or recommence the action from an earlier point in the proceeding.

The Department received several comments in response to the proposed enforcement rights provision, which would enable a regulated entity to petition the DOT General Counsel for relief if it believes that DOT enforcement personnel violated provisions of this rule. Some commenters supported that proposal, though other commenters opposed it, asserting that the provision would create a chilling effect on enforcement actions and potentially result in deference to regulated entities by inspectors and other enforcement personnel out of fear of professional repercussions.

After considering all comments received on this proposal, DOT is adopting the proposed enforcement rights provision with some modifications. DOT believes that the provision will help ensure that regulated entities can receive appropriate relief if they are not treated fairly. DOT, however, is modifying the provision in several ways.

First, the final rule does not provide for the General Counsel recommending discipline against DOT employees. DOT has determined that the complaint process should lead only to relief that will benefit the complaining party, and that it would not be appropriate to allow regulated entities to seek disciplinary action against DOT employees. DOT also agrees with commenters that allowing regulated entities to seek disciplinary action could deter DOT enforcement personnel from fully and effectively carrying out their enforcement duties. DOT can address any employee discipline matters internally, including any matters related to violations of this rule.

Second, DOT is adding language to the enforcement rights section to clarify that the DOT General Counsel retains discretion as to whether to review any petitions filed by regulated entities, whether to issue relief upon identifying a violation, and the scope of any relief. Third, DOT is eliminating the sentence that would have allowed the General Counsel's determinations to be appealed to the Secretary, as the Department has determined that such appeals would create unnecessary additional burdens for DOT and would provide little meaningful benefit for regulated entities. Finally, DOT is also making a minor wording change.

Most commenters supported reinstating the enforcement procedures that were rescinded in 2021, and DOT has decided to retain those procedures in full. Commenters also suggested that DOT consider adding seven additional provisions in the final rule. As explained below, DOT has determined not to add these provisions.

First, one airline industry commenter recommended that DOT institute a two-year statute of limitations for DOT enforcement actions. This issue is beyond the scope of this rulemaking, and it is not clear that DOT has the authority to enact the proposal. Further, this rule requires agency attorneys to initiate proceedings promptly to prosecute matters referred to them, and it mandates that cases not be allowed to linger unduly after the adjudicatory process has begun.

Second, the same commenter suggested that DOT adopt a policy that prohibits DOT personnel from assuming an advocacy role, while simultaneously holding a rulemaking, investigatory, or enforcement-related role. In DOT's view, the commenter's characterization of the existence of a conflict of interest between a government attorney serving in an advocacy role, while simultaneously holding a rulemaking, investigatory, or enforcement-related role, is an improper and ambiguous way of conceiving the role of a government lawyer. DOT also believes that any specific issues regarding particular roles are best addressed separately, rather than through a broad rulemaking.

Third, the same commenter recommended that DOT require that all enforcement actions have a clear factual foundation in addition to a clear legal foundation. The commenter asserts that in the past DOT has unfairly relied upon unvalidated public complaints as the basis for enforcement and recommended that ''and factual'' be added to § 5.63 so that section requires enforcement actions to have ''clear legal *and factual* foundation.'' In DOT's view, this suggestion is misplaced, as regulated entities have an opportunity to contest the factual bases for any enforcement action during enforcement proceedings. DOT does not believe that additional regulatory language is needed.

Fourth, another commenter suggested that the rule identify the Federal courts as the proper forum for all DOT enforcement proceedings. The commenter pointed to the U.S. Supreme Court's decision in *SEC* v. *Jarkesy,*[7] which held that the Seventh Amendment barred the Securities and Exchange Commission from pursuing certain enforcement matters administratively rather than judicially. It is DOT's view that many or all statutes authorizing DOT to take administrative enforcement actions are distinguishable from those at issue in *Jarkesy* and do not violate the Seventh Amendment, and DOT has successfully maintained that view in legal proceedings challenging DOT's administrative actions based on such authorities.[8] DOT therefore declines to adopt the commenter's recommendation in this final rule. DOT notes, however, that this rule provides that the proper forum for any enforcement action is Federal court unless the terms of a relevant statute, or of a regulation with government-wide applicability, clearly and expressly authorize an administrative enforcement proceeding.

Fifth, a commenter recommended that DOT adopt a civil equivalent of the ''rule of lenity,'' a doctrine providing that ambiguous statutes are interpreted in favor of a criminal defendant. The commenter suggests that DOT apply any unclear or ambiguous statute or regulation in the way that it is most favorable to the subject of the enforcement action and least favorable to the government. DOT does not believe that such a provision is necessary, given that this rule provides that the agency must not adopt or rely upon overly broad or unduly expansive interpretations of the governing statutes or regulations and should ensure that the law is interpreted according to its text.

Sixth, a commenter proposed that the rule's separation of functions provisions, contained in § 5.71, should apply beyond those DOT Operating Administrations or components of the Office of the Secretary of Transportation (OST) whose regulations provide for a separation of decisional personnel from adversarial personnel in an administrative proceeding. DOT agrees that the separation of functions can play an important role in ensuring due process. DOT, however, does not believe that it would be appropriate to use this rule to restructure DOT enforcement programs. To the extent that issues arise with respect to programs not covered by this provision of the rule, DOT will consider those issues separately.

Finally, a commenter indicated support for the proposal that settlement

[7] 603 U.S. 109 (2024).

[8] *See Axalta Coating Systems* v. *FAA,* 144 F.4th 167 (3d Cir. 2025).

agreements be public documents but suggested that the rule provide confidentiality protections for redline drafts of consent agreements developed and shared during negotiations. DOT declines to adopt this recommendation. DOT will make recommendations on whether to release documents on a case-by-case basis, consistent with the Freedom of Information Act and other applicable law, regulation, and policy.

Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is a significant regulatory action under Executive Order 12866. However, the Department does not anticipate that this rulemaking will have a direct economic impact on regulated entities. This is a rule of agency procedure and practice. The final rule describes the updates and amendments to the Department's internal procedures for the promulgation and processing of rulemaking and guidance documents, and for initiating and conducting enforcement proceedings. The Department has already adopted most of these internal procedures as part of its regulatory reform initiative and has not incurred any additional resource costs in doing so. The adoption of these practices has been accomplished through a realignment of existing agency resources, and it is anticipated that the public will benefit from the resulting increase in efficiency and transparency in delivery of government services.

This final rule establishes procedures on rulemaking as a comprehensive set of regulations that will increase accountability, ensure more robust public participation, and strengthen the overall quality and fairness of the Department's administrative actions. The Department has a long history of Federal leadership in adopting good regulatory practices, and this action is consistent with that history. Though it is anticipated that the direct impact of this rule will be experienced internally to the Department in the form of streamlined and clarified regulatory processes, additional secondary and positive impacts due to improved decision making are expected.

Regulated entities and the public will continue to benefit from these enhanced procedures through increased agency deliberations and more opportunities to comment on rulemakings and guidance documents. With regard to the enforcement procedures, we anticipate that there will be no additional costs on regulated entities, as individual regulations already published by DOT agencies account for current costs of compliance. This final rule will simply clarify the internal DOT procedural requirements necessary to ensure fair and reasonable enforcement processes where violations are alleged to have occurred by the regulated community.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This final rule is not an Executive Order 14192 (90 FR 9065, January 31, 2025) regulatory action because this rulemaking is related to agency organization, management, or personnel.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612) (RFA) imposes certain requirements with respect to Federal rules that are subject to the notice-and-comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency determines that a proposal will not have a significant economic impact on a substantial number of small entities, section 603 of the RFA requires the agency to present an initial regulatory flexibility analysis (IRFA) of the proposed rule. An IRFA is not required if the agency head certifies that a rule will not have a significant economic impact on a substantial number of small entities (5 U.S.C. 605).

Though most of this final rule's provisions concern internal management of the Department, one provision of it would confer express rights on regulated parties, some of whom are small entities, to enforce the protections of the rule through administrative proceedings. The Department expects the impact of that provision would be entirely beneficial to small entities. Accordingly, I hereby certify that this rulemaking would not have a significant economic impact on a substantial number of small entities.

D. Executive Order 13132 (Federalism)

Executive Order 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may 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. This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (August 4, 1999), and DOT has determined that this action will not have a substantial direct effect or federalism implications on the States and would not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions. Therefore, consultation with the States is not necessary.

E. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Because this rulemaking does not significantly or uniquely affect the communities of the Indian Tribal governments or impose substantial direct compliance costs on them, the funding and consultation requirements of Executive Order 13175 do not apply.

F. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*) requires that DOT consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from OMB for each collection of information it conducts, sponsors, or requires through regulations. The DOT has determined there are no new information collection requirements associated with this final rule.

G. National Environmental Policy Act

The Department has analyzed the environmental impacts of this action pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and has determined that it is categorically excluded pursuant to DOT Order 5610.1D, ''Procedures for Considering Environmental Impacts'' (July 1, 2025). Categorical exclusions (CEs) are categories of actions that the agency has determined normally do not significantly affect the quality of the human environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). *See* DOT Order 5610.1D, section 9. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* section 9(b). The Department's Operating Administrations (OAs) may apply CEs established in another OA's procedures. *Id.* section 9(f). To do so, the Operating Administration ''must evaluate the action for extraordinary circumstances identified in the OA procedures in

which the CE is established to determine if a normally excluded action may have a significant impact and coordinate with the originating OA to ensure that the CE is being applied correctly.'' *Id.* This rulemaking, which sets procedures for rulemaking, guidance documents, and enforcement actions, is categorically excluded pursuant to 23 CFR 771.117(c)(20), ''Promulgation of rules, regulations, and directives.'' The Department does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

Regulation Identifier Number

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the spring and fall of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects

14 CFR Part 300

Administrative practice and procedure, Conflicts of interests.

14 CFR Part 302

Administrative practice and procedure, Air carriers, Airports, Postal Service.

14 CFR Part 399

Consumer protection, Enforcement, Policies, Rulemaking proceedings, Unfair or deceptive practices.

49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

49 CFR Part 5

Administrative practice and procedure.

49 CFR Part 7

Freedom of information, Reporting and recordkeeping requirements.

49 CFR Part 106

Administrative practice and procedure, Hazardous materials transportation.

49 CFR Part 389

Administrative practice and procedure, Highway safety, Motor carriers, Motor vehicle safety.

49 CFR Part 553

Administrative practice and procedure, Motor vehicle safety.

49 CFR Part 601

Authority delegations (Government agencies), Freedom of information, Organization and functions (Government agencies).

49 CFR Part 605

Administrative practice and procedure, Buses, Mass transportation.

Issued in Washington, DC.

Sean P. Duffy,

Secretary.

In consideration of the foregoing, the Office of the Secretary of Transportation amends 14 CFR parts 11, 300, 302, and 399, and 49 CFR parts 5, 106, 389, 553, 601, and 605 as follows:

Title 14—Aeronautics and Space

PART 300—RULES OF CONDUCT IN DOT PROCEEDINGS UNDER THIS CHAPTER

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

Authority: 49 U.S.C. subtitle I and chapters 401, 411, 413, 415, 417, 419, 421, 449, 461, 463, and 465.

■ 2. Amend § 300.2 by revising paragraph (b)(4)(ii) to read as follows:

§ 300.2 Prohibited communications.

* * * * *

(b) * * *

(4) * * *

(ii) A rulemaking proceeding involving a hearing as described in paragraph (b)(4)(i) of this section or an exemption proceeding covered by this chapter. (Other rulemaking proceedings are covered by the ex parte communication policies of DOT Order 2100.6B and 49 CFR 5.19).

* * * * *

PART 302—RULES OF PRACTICE IN PROCEEDINGS

■ 3. The authority citation for part 302 continues to read as follows:

Authority: 39 U.S.C. 5402; 42 U.S.C. 4321, 49 U.S.C. Subtitle I and Chapters 401, 411, 413, 415, 417, 419, 461, 463, and 471.

■ 4. Revise § 302.16 to read as follows:

§ 302.16 Petitions for rulemaking.

Any interested person may petition the Department for the issuance, amendment, modification, or repeal of any regulation or guidance document, or for the Department to perform a retrospective review of an existing rule, subject to the provisions of 49 CFR 5.13(c) and 5.43.

PART 399—STATEMENTS OF GENERAL POLICY

■ 5. The authority citation for part 399 continues to read as follows:

Authority: 49 U.S.C. 40113(a), 41712, 46106, 46107, and 42305.

■ 6. Amend § 399.75 by revising paragraph (b) introductory text to read as follows:

§ 399.75 Rulemakings relating to unfair and deceptive practices.

* * * * *

(b) *Procedural requirements.* When issuing a proposed regulation under paragraph (a) of this section that is defined as high impact or economically significant within the meaning of 49 CFR 5.17(a), the Department shall follow the procedural requirements set forth in 49 CFR 5.17. When issuing a proposed regulation under paragraph (a) of this section that is not defined as high impact or economically significant within the meaning of 49 CFR 5.17(a), unless the regulation is specifically required by statute, the Department shall adhere to the following procedural requirements:

* * * * *

Title 49—Transportation

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

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

Authority: 49 U.S.C. 322.

■ 8. Amend § 1.27 by revising paragraph (e) to read as follows:

§ 1.27 Delegations to the General Counsel.

* * * * *

(e) Respond to petitions for rulemaking or petitions for exemptions in accordance with 49 CFR 5.13(c)(2), and notify petitioners of decisions in accordance with 49 CFR 5.13(c)(4)(v).

* * * * *

■ 9. Revise part 5 to read as follows:

PART 5—ADMINISTRATIVE RULEMAKING, GUIDANCE, AND ENFORCEMENT PROCEDURES

Subpart A—General

Sec.
5.1 Applicability.

Subpart B—Rulemaking Procedures

5.3 General.
5.5 Regulatory policies.
5.7 Responsibilities.
5.9 Regulatory Reform Task Force.
5.11 Initiating a rulemaking.
5.13 General rulemaking procedures.

5.15 Unified Agenda of Regulatory and Deregulatory Actions (Unified Agenda).
5.17 Special procedures for economically significant and high-impact rulemakings.
5.19 Public contacts in informal rulemaking.
5.21 Policy updates and revisions.

Subpart C—Guidance Procedures

5.25 General.
5.27 Review and clearance by Chief Counsels and the Office of the General Counsel.
5.29 Requirements for clearance.
5.31 Public access to effective guidance documents.
5.33 Good faith cost estimates.
5.35 Approved procedures for guidance documents identified as ''significant'' or ''otherwise of importance to the Department's interests.''
5.37 Definitions of ''significant guidance document'' and guidance documents that are ''otherwise of importance to the Department's interests.''
5.39 Designation procedures.
5.41 Notice-and-comment procedures.
5.43 Petitions for guidance.
5.45 Rescinded guidance.
5.47 Exigent circumstances.
5.49 Reports to Congress and GAO.

Subpart D—Enforcement Procedures

5.53 General.
5.55 Enforcement attorney responsibilities.
5.57 Definitions.
5.59 Enforcement policy generally.
5.61 Investigative functions.
5.63 Clear legal foundation.
5.65 Proper exercise of prosecutorial and enforcement discretion.
5.67 Duty to review for legal sufficiency.
5.69 Fair notice.
5.71 Separation of functions.
5.73 Avoiding bias.
5.75 Representation of regulated parties.
5.77 Formal enforcement adjudications.
5.79 Informal enforcement adjudications.
5.81 The hearing record.
5.83 Contacts with the public.
5.85 Duty to disclose exculpatory evidence.
5.87 Use of guidance documents in administrative enforcement cases.
5.89 Alternative Dispute Resolution (ADR).
5.91 Duty to adjudicate proceedings promptly.
5.93 Termination of investigation.
5.95 Initiation of additional investigations.
5.97 Agency decisions.
5.99 Settlements.
5.101 OGC approval required for certain settlement terms.
5.103 Basis for civil penalties and disclosures thereof.
5.105 Publication of decisions.
5.107 Coordination with the Office of Inspector General on criminal matters.
5.109 Standard operating procedures.
5.111 Cooperative information sharing.
5.113 Small Business Regulatory Enforcement Fairness Act (SBREFA).
5.115 Referral of matters for judicial enforcement.
5.117 Publicly available decisional quality and efficiency metrics.
5.119 Enforcement rights.

Authority: 49 U.S.C. 322(a).

Subpart A—General

§ 5.1 Applicability.

(a) This part prescribes general procedures that apply to rulemakings, guidance documents, and enforcement actions of the U.S. Department of Transportation (the Department or DOT), including each of its operating administrations (OAs) and all components of the Office of Secretary of Transportation (OST).

(b) For purposes of this part, *Administrative Procedure Act (APA)* is the Federal statute, codified in scattered sections of chapters 5 and 7 of title 5, United States Code, that governs procedures for agency rulemaking and adjudication and provides for judicial review of final agency actions.

Subpart B—Rulemaking Procedures

§ 5.3 General.

(a) This subpart governs all DOT employees, contractors, and others subject to supervision and control by DOT officials involved with all phases of rulemaking at DOT.

(b) Unless otherwise required by statute, this subpart applies to all DOT regulations, which shall include all rules of general applicability promulgated by any components of the Department that affect the rights or obligations of persons outside the Department, including substantive rules, rules of interpretation, and rules prescribing agency procedures and practice requirements applicable to outside parties.

(c) Except as provided in paragraph (d) of this section, this subpart applies to all regulatory actions intended to lead to the promulgation of a rule and any other generally applicable agency directives, circulars, or pronouncements concerning matters within the jurisdiction of an OA or component of OST that are intended to have the force or effect of law or that are required by statute to satisfy the rulemaking procedures specified in 5 U.S.C. 553 or 5 U.S.C. 556.

(d) This subpart does not apply to:

(1) Regulations issued with respect to a military or foreign affairs function of the United States;

(2) Rules addressed solely to internal agency management or personnel matters;

(3) Regulations related to Federal Government procurement; or

(4) Guidance documents, which are not intended to, and do not in fact, have the force or effect of law for parties outside of the Department, and which are governed by subpart C of this part.

§ 5.5 Regulatory policies.

The policies in paragraphs (a) through (j) of this section govern the development and issuance of regulations at DOT:

(a) There should be no more regulations than necessary. In considering whether to propose a new regulation, policy makers should consider whether the specific problem to be addressed requires agency action, whether existing rules (including standards incorporated by reference) have created or contributed to the problem and should be revised or eliminated, and whether any other reasonable alternatives exist that obviate the need for a new regulation.

(b) All regulations must be supported by statutory authority and consistent with the Constitution.

(c) Where they rest on scientific, technical, economic, or other specialized factual information, regulations should be supported by the best available evidence and data.

(d) Regulations should be written in plain English, should be straightforward, and should be clear.

(e) Regulations should be technologically neutral, and, to the extent feasible, they should specify performance objectives, rather than prescribing specific conduct that regulated entities must adopt.

(f) Regulations should be designed to minimize burdens and reduce barriers to market entry whenever possible, consistent with the effective promotion of safety. Where they impose burdens, regulations should be narrowly tailored to address identified market failures or specific statutory mandates.

(g) Unless required by law or compelling safety need, regulations should not be issued unless their benefits are expected to exceed their costs. For each new significant regulation issued, agencies must identify at least ten existing regulatory burdens to be revoked.

(h) Once issued, regulations and other agency actions should be reviewed periodically and revised to ensure that they continue to meet the needs they were designed to address and remain cost-effective and cost-justified.

(i) Full public participation should be encouraged in rulemaking actions, primarily through written comment and engagement in public meetings. Public participation in the rulemaking process should be conducted and documented, as appropriate, to ensure that the public is given adequate knowledge of substantive information relied upon in the rulemaking process.

(j) The process for issuing a rule should be sensitive to the economic

impact of the rule; thus, the promulgation of rules that are expected to impose greater economic costs should be accompanied by additional procedural protections and avenues for public participation.

§ 5.7 Responsibilities.

(a) The Secretary of Transportation supervises the overall planning, direction, and control of the Department's Regulatory Agenda; approves regulatory documents for issuance and submission to the Office of Management and Budget (OMB) under Executive Order (E.O.) 12866, ''Regulatory Planning and Review'' (Oct. 4, 1993); identifies an approximate regulatory budget for each fiscal year as required by E.O. 14192, ''Unleashing Prosperity Through Deregulation'' (Jan. 31, 2025); establishes the Department's Regulatory Reform Task Force (RRTF); and designates the members of the RRTF and the Department's Regulatory Reform Officer (RRO) in accordance with E.O. 13777, ''Enforcing the Regulatory Reform Agenda'' (Feb. 24, 2017).

(b) The Deputy Secretary of Transportation assists the Secretary in overseeing overall planning, direction, and control of the Department's Regulatory Agenda and approves the initiation of regulatory action, as defined in E.O. 12866, by the OAs and components of OST. Unless otherwise designated by the Secretary, the Deputy Secretary serves as the Chair of the Leadership Council of the RRTF and as the Department's RRO.

(c) The General Counsel of DOT is the chief legal officer of the Department with final authority on all questions of law for the Department, including the OAs and components of OST; serves on the Leadership Council of the RRTF; and serves as the Department's Regulatory Policy Officer pursuant to section 6(a)(2) of E.O. 12866.

(d) The RRO of DOT is delegated authority by the Secretary to oversee the implementation of the Department's regulatory reform initiatives and policies to ensure the effective implementation of regulatory reforms, consistent with E.O. 13777 and applicable law.

(e) DOT's noncareer Principal Deputy General Counsel is a member of the RRTF and serves as the Chair of the RRTF Working Group.

(f) DOT's Assistant General Counsel for Regulation and Legislation supervises the Office of Regulation and Legislation within the Office of the General Counsel (OGC); oversees the process for DOT rulemakings; provides legal advice on compliance with APA and other administrative law requirements and executive orders, related OMB directives, and other procedures for rulemaking and guidance documents; circulates regulatory documents for departmental review and seeks concurrence from reviewing officials; submits regulatory documents to the Secretary for approval before issuance or submission to OMB; coordinates with the Office of Information and Regulatory Affairs (OIRA) within OMB on the designation and review of regulatory documents and the preparation of the Unified Agenda of Regulatory and Deregulatory Actions; and serves as a member of the RRTF Working Group.

(g) Pursuant to delegations from the Secretary under 49 CFR part 1, OA Administrators and Secretarial officers exercise the Secretary's rulemaking authority under 49 U.S.C. 322(a), and they have responsibility for ensuring that the regulatory data included in the New Environment for Information and Leadership on Rules (NEIL Rules), or a successor data management system, for their OAs and OST components is accurate and is updated at least once a month.

(h) OA Chief Counsels supervise the legal staffs of the OAs; interpret and provide guidance on all statutes, regulations, executive orders, and other legal requirements governing the operation and authorities of their respective OAs; and review all rulemaking documents for legal sufficiency.

(i) Each OA or OST component responsible for rulemaking will have a Regulatory Quality Officer, designated by the Administrator or Secretarial office head, who will have responsibility for reviewing all rulemaking documents for plain language, technical soundness, and general quality.

§ 5.9 Regulatory Reform Task Force.

(a) *Purpose.* The Regulatory Reform Task Force (RRTF) evaluates proposed and existing regulations and makes recommendations to the Secretary regarding their promulgation, repeal, replacement, or modification, consistent with applicable law, E.O. 14192, E.O. 13777, and E.O. 12866.

(b) *Structure.* The RRTF comprises a Leadership Council and a Working Group.

(1) The Working Group coordinates with leadership in the Secretarial offices and OAs, reviews and develops recommendations for regulatory and deregulatory action, and presents recommendations to the Leadership Council.

(2) The Leadership Council reviews the Working Group's recommendations and advises the Secretary.

(c) *Membership.* (1) The Leadership Council comprises the following:

(i) The Regulatory Reform Officer (RRO), who serves as Chair;

(ii) The Department's Regulatory Policy Officer, designated under section 6(a)(2) of E.O. 12866;

(iii) A representative from the Office of the Under Secretary of Transportation for Policy; and

(iv) At least three additional senior agency officials as determined by the Secretary.

(2) The Working Group comprises the following:

(i) At least one senior agency official from the Office of the General Counsel, including at a minimum the Assistant General Counsel for Regulation and Legislation, as determined by the RRO;

(ii) At least one senior agency official from the Office of the Under Secretary of Transportation for Policy, as determined by the RRO; and

(iii) Other senior agency officials from the Office of the Secretary, as determined by the RRO.

(d) *Functions and responsibilities.* In addition to the functions and responsibilities enumerated in E.O. 13777, the RRTF performs the following duties:

(1) Reviews each request for a new rulemaking action initiated by an OA or OST component; and

(2) Considers each regulation and regulatory policy question (which may include proposed guidance documents) referred to it and makes a recommendation to the Secretary for its disposition.

(e) *Support.* The Office of Regulation and Legislation within OGC provides support to the RRTF.

(f) *Meetings.* The Leadership Council meets approximately monthly and will hold specially scheduled meetings when necessary to address particular regulatory matters. The Working Group meets approximately monthly with each OA and each component of OST with regulatory authority, and the Working Group may establish subcommittees, as appropriate, to focus on specific regulatory matters.

(g) *Agenda.* The Office of Regulation and Legislation prepares an agenda for each meeting and distributes it to the members in advance of the meeting, together with any documents to be discussed at the meeting. The OA or OST component responsible for matters on the agenda will be invited to attend to respond to questions.

(h) *Minutes.* The Office of Regulation and Legislation prepares summary

minutes following each meeting and distributes them to the meeting's attendees.

§ 5.11 Initiating a rulemaking.

(a) Before an OA or component of OST may proceed to develop a regulation, the Administrator of the OA or the Secretarial officer who heads the OST component must consider the regulatory philosophy and principles of regulation identified in section 1 of E.O. 12866 and the policies set forth in § 5.5. If the OA Administrator or OST component head determines that rulemaking is warranted consistent with those policies and principles, the Administrator or component head may prepare a Rulemaking Initiation Request.

(b) The Rulemaking Initiation Request should specifically state or describe:

(1) A proposed title for the rulemaking;

(2) The need for the regulation, including a description of the market failure or statutory mandate necessitating the rulemaking;

(3) The legal authority for the rulemaking;

(4) Whether the rulemaking is expected to be regulatory or deregulatory;

(5) Whether the rulemaking is expected to be significant or nonsignificant, as defined by E.O. 12866;

(6) Whether the rulemaking in question is expected to be an economically significant rule or high-impact rule, as defined in § 5.17(a);

(7) A description of the economic impact associated with the rulemaking, including whether the rulemaking is likely to impose quantifiable costs or cost savings;

(8) The tentative target dates for completing each stage of the rulemaking; and

(9) Whether there is a statutory or judicial deadline, or some other urgency, associated with the rulemaking.

(c) The OA or OST component submits the Rulemaking Initiation Request to the Office of Regulation and Legislation, together with any other documents that may assist in the RRTF's consideration of the request.

(d) The Office of Regulation and Legislation includes the Rulemaking Initiation Request on the agenda for consideration at the OA's or OST component's next Working Group meeting.

(e) If the Working Group recommends the approval of the Rulemaking Initiation Request, then the Request is referred to the Leadership Council for consideration. In lieu of consideration at a Leadership Council meeting, the Working Group, at its discretion, may submit a memorandum to the RRO seeking approval of the Rulemaking Initiation Request.

(f) The OA or OST component may assign a Regulatory Information Number (RIN) to the rulemaking only upon the Leadership Council's (or RRO's) approval of the Rulemaking Initiation Request.

(g) The Secretary may initiate a rulemaking on his or her own motion. The process for initiating a rulemaking as described in this section may be waived or modified for any rule with the approval of the RRO. Unless otherwise determined by the RRO, the Administrator of the Federal Aviation Administration (FAA) may promulgate an emergency rule under 49 U.S.C. 106(f)(4)(B(iii) and 49 U.S.C. 46105(c), without first submitting a Rulemaking Initiation Request.

(h) Rulemaking Initiation Requests will be considered on a rolling basis; however, the Office of Regulation and Legislation will establish deadlines for submission of Rulemaking Initiation Requests so that new rulemakings may be included in the Unified Agenda of Regulatory and Deregulatory Actions.

§ 5.13 General rulemaking procedures.

(a) *Definitions.* (1) *Significant rulemaking* means a regulatory action designated by OIRA under E.O. 12866 as likely to result in a rule that may:

(i) Have an annual effect on the U.S. economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(iii) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

(2) *Nonsignificant rulemaking* means a regulatory action not designated significant by OIRA.

(b) *Departmental review process.* (1) Except as provided in this part or as otherwise provided in writing by OGC, or otherwise prescribed by law, all departmental rulemakings are to be reviewed and cleared by the Office of the Secretary.

(i) [Reserved]

(ii) The FAA Administrator may promulgate emergency rules pursuant to 49 U.S.C. 106(f)(4)(B)(iii) and 49 U.S.C. 46105(c), without prior approval from OST; provided that, to the maximum extent practicable and consistent with law, the FAA Administrator will give OST advance notice of such emergency rules and will allow OST to review the rules in accordance with the provisions of this subpart upon promulgation, at the latest.

(2) Leadership within the proposing OA or component of OST shall:

(i) Ensure that the OA's or OST component's Regulatory Quality Officer reviews all rulemaking documents for plain language, technical soundness, and general quality;

(ii) Ensure that the OA's Office of Chief Counsel (or for OST rules, the Office within OGC responsible for providing programmatic advice) reviews all rulemaking documents for legal support and legal sufficiency; and

(iii) Approve the submission of all rulemaking documents, including any accompanying analyses (*e.g.,* regulatory impact analysis), to the Office of Regulation and Legislation through the New Environment for Information and Leadership on Rules (NEIL Rules), or a successor data management system, for OST review and clearance.

(3) To effectuate departmental review under this subpart, the following Secretarial offices ordinarily review and approve DOT rulemakings: The Office of the Under Secretary for Policy, the Office of Public Affairs, the Office of Budget and Programs and Chief Financial Officer, OGC, and the Office of Governmental Affairs. The Office of Regulation and Legislation may also require review and clearance by other Secretarial offices and OAs depending on the nature of the particular rulemaking document.

(4) Reviewing offices should provide comments or otherwise concur on rulemaking documents within 7 calendar days, unless exceptional circumstances apply that require expedited review.

(5) The Office of Regulation and Legislation provides a passback of comments to the proposing OA or OST component for resolution. Comments should be resolved and a revised draft submitted to the Office of Regulation and Legislation by the OA or OST component within 14 calendar days.

(6) The Office of Regulation and Legislation prepares a rulemaking package for the General Counsel to request the Secretary's approval for the rulemaking to be submitted to OMB for review and for its subsequent issuance (for significant rulemakings) or to the

Federal Register for publication (for nonsignificant rulemakings). These rulemaking packages are submitted through the General Counsel to the Office of the Executive Secretariat.

(7) The Office of Regulation and Legislation notifies the proposing OA or OST component when the Secretary approves or disapproves the submission of the rulemaking to OMB or its issuance and submission to the **Federal Register**.

(8) The Office of Regulation and Legislation is responsible for coordination with OIRA staff on the designation of all rulemaking documents, submission and clearance of all significant rulemaking documents, and all discussions or meetings with OMB concerning these documents. OAs and OST components should not schedule their own meetings with OIRA without Office of Regulation and Legislation involvement. Each OA or OST component should coordinate with the Office of Regulation and Legislation before holding any discussions with OIRA concerning regulatory policy or requests to modify regulatory documents.

(c) *Petitions for rulemaking, exemption, and retrospective review.* (1) Any person may petition an OA or OST component with rulemaking authority to:

(i) Issue, amend, or repeal a rule;

(ii) Issue an exemption, either permanently or temporarily, from any requirements of a rule; or

(iii) Perform a retrospective review of an existing rule.

(2) When an OA or OST component receives a petition under this paragraph (c), the petition should be filed with the Docket Clerk in a timely manner. If a petition is filed directly with the Docket Clerk, the Docket Clerk will submit the petition in a timely manner to the OA or component of OST with regulatory responsibility over the matter described in the petition.

(3) The OA or component of OST should provide clear instructions on its website to members of the public regarding how to submit petitions, including, but not limited to, an email address or web portal where petitions can be submitted, a mailing address where hard copy requests can be submitted, and an office responsible for coordinating such requests.

(4) Unless otherwise provided by statute or in OA regulations or procedures, the following procedures apply to the processing of petitions for rulemaking, exemption, or retrospective review:

(i) *Contents.* Each petition filed under this section must:

(A) Be submitted, either by paper submission or electronically, to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590;

(B) Describe the nature of the request and set forth the text or substance of the rule or specify the rule that the petitioner seeks to have issued, amended, exempted, repealed, or retrospectively reviewed, as the case may be;

(C) Explain the interest of the petitioner in the action requested, including, in the case of a petition for an exemption, the nature and extent of the relief sought and a description of the persons to be covered by the exemption;

(D) Contain any information and arguments available to the petitioner to support the action sought; and

(E) In the case of a petition for exemption, unless good cause is shown in that petition, be submitted at least 60 days before the proposed effective date of the exemption.

(ii) *Processing.* Each petition received under this paragraph (c) is referred to the head of the office responsible for the subject matter of that petition, the Office of Regulation and Legislation, and the RRO. No public hearing, argument, or other proceeding must necessarily be held directly on a petition for its disposition under this section.

(iii) *Grants.* If the OA or component of OST with regulatory responsibility over the matter described in the petition determines that the petition contains adequate justification, it may request the initiation of a rulemaking action under § 5.11 or grant the petition, as appropriate.

(iv) *Denials.* If the OA or component of OST determines that the petition is not justified, the OA or component of OST denies the petition in coordination with the Office of Regulation and Legislation.

(v) *Notification.* Whenever the OA or OST component determines that a petition should be granted or denied, and after consultation with the Office of Regulation and Legislation in the case of denial, the office concerned prepares a notice of that grant or denial for issuance to the petitioner, and issues it to the petitioner.

(d) *Review of existing regulations.* (1) Except as otherwise required by law, all departmental regulations are on a 10-year review cycle, except economically significant and high-impact rules, which are reviewed every 5 years in accordance with § 5.17(f).

(2) The OA or OST component that issued the regulation will review it for the following:

(i) *Continued cost justification.* Whether the regulation requires adjustment due to changed market conditions or is no longer cost-effective or cost-justified in accordance with § 5.5(h);

(ii) *Regulatory flexibility.* Whether the regulation has a significant economic impact on a substantial number of small entities and, thus, requires review under 5 U.S.C. 610 (section 610 of the Regulatory Flexibility Act);

(iii) *Innovation.* Whether there are new or emerging technologies, especially those that could achieve current levels of safety at the same or lower levels of cost or achieve higher levels of safety, use of which is precluded or limited by the regulation;

(iv) *General updates.* Whether the regulation may require technical corrections, updates (*e.g.,* updated versions of voluntary consensus standards), revisions, or repeal;

(v) *Plain language.* Whether the regulation requires revisions for plain language; and

(vi) *Other considerations.* Other considerations as required by relevant executive orders and laws.

(3) The results of each OA's or OST component's review will be reported annually to the public.

(4) Any member of the public may petition the Department to conduct a retrospective review of a regulation by filing a petition in accordance with the procedures contained in paragraph (c) of this section.

(e) *Supporting economic analysis.* (1) Rulemakings shall include, at a minimum:

(i) An assessment of the potential costs and benefits of the regulatory action (which may entail a regulatory impact analysis) or a reasoned determination that the expected impact is so minimal or the safety need so significant and urgent that a formal analysis of costs and benefits is not warranted; and

(ii) If the regulatory action is expected to impose costs, either a reasoned determination that the benefits outweigh the costs or, if the particular rulemaking is mandated by statute or compelling safety need notwithstanding a negative cost-benefit assessment, a detailed discussion of the rationale supporting the specific regulatory action proposed and an explanation of why a less costly alternative is not an option.

(2) To the extent practicable, economic assessments shall quantify the foreseeable annual economic costs and cost savings within the United States that would likely result from issuance of the proposed rule and shall be conducted in accordance with the

requirements of sections 6(a)(2)(B) and 6(a)(2)(C) of E.O. 12866 and OMB Circular A–4, as specified by OIRA in consultation with the Office of Regulation and Legislation. If the proposing OA or OST component does not have studies or data to support quantification of economic impacts, then it should commission them for discretionary regulatory rulemakings (as defined in E.O. 14192) unless an urgent and compelling safety need requires immediate action. If the proposing OA or OST component has estimated that the proposed rule will likely impose economic costs on persons outside the United States, such costs should be reported separately.

(3) Deregulatory rulemakings (including nonsignificant rulemakings) shall be evaluated for quantifiable cost savings. If it is determined that quantification of cost savings is not possible or appropriate, then the proposing OA or OST component shall provide a detailed justification for the lack of quantification upon submission of the rulemaking to the Office of Regulation and Legislation. Other nonsignificant rulemakings shall include, at a minimum, the economic cost-benefit analysis described in paragraph (e)(1) of this section.

(f) *Regulatory flexibility analysis.* All rulemakings subject to the requirements of 5 U.S.C. 603–604 (sections 603–604 of the Regulatory Flexibility Act), and any amendment thereto, shall include a detailed statement setting forth the required analysis regarding the potential impact of the rule on small business entities.

(g) *Advance notices of proposed rulemaking.* Whenever the OA or OST component responsible for a proposed rulemaking is required to publish an advance notice of proposed rulemaking (ANPRM) in the **Federal Register**, or whenever the RRTF determines it appropriate to publish an ANPRM, the ANPRM shall:

(1) Include a written statement identifying, at a minimum:

(i) The nature and significance of the problem the OA or OST component may address with a rule;

(ii) The legal authority under which a rule may be proposed; and

(iii) Any preliminary information available to the OA or OST component that may support one or another potential approach to addressing the identified problem;

(2) Solicit written data, analysis, views, and recommendations from interested persons concerning the information and issues addressed in the ANPRM; and

(3) Provide for a reasonably sufficient period for public comment.

(h) *Notices of proposed rulemaking*—(1) *When required.* Before determining to propose a rule and following completion of the ANPRM process under paragraph (g) of this section, if applicable, the responsible OA or OST component shall consult with the RRTF concerning the need for the potential rule. If the RRTF thereafter determines it appropriate to propose a rule, the proposing OA or OST component shall publish a notice of proposed rulemaking (NPRM) in the **Federal Register**, unless a controlling statute provides otherwise or unless the RRTF (in consultation with OIRA, as appropriate) determines that an NPRM is not necessary under established exceptions.

(2) *Contents.* The NPRM shall include, at a minimum:

(i) A statement of the time and place for submission of public comments and the time, place, and nature of related public rulemaking proceedings, if any;

(ii) Reference to the legal authority under which the rule is proposed;

(iii) The terms of the proposed rule;

(iv) A description of information known to the proposing OA or OST component on the subject and issues of the proposed rule, including but not limited to:

(A) A summary of material information known to the OA or OST component concerning the proposed rule and the considerations specified in § 5.11(a);

(B) A summary of any preliminary risk assessment or regulatory impact analysis performed by the OA or OST component; and

(C) Information specifically identifying all material data, studies, models, available voluntary consensus standards and conformity assessment requirements, and other evidence or information considered or used by the OA or OST component in connection with its determination to propose the rule;

(v) A reasoned preliminary analysis of the need for the proposed rule based on the information described in the preamble to the NPRM, and an additional statement of whether a rule is required by statute;

(vi) A reasoned preliminary analysis indicating that the expected economic benefits of the proposed rule will meet the relevant statutory objectives and will outweigh the estimated costs of the proposed rule in accordance with any applicable statutory requirements;

(vii) If the rulemaking is significant, a summary discussion of:

(A) The alternatives to the proposed rule considered by the OA or OST component;

(B) The relative costs and benefits of those alternatives;

(C) Whether the alternatives would meet relevant statutory objectives; and

(D) Why the OA or OST component chose not to propose or pursue the alternatives;

(viii) A statement of whether existing rules have created or contributed to the problem the OA or OST component seeks to address with the proposed rule, and, if so, whether or not the OA or OST component proposes to amend or rescind any such rules and why; and

(ix) All other statements and analyses required by law, including, without limitation, the Regulatory Flexibility Act (5 U.S.C. 601–612) or any amendment thereto.

(3) *Information access and quality.* (i) To inform public comment when the NPRM is published, the proposing OA or OST component shall place in the docket for the proposed rule and make accessible to the public, including by electronic means, all material information relied upon by the OA or OST component in considering the proposed rule (including public complaints) unless public disclosure of the information is prohibited by law or the information would be exempt from disclosure under 5 U.S.C. 552(b). Material provided electronically should be made available in accordance with the requirements of 29 U.S.C. 794d (section 508 of the Rehabilitation Act of 1973, as amended).

(ii) If the proposed rule rests upon scientific, technical, economic, or other specialized factual information, the proposing OA or OST component shall base the proposal on the best and most relevant scientific, technical, economic, and other specialized factual information reasonably available to the Department and shall identify the sources and availability of such information in the NPRM.

(iii) A single copy of any relevant copyrighted material (including consensus standards and other relevant scientific or technical information) should be placed in the docket for public review if such material was relied on as a basis for the rulemaking.

(i) *Public comment.* (1) Following publication of an NPRM, the Department will provide interested persons a fair and sufficient opportunity to participate in the rulemaking through submission of written data, analysis, views, and recommendations.

(2) The Department, in coordination with OIRA for significant rulemakings, will ensure that the public is given an

adequate period for comment, taking into account the scope and nature of the issues and considerations involved in the proposed regulatory action.

(3) Generally, absent special considerations to be described in the NPRM, the comment period for nonsignificant DOT rules should be at least 30 days, and typically the comment period for significant DOT rules should be 60 days.

(4) Any person may petition the responsible OA or OST component for an extension of time to submit comments in response to a notice of proposed rulemaking. Petitions must be received no later than 3 days before the expiration of the time stated in the notice. The filing of the petition does not automatically extend the time for comments. The OA or OST component may grant the petition only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, or if the extension is otherwise in the public interest. The OA or OST component should notify the public, as early as practicable by publication in the **Federal Register** and inclusion in the docket, whether the extension has been granted or denied. The OA or OST component may notify the public of the disposition of a petition through other appropriate means, including posting on its website.

(5) All timely comments are considered before final action is taken on a rulemaking proposal. Late-filed comments may be considered so far as possible without incurring additional expense or delay.

(j) *Exemptions from notice and comment.* (1) Except when prior notice and an opportunity for public comment are required by statute or determined by the Secretary to be advisable for policy or programmatic reasons, the responsible OA or OST component may, subject to the approval of the RRTF (in consultation with OIRA, as appropriate), publish certain final rules in the **Federal Register** without prior notice and comment. These may include:

(i) Rules of interpretation and rules addressing only DOT organization, procedure, or practice, provided such rules do not alter substantive obligations for parties outside the Department;

(ii) Rules for which notice and comment is unnecessary to inform the rulemaking, such as rules correcting de minimis technical or clerical errors or rules addressing other minor and insubstantial matters, provided the reasons to forgo public comment are explained in the preamble to the final rule; and

(iii) Rules that require finalization without delay, such as rules to address an urgent safety or national security need, and other rules for which it would be impracticable or contrary to public policy to accommodate a period of public comment, provided the responsible OA or OST component makes findings that good cause exists to forgo public comment and explains those findings in the preamble to the final rule.

(2) Except when required by statute, issuing substantive DOT rules without completing notice and comment, including as interim final rules (IFRs) and direct final rules (DFRs), must be the exception. IFRs and DFRs are not favored. DFRs must follow the procedures in paragraph (l) of this section. In most cases where an OA or OST component has issued an IFR, the RRTF will expect the OA or OST component to proceed at the earliest opportunity to replace the IFR with a final rule.

(k) *Final rules.* The responsible OA or OST component shall adopt a final rule only after consultation with the RRTF. The final rule, which shall include the text of the rule as adopted along with a supporting preamble, shall be published in the **Federal Register** and shall satisfy the following requirements:

(1) The preamble to the final rule shall include:

(i) A concise, general statement of the rule's basis and purpose, including clear reference to the legal authority supporting the rule;

(ii) A reasoned, concluding determination by the adopting OA or OST component regarding each of the considerations required to be addressed in an NPRM under paragraphs (h)(2)(v) through (ix) of this section;

(iii) A response to each significant issue raised in the comments to the proposed rule;

(iv) If the final rule has changed in significant respects from the rule as proposed in the NPRM, an explanation of the changes and the reasons why the changes are needed or are more appropriate to advance the objectives identified in the rulemaking; and

(v) A reasoned, final determination that the information upon which the OA or OST component bases the rule complies with the Information Quality Act (section 515 of Pub. L. 106–554, Appendix C, 114 Stat. 2763A–153–54), or any subsequent amendment thereto.

(2) If the rule rests on scientific, technical, economic, or other specialized factual information, the OA or OST component shall base the final rule on the best and most relevant evidence and data known to the Department and shall ensure that such information is clearly identified in the preamble to the final rule and is available to the public in the rulemaking record, subject to reasonable protections for information exempt from disclosure under 5 U.S.C. 552(b). If the OA or OST component intends to support the final rule with specialized factual information identified after the close of the comment period, the OA or OST component shall allow an additional opportunity for public comment on such information.

(3) All final rules issued by the Department:

(i) Shall be written in plain and understandable English;

(ii) Shall be based on a reasonable and well-founded interpretation of relevant statutory text and shall not depend upon a strained or unduly broad reading of statutory authority; and

(iii) Shall not be inconsistent or incompatible with, or unnecessarily duplicative of, other Federal regulations.

(4) Effective dates for final rules must adhere to the following:

(i) Unless required to address a safety emergency or otherwise required by law, approved by the RRTF (or RRO), or approved by the Director of OMB (as appropriate), no regulation may be issued by an OA or component of OST if it was not included on the most recent version or update of the published Unified Agenda.

(ii) No significant regulatory action may take effect until it has appeared in the Unified Agenda for at least 6 months prior to its issuance, unless good cause exists for an earlier effective date or the action is otherwise approved by the RRTF (or RRO).

(iii) Absent good cause, major rules (as defined by the Congressional Review Act, 5 U.S.C. 801–808) cannot take effect until 60 days after publication in the **Federal Register** or submission to Congress, whichever is later. Nonmajor rules cannot take effect any sooner than submission to Congress.

(l) *Direct final rules.* (1) Rules that the OA or OST component determines to be noncontroversial and unlikely to result in adverse public comment may be published as direct final rules. These include noncontroversial rules that:

(i) Affect internal procedures of the Department, such as filing requirements and rules governing inspection and copying of documents;

(ii) Are nonsubstantive clarifications or corrections to existing rules;

(iii) Update existing forms;

(iv) Make minor changes in the substantive rules regarding statistics and reporting requirements;

(v) Make changes to the rules implementing the Privacy Act; or

(vi) Adopt technical standards set by outside organizations.

(2) The **Federal Register** document will state that any adverse comment must be received in writing by the OA or OST component within the specified time after the date of publication and that, if no written adverse comment is received, the rule will become effective a specified number of days after the date of publication.

(3) If no written adverse comment is received by the OA or OST component within the original or extended comment period, the OA or OST component will publish a notice in the **Federal Register** indicating that no adverse comment was received and confirming that the rule will become effective on the date that was indicated in the direct final rule.

(4) If the OA or OST component receives any written adverse comment within the specified time of publication in the **Federal Register**, the OA or OST component may proceed as follows:

(i) Publish a document withdrawing the direct final rule in the rules and regulations section of the **Federal Register** and, if the OA or OST component decides a rulemaking is warranted, a proposed rule; or

(ii) Any other means permitted under the Administrative Procedure Act.

(5) An ''adverse'' comment for the purpose of this subpart means any comment that the OA or OST component determines is critical of the rule, suggests that the rule should not be adopted or suggests a material change that should be made in the rule. A comment suggesting that the policy or requirements of the rule should or should not also be extended to other Departmental programs outside the scope of the rule is not adverse. A notice of intent to submit an adverse comment is not, in and of itself, an adverse comment.

(m) *Reports to Congress and the U.S. Government Accountability Office (GAO).* For each final rule adopted by DOT, the responsible OA or OST component shall submit the reports to Congress and GAO to comply with the procedures specified by 5 U.S.C. 801 (the Congressional Review Act), or any subsequent amendment thereto.

(n) *Negotiated rulemakings.* (1) DOT negotiated rulemakings are to be conducted in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–571, and the Federal Advisory Committee Act, 5 U.S.C. ch. 10, as applicable.

(2) Before initiating a negotiated rulemaking process, the OA or OST component should:

(i) Assess whether using negotiated rulemaking procedures for the proposed rule in question is in the public interest, in accordance with 5 U.S.C. 563(a), and present these findings to the RRTF;

(ii) Consult with the Office of Regulation and Legislation on the appropriateness of negotiated rulemaking and the procedures therefor; and

(iii) Receive the approval of the RRTF for the use of negotiated rulemaking.

(3) Unless otherwise approved by the General Counsel, all DOT negotiated rulemakings should involve the assistance of a convener and a facilitator, as provided in the Negotiated Rulemaking Act. A convener is a person who impartially assists the agency in determining whether establishment of a negotiated rulemaking committee is feasible and appropriate in a particular rulemaking. A facilitator is a person who impartially aids in the discussions and negotiations among members of a negotiated rulemaking committee to develop a proposed rule. The same person may serve as both convener and facilitator.

(4) All charters, membership appointments, and **Federal Register** notices must be approved by the Secretary. Any operating procedures (*e.g.,* bylaws) for negotiated rulemaking committees must be approved by OGC.

§ 5.15 Unified Agenda of Regulatory and Deregulatory Actions (Unified Agenda).

(a) Fall editions of the Unified Agenda include the Regulatory Plan, which presents the Department's statement of regulatory priorities for the coming year. Fall editions also include the outcome and status of the Department's reviews of existing regulations, conducted in accordance with § 5.13(d).

(b) The OAs and components of OST with rulemaking authority must:

(1) Carefully consider the principles contained in E.O. 14192, E.O. 13777, and E.O. 12866 in the preparation of all submissions for the Unified Agenda;

(2) Ensure that all data pertaining to the OA's or OST component's regulatory and deregulatory actions are accurately reflected in the Department's Unified Agenda submission; and

(3) Timely submit all data to the Office of Regulation and Legislation in accordance with the deadlines and procedures communicated by that office.

§ 5.17 Special procedures for economically significant and high-impact rulemakings.

(a) *Definitions.* (1) *Economically significant rule* means a significant rule likely to impose:

(i) A total annual cost on the U.S. economy (without regard to estimated benefits) of $100 million or more; or

(ii) A total net loss of at least 75,000 full-time jobs in the U.S. over the five years following the effective date of the rule (not counting any jobs relating to new regulatory compliance).

(2) *High-impact rule* means a significant rule likely to impose:

(i) A total annual cost on the U.S. economy (without regard to estimated benefits) of $500 million or more; or

(ii) A total net loss of at least 250,000 full-time jobs in the U.S. over the five years following the effective date of the rule (not counting any jobs relating to new regulatory compliance).

(b) *ANPRM or SNPRM required.* Unless directed otherwise by the RRTF or otherwise required by law, in the case of a rulemaking for an economically significant rule or a high-impact rule, the proposing OA or OST component shall publish an ANPRM or SNPRM in the **Federal Register**.

(c) *Additional requirements for NPRM.* (1) In addition to the requirements set forth in § 5.13, an NPRM for an economically significant rule or a high-impact rule shall include a discussion explaining an achievable objective for the rule and the metrics by which the OA or OST component will measure progress toward that objective to assess the rule's effectiveness under paragraph (f)(3) of this section.

(2) Absent unusual circumstances and unless approved by the RRTF (in consultation with OIRA, as appropriate), the comment period for an economically significant rule shall be at least 60 days and for a high-impact rule at least 90 days. If a rule is determined to be an economically significant rule or high-impact rule after the publication of the NPRM, the responsible OA or OST component shall publish a notice in the **Federal Register** that informs the public of the change in classification and discusses the achievable objective for the rule and the metrics by which the OA or OST component will measure progress toward that objective under § 5.17(c)(1), and shall extend or reopen the comment period by not less than 30 days and allow further public comment as appropriate, including comment on the change in classification.

(d) *Procedures for formal hearings*—(1) *Petitions for hearings.* Following publication of an NPRM for an economically significant rule or a high-impact rule, and before the close of the comment period, any interested party may file in the rulemaking docket a petition asking the proposing OA or OST component to hold a formal

hearing on the proposed rule in accordance with this section.

(2) *Mandatory hearing for high-impact rule.* In the case of a proposed high-impact rule, the responsible OA or OST component shall grant the petition for a formal hearing if the petition makes a plausible prima facie showing that:

(i) The proposed rule depends on conclusions concerning one or more specific scientific, technical, economic, or other complex factual issues that are genuinely in dispute or that may not satisfy the requirements of the Information Quality Act;

(ii) The ordinary public comment process is unlikely to provide the OA or OST component an adequate examination of the issues to permit a fully informed judgment on the dispute; and

(iii) The resolution of the disputed factual issues would likely have a material effect on the costs and benefits of the proposed rule or on whether the proposed rule would achieve the statutory purpose.

(3) *Authority to deny hearing for economically significant rule.* In the case of a proposed economically significant rule, the responsible OA or OST component may deny a petition for a formal hearing that includes the showing described in paragraph (d)(2) of this section but only if the OA or OST component reasonably determines that:

(i) The requested hearing would not advance the consideration of the proposed rule and the OA's or OST component's ability to make the rulemaking determinations required under this subpart; or

(ii) The hearing would unreasonably delay completion of the rulemaking in light of a compelling safety need or an express statutory mandate for prompt regulatory action.

(4) *Denial of petition.* If the OA or OST component denies a petition for a formal hearing under this section in whole or in part, the OA or OST component shall include a detailed explanation of the factual basis for the denial in the rulemaking record, including findings on each of the relevant factors identified in paragraph (d)(2) or (3) of this section. The denial of a good faith petition for a formal hearing under this section shall be disfavored.

(5) *Notice and scope of hearing.* If the OA or OST component grants a petition for a formal hearing under this section, the OA or OST component shall publish notification of the hearing in the **Federal Register** not less than 45 days before the date of the hearing. The document shall specify the proposed rule at issue and the specific factual issues to be considered in the hearing. The scope of the hearing shall be limited to the factual issues specified in the notice.

(6) *Hearing process.* (i) A formal hearing for purposes of this section shall be conducted using procedures borrowed from 5 U.S.C. 556 and 5 U.S.C. 557, or similar procedures as approved by the Secretary, and interested parties shall have a reasonable opportunity to participate in the hearing through the presentation of testimony and written submissions.

(ii) The OA or OST component shall arrange for an administrative judge or other neutral administrative hearing officer to preside over the hearing and shall provide a reasonable opportunity for cross-examination of witnesses at the hearing.

(iii) After the formal hearing and before the record of the hearing is closed, the presiding hearing officer shall render a report containing findings and conclusions addressing the disputed issues of fact identified in the hearing notice and specifically advising on the accuracy and sufficiency of the factual information in the record relating to those disputed issues on which the OA or OST component proposes to base the rule.

(iv) Interested parties who have participated in the hearing shall be given an opportunity to file statements of agreement or objection in response to the hearing officer's report, and the complete record of the proceeding shall be made part of the rulemaking record.

(7) *Actions following hearing.* (i) Following completion of the formal hearing process, the responsible OA or OST component shall consider the record of the hearing and, subject to the approval of the RRTF (in consultation with OIRA, as appropriate), shall make a reasoned determination whether:

(A) To terminate the rulemaking;

(B) To proceed with the rulemaking as proposed; or

(C) To modify the proposed rule.

(ii) If the decision is made to terminate the rulemaking, the OA or OST component shall publish a notice in the **Federal Register** announcing the decision and explaining the reasons therefor.

(iii) If the decision is made to finalize the proposed rule without material modifications, the OA or OST component shall explain the reasons for its decision and its responses to the hearing record in the preamble to the final rule, in accordance with paragraph (e) of this section.

(iv) If the decision is made to modify the proposed rule in material respects, the OA or OST component shall, subject to the approval of the RRTF (in consultation with OIRA, as appropriate), publish a new or supplemental NPRM in the **Federal Register** explaining the OA's or OST component's responses to and analysis of the hearing record, setting forth the modifications to the proposed rule, and providing an additional reasonable opportunity for public comment on the proposed modified rule.

(8) *Relationship to interagency process.* The formal hearing procedures under this section shall not impede or interfere with OIRA's interagency review process for the proposed rulemaking.

(e) *Additional requirements for final rules.* (1) In addition to the requirements set forth in § 5.13(k), the preamble to a final economically significant rule or a final high-impact rule shall include:

(i) A discussion explaining the OA's or OST component's reasoned final determination that the rule as adopted is necessary to achieve the objective identified in the NPRM in light of the full administrative record and does not deviate from the metrics previously identified by the OA or OST component for measuring progress toward that objective; and

(ii) In accordance with paragraph (d)(7)(iii) of this section, the OA's or OST component's responses to and analysis of the record of any formal hearing held under paragraph (d) of this section.

(2) Absent exceptional circumstances and unless approved by the RRTF or Secretary (in consultation with OIRA, as appropriate), the OA or OST component shall adopt as a final economically significant rule or final high-impact rule the least costly regulatory alternative that achieves the relevant objectives.

(f) *Additional requirements for retrospective reviews.* For each economically significant rule or high-impact rule, the responsible OA or OST component shall publish a regulatory impact report in the **Federal Register** every 5 years after the effective date of the rule while the rule remains in effect. The regulatory impact report shall include, at a minimum:

(1) An assessment of the impacts, including any costs, of the rule on regulated entities;

(2) A determination about how the actual costs and benefits of the rule have varied from those anticipated at the time the rule was issued; and

(3) An assessment of the effectiveness and benefits of the rule in producing the regulatory objectives it was adopted to achieve.

(g) *Waiver and modification.* The procedures required by this section may

be waived or modified as necessary with the approval of the RRO or the Secretary.

§ 5.19 Public contacts in informal rulemaking.

(a) *Agency contacts with the public during informal rulemakings.* (1) DOT personnel may have meetings or other contacts with interested members of the public concerning an informal rulemaking under 5 U.S.C. 553 or similar procedures at any stage of the rulemaking process, provided the substance of material information submitted by the public that DOT relies on in proposing or finalizing the rule is adequately disclosed and described in a memorandum in the public rulemaking docket such that all interested parties have notice of the information and an opportunity to comment on its accuracy and relevance. The responsible OA or OST component may either prepare the memorandum or ask the party requesting the meeting or initiating the contact to submit the memorandum memorializing the communication.

(2) DOT personnel should avoid giving persons outside the executive branch information regarding the rulemaking that is not available generally to the public.

(3) If DOT receives an unusually large number of requests for meetings with interested members of the public during the comment period for a proposed rule or after the close of the comment period, the issuing OA or component of OST should consider whether there is a need to extend or reopen the comment period, to allow for submission of a second round of ''reply comments,'' or to hold a public meeting on the proposed rule.

(4) If the issuing OA or OST component meets with interested persons on the rulemaking after the close of the comment period, it should be open to giving other interested persons a similar opportunity to meet.

(5) If DOT learns of significant new information, such as new studies or data, after the close of the comment period that the issuing OA or OST component wishes to rely upon in finalizing the rule, the OA or OST component should reopen the comment period to give the public an opportunity to comment on the new information. If the new information is likely to result in a change to the rule that is not within the scope of the NPRM, the OA or OST component should consider issuing a Supplemental NPRM to ensure that the final rule represents a logical outgrowth of DOT's proposal.

(b) *Contacts during OIRA review.* (1) E.O. 12866 and E.O. 13563 lay out the procedures for review of significant regulations by OIRA, which include a process for members of the public to request meetings with OIRA regarding rules under OIRA review. Per E.O. 12866, OIRA invites the Department to attend these meetings. The Office of Regulation and Legislation will forward these invitations to the appropriate regulatory contact in the OA or component of OST responsible for issuing the regulation.

(2) If the issuing OA or OST component wishes to attend the OIRA-sponsored meeting or if its participation is determined to be necessary by the Office of Regulation and Legislation, the regulatory contact should identify to the Office of Regulation and Legislation up to two individuals from the OA or OST component who will attend the meeting along with a representative from the Office of Regulation and Legislation. Attendance at these meetings can be by phone or in person. These OIRA meetings are generally listening sessions for DOT.

(3) The attending DOT personnel should refrain from debating particular points regarding the rulemaking and should avoid disclosing the contents of a document or proposed regulatory action that has not yet been disclosed to the public, but may answer questions of fact regarding a public document.

(4) Following the OIRA meeting, the attendee(s) from the issuing OA or OST component will draft a summary report of the meeting and submit it to the Office of Regulation and Legislation for review. After the report is reviewed and finalized in coordination with the Office of Regulation and Legislation, the responsible OA or OST component will place the final report in the rulemaking docket.

§ 5.21 Policy updates and revisions.

This subpart shall be reviewed from time to time to reflect improvements in the rulemaking process or changes in Administration policy.

Subpart C—Guidance Procedures

§ 5.25 General.

(a) This subpart governs all DOT employees and contractors involved with all phases of issuing DOT guidance documents.

(b) Subject to the qualifications and exemptions contained in this subpart, these procedures apply to all guidance documents issued by all components of the Department after the effective date of this subpart.

(c) For purposes of this subpart, the term *guidance document* includes an agency statement of general applicability, intended to have future effect on the behavior of regulated parties, that sets forth a policy on a statutory, regulatory, or technical issue, or an interpretation of a statute or regulation, but which is not intended to have the force or effect of law in its own right and is not otherwise required by statute to satisfy the rulemaking procedures specified in 5 U.S.C. 553 or 5 U.S.C. 556. The term is not confined to formal written documents; guidance may come in a variety of forms, including (but not limited to) letters, memoranda, circulars, bulletins, advisories, and may include video, audio, and Web-based formats. *See* OMB Bulletin 07–02, ''Agency Good Guidance Practices,'' (January 25, 2007) (''OMB Good Guidance Bulletin'').

(d) This subpart does not apply to:

(1) Rules exempt from rulemaking requirements under 5 U.S.C. 553(a);

(2) Rules of agency organization, procedure, or practice;

(3) Decisions of agency adjudications under 5 U.S.C. 554 or similar statutory provisions;

(4) Internal executive branch legal advice or legal advisory opinions addressed to executive branch officials;

(5) Agency statements of specific applicability, including advisory or legal opinions directed to particular parties about circumstance-specific questions (*e.g.,* case or investigatory letters responding to complaints, warning letters), notices regarding particular locations or facilities (*e.g.,* guidance pertaining to the use, operation, or control of a Government facility or property), and correspondence with individual persons or entities (*e.g.,* congressional correspondence), except documents ostensibly directed to a particular party but designed to guide the conduct of the broader regulated public;

(6) Legal briefs, other court filings, or positions taken in litigation or enforcement actions;

(7) Agency statements that do not set forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statute or regulation, including speeches and individual presentations, editorials, media interviews, press materials, or congressional testimony that do not set forth for the first time a new regulatory policy;

(8) Guidance pertaining to military or foreign affairs functions;

(9) Grant solicitations and awards;

(10) Contract solicitations and awards; or

(11) Purely internal agency policies or guidance directed solely to DOT employees or contractors or to other Federal agencies that are not intended to

have substantial future effect on the behavior of regulated parties.

§ 5.27 Review and clearance by Chief Counsels and the Office of the General Counsel.

All DOT guidance documents, as defined in § 5.25(c), require review and clearance in accordance with this subpart.

(a) Guidance proposed to be issued by an OA of the Department must be reviewed and cleared by the OA's Office of Chief Counsel. In addition, as provided elsewhere in this subpart, some OA guidance documents will require review and clearance by OGC.

(b) Guidance proposed to be issued by a component of OST must be reviewed and cleared by OGC.

§ 5.29 Requirements for clearance.

DOT's review and clearance of guidance shall ensure that each guidance document proposed to be issued by an OA or component of OST satisfies the following requirements:

(a) The guidance document complies with all relevant statutes and regulation (including any statutory deadlines for agency action);

(b) The guidance document identifies or includes:

(1) The term ''guidance'' or its functional equivalent;

(2) The issuing OA or component of OST;

(3) A unique identifier, including, at a minimum, the date of issuance and title of the document and its Z–RIN, if applicable;

(4) The activity or entities to which the guidance applies;

(5) Citations to applicable statutes and regulations;

(6) A statement noting whether the guidance is intended to revise or replace any previously issued guidance and, if so, sufficient information to identify the previously issued guidance; and

(7) A short summary of the subject matter covered in the guidance document at the top of the document;

(c) The guidance document avoids using mandatory language, such as ''shall,'' ''must,'' ''required,'' or ''requirement,'' unless the language is describing an established statutory or regulatory requirement or is addressed to DOT staff and will not foreclose the Department's consideration of positions advanced by affected private parties;

(d) The guidance document is written in plain and understandable English;

(e) All guidance documents include a clear and prominent statement declaring that the contents of the document do not have the force and effect of law and are not meant to bind the public in any way, and the document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies, and compliance may be achieved in more than one way; and

(f) The guidance document describes several performance-based ways the public can comply with the underlying legal requirement, whenever appropriate, rather than specifying only one means of compliance.

§ 5.31 Public access to effective guidance documents.

Each OA and component of OST responsible for issuing guidance documents shall:

(a) Ensure all effective guidance documents, identified by a unique identifier which includes, at a minimum, the document's title and date of issuance or revision and its Z–RIN, if applicable, are on its website in a single, searchable, indexed database, and available to the public in accordance with 49 CFR 7.12(a)(2);

(b) Note on its website that guidance documents lack the force and effect of law, except as authorized by law or as incorporated into a contract;

(c) Maintain and advertise on its website how the public may comment electronically on any guidance documents that are subject to the notice-and-comment procedures described in § 5.41 and to submit requests electronically for issuance, reconsideration, modification, or rescission of guidance documents in accordance with § 5.43; and

(d) Designate an office to receive and address complaints from the public that the OA or OST component is not following the requirements of OMB's Good Guidance Bulletin or is improperly treating a guidance document as a binding requirement.

§ 5.33 Good faith cost estimates.

Even though not legally binding, some agency guidance may result in a substantial economic impact. For example, the issuance of agency guidance may induce private parties to alter their conduct to conform to recommended standards or practices, thereby incurring costs beyond the costs of complying with existing statutes and regulations. Though it may be difficult to predict with precision the economic impact of voluntary guidance, the proposing OA or component of OST shall, to the extent practicable, make a good faith effort to estimate the likely economic cost impact of the guidance document to determine whether the document might be significant. When an OA or OST component is assessing or explaining whether it believes a guidance document is significant, it should, at a minimum, provide the same level of analysis that would be required for a major determination under the Congressional Review Act. *See* OMB Memorandum M–19–14, Guidance on Compliance with the Congressional Review Act (April 11, 2019). When an agency determines that a guidance document will be economically significant, the OA or OST component should conduct and publish a Regulatory Impact Analysis of the sort that would accompany an economically significant rulemaking, to the extent reasonably possible.

§ 5.35 Approved procedures for guidance documents identified as ''significant'' or ''otherwise of importance to the Department's interests.''

(a) For guidance proposed to be issued by an OA, if there is a reasonable possibility the guidance may be considered ''significant'' or ''otherwise of importance to the Department's interests'' within the meaning of § 5.37 or if the OA is uncertain whether the guidance may qualify as such, the OA should email a copy of the proposed guidance document (or a summary of it) to the Office of Regulation and Legislation for review and further direction before issuance. Each proposed DOT guidance document determined to be significant or otherwise of importance to the Department's interests must be approved by the Secretary before issuance. In such instances, the Office of Regulation and Legislation will request that the proposing OA or component of OST obtain a Z–RIN for departmental review and clearance through the New Environment for Information and Leadership on Rules (NEIL Rules), or a successor data management system, and OGC will coordinate submission of the proposed guidance document to the Secretary for approval.

(b) As with significant regulations, OGC will submit significant DOT guidance documents to OMB for coordinated review. In addition, OGC may determine that it is appropriate to coordinate with OMB in the review of guidance documents that are otherwise of importance to the Department's interests.

(c) If the guidance document is determined not to be either significant or otherwise of importance to the Department's interests within the meaning of § 5.37, the Office of Regulation and Legislation will advise the proposing OA or component of OST to proceed with issuance of the guidance either through the Office of the Executive Secretariat (for **Federal**

Register notices) or through its standard clearance process. For each guidance document coordinated through the Office of the Executive Secretariat, the issuing OA or component of OST should include a statement in the action memorandum indicating that the guidance document has been reviewed and cleared in accordance with this process.

§ 5.37 Definitions of ''significant guidance document'' and guidance documents that are ''otherwise of importance to the Department's interests.''

(a) The term *significant guidance document* means a guidance document that will be disseminated to regulated entities or the general public and that may reasonably be anticipated:

(1) To lead to an annual effect on the economy of $100 million or more or adversely affect in a material way the U.S. economy, a sector of the U.S. economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) To create serious inconsistency or otherwise interfere with an action taken or planned by another Federal agency;

(3) To alter materially the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) To raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866, as further amended.

(b) The term *significant guidance document* does not include the categories of documents excluded by § 5.25(b) or any other category of guidance documents exempted in writing by OGC in consultation with OMB's Office of Information and Regulatory Affairs (OIRA).

(c) Significant and economically significant guidance documents must be reviewed by OIRA under E.O. 12866 before issuance; and must demonstrate compliance with the applicable requirements for regulations or rules, including significant regulatory actions, set forth in E.O. 12866, E.O. 13563, E.O. 13609, E.O. 13777, and E.O. 14192.

(d) Even if not ''significant,'' a guidance document will be considered ''otherwise of importance to the Department's interests'' within the meaning of this paragraph (d) if it may reasonably be anticipated:

(1) To relate to a major program, policy, or activity of the Department or a high-profile issue pending for decision before the Department;

(2) To involve one of the Secretary's top policy priorities;

(3) To garner significant press or congressional attention; or

(4) To raise significant questions or concerns from constituencies of importance to the Department, such as committees of Congress, States or Indian Tribes, the White House or other departments of the executive branch, courts, consumer or public interest groups, or leading representatives of industry.

§ 5.39 Designation procedures.

(a) The Office of Regulation and Legislation may request an OA or OST component to prepare a designation request for certain guidance documents. Designation requests must include the following information:

(1) A summary of the guidance document; and

(2) The OA or OST component's recommended designation of ''not significant,'' ''significant,'' or ''economically significant,'' as well as a justification for that designation.

(b) Except as otherwise provided in paragraph (c) of this section, the Office of Regulation and Legislation will seek significance determinations from OIRA for certain guidance documents, as appropriate, in the same manner as for rulemakings. Prior to publishing these guidance documents, and with sufficient time to allow OIRA to review the document in the event that a significance determination is made, the Office of Regulation and Legislation should provide OIRA with an opportunity to review the designation request or the guidance document, if requested, to determine if it meets the definition of ''significant'' or ''economically significant'' under Executive Order 13891.

(c) Unless they present novel issues, significant risks, interagency considerations, unusual circumstances, or other unique issues, the categories of guidance documents found in Appendix A [1] do not require designation by OIRA.

§ 5.41 Notice-and-comment procedures.

(a) Except as provided in paragraph (b) of this section, all proposed DOT guidance documents determined to be a ''significant guidance document'' within the meaning of § 5.37 shall be subject to the following informal notice-and-comment procedures. The issuing OA or component of OST shall publish a notice in the **Federal Register** announcing that a draft of the proposed guidance document is publicly available, shall post the draft guidance document either in the **Federal Register** or on its website, shall invite public comment on the draft document for a minimum of 30 days, and shall prepare and post a public response to major concerns raised in the comments, as appropriate, either in the **Federal Register** or on its website, either before or when the guidance document is finalized and issued.

(b) The requirements of paragraph (a) of this section will not apply to any significant guidance document or categories of significant guidance documents for which OGC finds, in consultation with OIRA, the proposing OA or component of OST, and the Secretary, good cause that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest (and incorporates the finding of good cause and a brief statement of reasons therefor in the guidance issued). Unless OGC advises otherwise in writing, the categories of guidance documents listed in Appendix A [1] will be exempt from the requirements of paragraph (a) of this section.

(c) Where appropriate, OGC or the proposing OA or component of OST may recommend to the Secretary that a particular guidance document that is otherwise of importance to the Department's interests shall also be subject to the informal notice-and-comment procedures described in paragraph (a) of this section.

§ 5.43 Petitions for guidance.

Any person may petition an OA or OST component to withdraw or modify a particular guidance document by using the procedures found in § 5.13(c). The OA or OST component should respond to all requests in a timely manner, but no later than 90 days after receipt of the request.

§ 5.45 Rescinded guidance.

No OA or component of OST may cite, use, or rely on guidance documents that are rescinded, except to establish historical facts.

§ 5.47 Exigent circumstances.

In emergency situations or when the issuing OA or component of OST is required by statutory deadline or court order to act more quickly than normal review procedures allow, the issuing

[1] See Appendix A to ''Memorandum on the Review and Clearance of Guidance Documents,'' available at *https://www.transportation.gov/sites/dot.gov/files/2025-03/Review%20and%20Clearance%20of%20Guidance%20Documents.Cote%20Memo.Signed.03-11-2025.pdf.*

[1] See Appendix A to ''Memorandum on the Review and Clearance of Guidance Documents,'' available at *https://www.transportation.gov/sites/dot.gov/files/2025-03/Review%20and%20Clearance%20of%20Guidance%20Documents.Cote%20Memo.Signed.03-11-2025.pdf.*

OA or component of OST shall coordinate with OGC to notify OIRA as soon as possible and, to the extent practicable, shall comply with the requirements of this subpart at the earliest opportunity. Wherever practicable, the issuing OA or component of OST should schedule its proceedings to permit sufficient time to comply with the procedures set forth in this subpart.

§ 5.49 Reports to Congress and GAO.

Unless otherwise determined in writing by OGC, it is the policy of the Department that upon issuing a guidance document determined to be ''significant'' within the meaning of section 5.37, the issuing OA or component of OST will submit a report to Congress and GAO in accordance with the procedures described in 5 U.S.C. 801 (the ''Congressional Review Act'').

Subpart D—Enforcement Procedures

§ 5.53 General.

The requirements set forth in this subpart apply to all enforcement actions taken by each DOT operating administration (OA) and each component of the Office of the Secretary of Transportation (OST) with enforcement authority.

§ 5.55 Enforcement attorney responsibilities.

All attorneys of OST and the OAs involved in enforcement activities are responsible for carrying out and adhering to the policies set forth in this subpart. All supervising attorneys with responsibility over enforcement adjudications, administrative enforcement proceedings, and other enforcement actions are accountable for the successful implementation of these policies and for reviewing and monitoring compliance with this subpart by the employees under their supervision. These responsibilities include taking all steps necessary to ensure that the Department provides a fair and impartial process at each stage of enforcement actions. The Office of Litigation and Enforcement within the Office of the General Counsel (OGC) is delegated authority to interpret this subpart and provide guidance on compliance with its policies. The Office of Litigation and Enforcement shall exercise this authority in coordination with the Chief Counsels of the OAs and subject to the direction and supervision of the General Counsel.

§ 5.57 Definitions.

Administrative enforcement proceeding is to be interpreted broadly, consistent with applicable law and regulations, and includes, but is not limited to, administrative civil penalty proceedings; proceedings involving potential cease-and-desist or corrective action orders; preemption proceedings; safety rating appeals; pilot and mechanic revocation proceedings; grant suspensions, terminations, or other actions to remedy violations of grant conditions; and similar enforcement-related proceedings.

Administrative law judges (ALJs) are adjudicatory hearing officers appointed by a department head to serve as triers of fact in formal and informal administrative proceedings and to issue recommended decisions in adjudications. At DOT, ALJs are to be appointed by the Secretary of Transportation and assigned to the Office of Hearings.

Adversarial personnel are those persons who represent a party (including the agency) or a position or interest at issue in an enforcement action taken or proposed to be taken by or for an agency. They include the agency's employees who investigate, prosecute, or advocate on behalf of the agency in connection with the enforcement action.

Decisional personnel are employees of the agency responsible for issuing decisions arising out of the agency's enforcement actions, which include formal or informal enforcement adjudications. These employees include ALJs, hearing officers, Administrative Judges (AJs), and agency employees who advise and assist such decision makers.

Due process means procedural rights and protections afforded by the Government to affected parties to provide for a fair process in the enforcement of legal obligations, including in connection with agency actions determining a violation of law, assessing a civil penalty, requiring a party to take corrective action or to cease and desist from conduct, or otherwise depriving a party of a property or liberty interest. Due process always includes two essential elements for a party subject to an agency enforcement action: adequate notice of the proposed agency enforcement action and a meaningful opportunity to be heard by the agency decision maker.

Enabling act means the Federal statute that defines the scope of an agency's authority and authorizes it to undertake an enforcement action.

Enforcement action means an action taken by the Department upon its own initiative or at the request of an affected party in furtherance of its statutory authority and responsibility to execute and ensure compliance with applicable laws. Such actions include administrative enforcement proceedings, enforcement adjudications, and judicial enforcement proceedings.

Enforcement adjudication is the administrative process undertaken by the agency to resolve the legal rights and obligations of specific parties with regard to a particular enforcement issue pending before an agency. The outcome of an enforcement adjudication is a formal or informal decision issued by an appropriate decision maker. Enforcement adjudications require the opportunity for participation by directly affected parties and the right to present a response to a decision maker, including relevant evidence and reasoned arguments.

Formal enforcement adjudication means an adjudication required by statute to be conducted ''on the record.'' The words ''on the record'' generally refer to a decision issued by an agency after a proceeding conducted before an ALJ (or the agency head sitting as judge or other presiding employee who is not an ALJ) using trial-type procedures. It is usually the agency's enabling act, not the APA, that determines whether a formal hearing is required.

Informal enforcement adjudication means an adjudication that is not required to be conducted ''on the record'' with trial-like procedures. The APA provides agencies with a substantial degree of flexibility in establishing practices and procedures for the conduct of informal adjudications.

Investigators, inspectors, and special agents refer to those agency employees or agents responsible for the investigation and review of an affected party's compliance with the regulations and other legal requirements administered by the agency.

Judicial enforcement proceeding means a proceeding conducted in an Article III court, in which the Department is seeking to enforce an applicable statute, regulation, or order.

Procedural regulations are agency regulations setting forth the procedures to be followed during adjudications consistent with the agency's enabling act, the APA, and other applicable laws.

§ 5.59 Enforcement policy generally.

It is the policy of the Department to provide affected parties appropriate due process in all enforcement actions. In the course of such actions and proceedings, the Department's conduct must be fair and free of bias and should conclude with a well-documented decision as to violations alleged and any violations found to have been committed, the penalties or corrective

actions to be imposed for such violations, and the steps needed to ensure future compliance. It is in the public interest and fundamental to good government that the Department carry out its enforcement responsibilities in a fair and just manner. No person should be subject to an administrative enforcement action or adjudication absent prior public notice of both the enforcing agency's jurisdiction over particular conduct and the legal standards applicable to that conduct. The Department should, where feasible, foster greater private-sector cooperation in enforcement, promote information sharing with the private sector, and establish predictable outcomes for private conduct.

§ 5.61 Investigative functions.

DOT's investigative powers must be used in a manner consistent with due process, basic fairness, and respect for individual liberty and private property. Congress has granted the Secretary (and by delegation from the Secretary to the OAs) and the FAA Administrator broad investigative powers, and it is an essential part of DOT's safety and consumer protection mission to investigate compliance with the statutes and regulations administered by the Department, including through periodic inspections. The OAs and components of OST with enforcement authority are appropriately given broad discretion in determining whether and how to conduct investigations, periodic inspections, and other compliance reviews, and these investigative functions are often performed by agency investigators or inspectors in the field. The employees and contractors of DOT responsible for inspections and other investigative functions must not use these authorities as a game of ''gotcha'' with regulated entities and should follow existing statutes and regulations. Rather, to the maximum extent consistent with protecting the integrity of the investigation, the representatives of DOT should promptly disclose to the affected parties the reasons for the investigative review and any compliance issues identified or findings made in the course of the review. The responsible enforcement attorneys within the relevant OA or component of OST shall provide effective legal guidance to investigators and inspectors to ensure adherence to the policies and procedures set forth in this part.

§ 5.63 Clear legal foundation.

All DOT enforcement actions against affected parties seeking redress for asserted violations of a statute or regulation must be founded on a grant of statutory authority in the relevant enabling act. The authority to prosecute the asserted violation and the authority to impose monetary penalties, if sought, must be clear in the text of the statute. Unless the terms of a relevant statute, or of a regulation with government-wide applicability such as 2 CFR part 180, clearly and expressly authorize the OA or component of OST to enforce the relevant legal requirement directly through an administrative enforcement proceeding, the proper forum for the enforcement action is Federal court, and the enforcement action must be initiated in court by attorneys of the Department of Justice acting in coordination with DOT counsel.

§ 5.65 Proper exercise of prosecutorial and enforcement discretion.

The Department's attorneys and policy makers have broad discretion in deciding whether to initiate an enforcement action. Nevertheless, in exercising discretion to initiate an enforcement action and in the pursuit of that action, agency counsel must not adopt or rely upon overly broad or unduly expansive interpretations of the governing statutes or regulations and should ensure that the law is interpreted and applied according to its text. All decisions by DOT to prosecute or not to prosecute an enforcement action should be based upon a reasonable interpretation of the law about which the public has received fair notice and should be made with due regard for fairness, the facts and evidence adduced through an appropriate investigation or compliance review, the availability of scarce resources, the administrative needs of the responsible OA or OST component, Administration policy, and the importance of the issues involved to the fulfillment of the Department's statutory responsibilities.

§ 5.67 Duty to review for legal sufficiency.

In accordance with established agency procedures, enforcement actions should be reviewed by the responsible agency component for legal sufficiency under applicable statutes and regulations, judicial decisions, and other appropriate authorities. Though it may not always be feasible or necessary for agency personnel to consult with counsel before initiating an enforcement action, particularly since the OAs utilize a variety of enforcement personnel to staff their enforcement programs, including personnel located in the field, agency personnel should ensure that the basis for an enforcement action is legally sufficient before initiating it. If, in the opinion of the responsible agency component or its counsel, the evidence is sufficient to support the assertion of violation(s), then the agency may proceed with the enforcement action. If the evidence is not sufficient to support the proposed enforcement action, the agency may modify or amend the charges and bring an enforcement action in line with the evidence or return the case to the enforcement staff for additional investigation. The reviewing attorney or agency component may also recommend the closure of the case for lack of sufficient evidence. Attorneys at many of the OAs issue Notices of Probable Violations, Notice of Claims, or Demand Letters to initiate enforcement proceedings. At other OAs, these documents are issued by non-attorney program officials. The duty to review applies equally to all agency attorneys whether deciding to issue a document to initiate enforcement proceedings or to continue to prosecute based upon a document previously issued by a non-attorney program official. In the latter situation, it is important that attorneys provide legal input, training, and review of the work product of the program office. At all times, DOT attorneys are encouraged to exercise their best professional judgment in deciding to initiate, continue, or recommend closing a case, consistent with applicable legal and ethical standards. The Department will not initiate enforcement actions as a ''fishing expedition'' to find potential violations of law in the absence of sufficient evidence in hand to support the assertion of a violation.

§ 5.69 Fair notice.

Notice to the regulated party is a due process requirement. All documents initiating an enforcement action shall ensure notice reasonably calculated to inform the regulated party of the nature and basis for the action being taken to allow an opportunity to challenge the action and to avoid unfair surprise. The notice should include legal authorities, statutes or regulations allegedly violated, basic issues, key facts alleged, a clear statement of the grounds for the agency's action, and a reference to or recitation of the procedural rights available to the party to challenge the agency action, including appropriate procedure for seeking administrative and judicial review.

§ 5.71 Separation of functions.

For those OAs or OST components whose regulations provide for a separation of decisional personnel from adversarial personnel in an administrative enforcement proceeding, any agency personnel who have taken an active part in investigating, prosecuting, or advocating in the

enforcement action should not serve as a decision maker and should not advise or assist the decision maker in that same or a related case. In such proceedings, the agency's adversarial personnel should not furnish ex parte advice or factual materials to decisional personnel. When and as necessary, agency employees involved in enforcement actions should consult legal counsel and applicable regulations and ethical standards for further guidance on these requirements.

§ 5.73 Avoiding bias.

Consistent with all applicable laws and ethical standards relating to recusals and disqualifications, no Federal employee or contractor may participate in a DOT enforcement action in any capacity, including as ALJ, adjudication counsel, adversarial personnel, or decisional personnel, if that person has:

(a) A financial or other personal interest that would be affected by the outcome of the enforcement action;

(b) Personal animus against a party to the action or against a group to which a party belongs;

(c) Prejudgment of the adjudicative facts at issue in the proceeding; or

(d) Any other prohibited conflict of interest.

§ 5.75 Representation of regulated parties.

Subject to ethical standards governing post-Federal employment and applicable State bar requirements, regulated entities are free to choose their representatives—attorney or non-attorney—who will represent them before an OST component or OA. Each OST component or OA should assist *pro se* litigants and those who are unfamiliar with our procedures to the extent practical and allowable under ethical and State bar requirements.

§ 5.77 Formal enforcement adjudications.

When a case is referred by the decision maker to the Office of Hearings or another designated hearing officer for formal adjudication (an ''on the record'' hearing), the assigned ALJ or hearing officer should use trial-type procedures consistent with applicable legal provisions. In formal adjudication, the APA requires findings and reasons on all material issues of fact, law, or discretion (policy). In all formal adjudications, the responsible OA or component of OST shall adhere faithfully and consistently to the procedures established in the relevant procedural regulations. Agency counsel engaged in formal adjudications on behalf of DOT are accountable for compliance with the requirements of this subpart.

§ 5.79 Informal enforcement adjudications.

Even though informal adjudications do not require trial-type procedures, the responsible OA or component of OST should ordinarily afford the applicant or the regulated entity that is the subject of the adjudication (as the case may be), as well as other directly affected parties (if any), adequate notice and an opportunity to be heard on the matter under review, either through an oral presentation or through a written submission. Except in cases of a safety emergency or when the clear text of the relevant enabling act or government-wide regulation, such as 2 CFR part 180, expressly authorizes exigent enforcement action without a prior hearing, the responsible OA or component of OST shall give the regulated entity appropriate advance notice of the proposed enforcement action and shall advise the entity of the opportunity for an informal hearing in a manner and sufficiently in advance that the entity's representatives have a fair opportunity to prepare for and to participate in the hearing, whether in person or by writing. The notice should be in plain language and, when appropriate, contain basic information about the applicable adjudicatory process. In all informal adjudications, the responsible OA or component of OST shall adhere faithfully and consistently to the procedures established in any applicable procedural regulations.

§ 5.81 The hearing record.

In formal hearings, the agency shall comply with the APA and shall include in the record of the hearing the testimony, exhibits, papers, and requests that are filed by parties to the hearing, in addition to the ALJ's or hearing officer's decision or the decision on appeal. For informal hearings, the record shall include the information that the agency considered ''at the time it reached the decision'' and its contemporaneous findings. The administrative record does not include privileged documents, such as attorney-client communications or deliberative or draft documents. Agencies are encouraged to make the record available to all interested parties to the fullest extent allowed by law, consistent with appropriate protections for the handling of confidential information.

§ 5.83 Contacts with the public.

After the initiation of an enforcement proceeding, communications between persons outside the agency and agency decisional personnel should occur on the record. Consistent with applicable regulations and procedures, if oral, written, or electronic ex parte communications occur, they should be placed on the record as soon as practicable. Notice should be given to the parties that such communications are being placed into the record. When performing departmental functions, all DOT employees should properly identify themselves as employees of the Department, including the OA or component of OST in which they work; they should properly show official identification if the contact is made in person; and they should clearly state the nature of their business and the reasons for the contact. All contacts by DOT personnel with the public shall be professional, fair, honest, direct, and consistent with all applicable ethical standards.

§ 5.85 Duty to disclose exculpatory evidence.

It is the Department's policy that each responsible OA or component of OST will voluntarily follow in its civil enforcement actions the principle articulated in *Brady* v. *Maryland* (373 U.S. 83 (1963)) in which the Supreme Court held that the Due Process Clause of the Fifth Amendment requires disclosure of exculpatory evidence ''material to guilt or punishment'' known to the government but unknown to the defendant in criminal cases. Adopting the ''Brady rule'' and making affirmative disclosures of exculpatory evidence in all enforcement actions will contribute to the Department's goal of open and fair investigations and administrative enforcement proceedings. This policy requires the agency's adversarial personnel to disclose materially exculpatory evidence in the agency's possession to the representatives of the regulated entity whose conduct is the subject of the enforcement action. These affirmative disclosures should include any material evidence known to the Department's adversarial personnel that may be favorable to the regulated entity in the enforcement action—including evidence that tends to negate or diminish the party's responsibility for a violation or that could be relied upon to reduce the potential fine or other penalties. The regulated entity need not request such favorable information; it should be disclosed as a matter of course. Agency counsel should recommend appropriate remedies to DOT decision makers where a *Brady* rule violation has occurred, using the factors identified by courts when

applying the *Brady* rule in the criminal context.

§ 5.87 Use of guidance documents in administrative enforcement cases.

Guidance documents cannot create binding requirements that do not already exist by statute or regulation. Accordingly, the Department may not use its enforcement authority to convert agency guidance documents into binding rules. Likewise, enforcement attorneys may not use noncompliance with guidance documents as a basis for proving violations of applicable law. Guidance documents can do no more, with respect to prohibition of conduct, than articulate the agency or Department's understanding of how a statute or regulation applies to particular circumstances. The Department may cite a guidance document to convey this understanding in an administrative enforcement action or adjudication only if it has notified the public of such document in advance through publication in the **Federal Register** or on the Department's website. Additional procedures related to guidance documents are contained in subpart C of this part.

§ 5.89 Alternative Dispute Resolution (ADR).

The OAs and the components of OST with enforcement authority are encouraged to use ADR to resolve enforcement cases where appropriate. The Department's ADR policy describes a variety of problem-solving processes that can be used in lieu of litigation or other adversarial proceedings to resolve disputes over compliance.

§ 5.91 Duty to adjudicate proceedings promptly.

Agency attorneys should promptly initiate proceedings or prosecute matters referred to them. In addition, cases should not be allowed to linger unduly after the adjudicatory process has begun. Attorneys should seek to settle matters where possible or refer the case to a decision maker for proper disposition when settlement negotiations have reached an impasse. Absent the showing of unusual or extenuating circumstances, or if necessitated for good cause, each OST component or OA with enforcement authority shall apply limiting principles to the duration of investigations. On-site investigations should generally be limited to 10 business days or less and enforcement staff shall make a decision on pursuing an administrative action within 30 days of the completion of the inspection or investigation and commence an enforcement action as soon as possible thereafter—unless otherwise required by statute.

§ 5.93 Termination of investigation.

When the facts disclosed by an investigation indicate that further action is not warranted, the OST component or OA with enforcement authority will close the investigation without prejudice to further investigation and will notify the person being investigated of the decision. This notification requirement should only be applied where a subject of an investigation has previously been made aware of the investigation, or other pre-enforcement activity. Nothing in this section precludes civil enforcement action at a later time related to the findings of the investigation.

§ 5.95 Initiation of additional investigations.

OST components and OAs should not initiate additional investigations of a party after commencing an enforcement action absent a showing of good cause (*e.g.,* new complaints, accidents, or incidents), except when the additional investigation is prompted by facts uncovered in the initial investigation.

§ 5.97 Agency decisions.

Agency counsel may be used in the conduct of informal hearings and to prepare initial recommended decisions for the agency decision maker. The agency must notify the directly affected parties of its decision, and the decision must reasonably inform the parties in a timely manner of the additional procedural rights available to them.

§ 5.99 Settlements.

Settlement conferences may be handled by appropriate agency counsel without the involvement of the agency's decision maker. Once a matter is settled by compromise, that agreement should be reviewed and accepted by an appropriate supervisor. The responsible OA or component of OST should issue an order adopting the terms of the settlement agreement as the final agency decision, where and as authorized by statute or regulation. No DOT settlement agreement, consent order, or consent decree should be used to adopt or impose new regulatory obligations for entities that are not parties to the settlement. Unless required by law, settlement agreements are not confidential and are subject to public disclosure.

§ 5.101 OGC approval required for certain settlement terms.

Whenever a proposed settlement agreement, consent order, or consent decree would impose behavioral commitments or obligations on a regulated entity that go beyond the requirements of relevant statutes and regulations, including the appointment of an independent monitor or the imposition of novel, unprecedented, or extraordinary obligations, the responsible OA or OST component should obtain the approval of OGC before finalizing the settlement agreement, consent order, or consent decree.

§ 5.103 Basis for civil penalties and disclosures thereof.

No civil penalties will be sought in any DOT enforcement action except when and as supported by clear statutory authority and sufficient findings of fact. Where applicable statutes vest the agency with discretion with regard to the amount or type of penalty sought or imposed, the penalty should reflect due regard for fairness, the scale of the violation, the violator's knowledge and intent, and any mitigating factors (such as whether the violator is a small business). The assessment of proposed or final penalties in a DOT enforcement action shall be communicated in writing to the subject of the action, along with a full explanation of the basis for the calculation of asserted penalties. In addition, the agency shall voluntarily share penalty calculation worksheets, manuals, charts, or other appropriate materials that shed light on the way penalties are calculated to ensure fairness in the process and to encourage a negotiated resolution where possible.

§ 5.105 Publication of decisions.

The agency's decisions in informal adjudications are not required to be published under the APA. However, where the agency intends to rely on its opinions in future cases, those opinions must generally be made available on agency websites or in agency reading rooms (and publication on Westlaw, Lexis, or similar legal services is also highly recommended). The APA has been read to require that opinions in formal adjudications must be made ''available for public inspection and copying.'' Agencies are strongly encouraged to publish all formal decisions on Westlaw, Lexis, or similar legal services.

§ 5.107 Coordination with the Office of Inspector General on criminal matters.

All Department employees must comply with the operative DOT Order(s) addressing referrals of potential criminal matters to the Office of Inspector General (OIG), consistent with the respective roles of the OIG and DOT

OAs and components of OST in criminal investigations and the OIG's investigative procedures under the Inspector General Act of 1978, as amended.

§ 5.109 Standard operating procedures.

All legal offices that participate in or render advice in connection with enforcement actions should, to the extent practicable, operate under standard operating procedures. Such offices include, but are not limited to, those that oversee investigatory matters and serve as adversarial personnel in the agency's enforcement matters. These standard operating procedures, which can be contained in manuals, can be used to outline step-by-step requirements for attorney actions in the investigative stage and the prosecution stage; the role of an attorney as counselor, adjudicator, or litigator; the rulemaking process; and the process for issuance of guidance documents, letters of interpretation, preemption decisions, legislative guidance, contract administration, and a variety of other legal functions performed in the legal office. Each DOT OA and each OST component that conducts administrative inspections shall operate under those procedures governing such inspections and shall adopt such administrative inspection procedures if they do not exist. Those procedures shall be updated in a timely manner as needed.

§ 5.111 Cooperative information sharing.

The Department, as appropriate and to the extent practicable and permitted by law, shall:

(a) Encourage voluntary self-reporting of regulatory violations by regulated parties in exchange for reduction or waivers of civil penalties;

(b) Encourage voluntary information sharing by regulated parties; and

(c) Provide pre-enforcement rulings to regulated parties (formal and informal interpretations).

§ 5.113 Small Business Regulatory Enforcement Fairness Act (SBREFA).

The Department shall comply with the terms of SBREFA when conducting administrative inspections and adjudications, including section 223 of SBREFA (reduction or waivers of civil penalties, where appropriate). The Department will also cooperate with the Small Business Administration (SBA) when a small business files a comment or complaint related to DOT's inspection authority and when requested to answer SBREFA compliance requests.

§ 5.115 Referral of matters for judicial enforcement.

In considering whether to refer a matter for judicial enforcement by the Department of Justice, DOT attorneys should consult the applicable procedures set forth by the General Counsel, including in the document entitled ''Partnering for Excellence: Coordination of Legal Work Within the U.S. Department of Transportation,'' and any update or supplement to such document issued hereafter by the General Counsel. The specific procedures for initiating an affirmative litigation request are currently found in the coordination document at section 11.B.l., ''Affirmative Litigation Requests to the Department of Justice.'' In most instances, requests to commence affirmative litigation must be reviewed by OGC, with such reviews coordinated through the Office of Litigation and Enforcement.

§ 5.117 Publicly available decisional quality and efficiency metrics.

Each OST component or OA should annually identify, collect, and make publicly available decisional quality and efficiency metrics regarding adjudication under administrative, judicial, and split enforcement models (of adjudication), to include, *e.g.,* the number of matters that have been pending with the agency over relevant time periods, the number of matters disposed by the agency annually, and data on the types of matters before and disposed of by the agency. This data shall be made available and prominently published on the OST component or OA's website within 180 days of the close of the fiscal year.

§ 5.119 Enforcement rights.

Regulated parties that are the subject of a DOT enforcement action may, during the course of the enforcement action, petition the DOT General Counsel for a determination that responsible DOT personnel violated one or more provisions of this subpart with respect to the enforcement action. If the General Counsel chooses to review the petition and determines that DOT personnel did not follow the provisions of this subpart, the General Counsel may elect to direct the relevant agency decisionmaker to award the following type of relief, as warranted by the circumstances and consistent with law:

(a) Removal of the enforcement team from the particular matter;

(b) Elimination of certain issues or the exclusion of certain evidence or the directing of certain factual findings in the course of the enforcement action; and

(c) Restarting the enforcement action again from the beginning or recommencing the action from an earlier point in the proceeding.

PART 7—PUBLIC AVAILABILITY OF INFORMATION

■ 10. The authority citation for part 7 continues to read as follows:

Authority: 5 U.S.C. 552; 31 U.S.C. 9701; 49 U.S.C. 322; E.O. 12600; E.O. 13392.

■ 11. Amend § 7.12 by revising paragraph (a)(2) to read as follows:

§ 7.12 What records are available in reading rooms, and how are they accessed?

(a) * * *

(2) Statements of policy and interpretations, including guidance documents as defined in 49 CFR 5.25(c), that have been adopted by DOT;

* * * * *

PART 106—RULEMAKING PROCEDURES

■ 12. The authority citation for part 106 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 13. Amend § 106.40 by revising the introductory text, the first sentence of paragraph (c), and paragraph (d)(1) to read as follows:

§ 106.40 Direct final rule.

A direct final rule makes regulatory changes and states that the regulatory changes will take effect on a specified date unless PHMSA receives an adverse comment within the comment period—generally 60 days after the direct final rule is published in the **Federal Register**.

* * * * *

(c) * * * We will publish a confirmation document in the **Federal Register**, generally within 15 days after the comment period closes, if we have not received an adverse comment.

* * *

(d) * * *

(1) If we receive an adverse comment, we will either publish a document withdrawing the direct final rule before it becomes effective and may issue an NPRM or proceed by any other means permitted under the Administrative Procedure Act, consistent with procedures at 49 CFR 5.13(l).

* * * * *

PART 389—RULEMAKING PROCEDURES—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

■ 14. The authority citation for part 389 continues to read as follows:

Authority: 49 U.S.C. 113, 501 *et seq.,* subchapters I and III of chapter 311, chapter 313, and 31502; sec. 5204 of Pub. L. 114–94, 129 Stat. 1312, 1536; 42 U.S.C. 4917; and 49 CFR 1.87.

■ 15. Amend § 389.39 by revising paragraph (d)(1) to read as follows:

§ 389.39 Direct final rulemaking procedures.

* * * * *

(d) * * *

(1) If FMCSA receives an adverse comment within the comment period, it will either publish a document withdrawing the direct final rule before it becomes effective and may issue an NPRM or proceed by any other means permitted under the Administrative Procedure Act, consistent with procedures at 49 CFR 5.13(l).

* * * * *

PART 553—RULEMAKING PROCEDURES

■ 16. The authority citation for part 553 continues to read as follows:

Authority: 49 U.S.C. 322, 30103, 30122, 30124, 30125, 30127, 30146, 30162, 32303, 32502, 32504, 32505, 32705, 32901, 32902, 33102, 33103, and 33107; delegation of authority at 49 CFR 1.95.

■ 17. Amend § 553.14 by revising paragraph (d) to read as follows:

§ 553.14 Direct final rulemaking.

* * * * *

(d) If NHTSA receives any written adverse comment within the specified time after publication of the direct final rule in the **Federal Register**, the agency will either publish a document withdrawing the direct final rule before it becomes effective and may issue an NPRM or proceed by any other means permitted under the Administrative Procedure Act, consistent with procedures at 49 CFR 5.13(l).

* * * * *

PART 601—ORGANIZATION, FUNCTIONS, AND PROCEDURES

■ 18. The authority citation for part 601 is revised to read as follows:

Authority: 5 U.S.C. 552; 49 U.S.C. 5334; 49 CFR 1.91.

§§ 601.28 and 601.31 [Removed and Reserved]

■ 19. Remove and reserve §§ 601.28 and 601.31.

■ 20. Amend § 601.32 by revising paragraph (b)(6) to read as follows:

§ 601.32 Petitions for rulemaking or exemptions.

* * * * *

(b) * * *

(6) In the case of a petition for exemption, except in cases in which good cause is shown, the petition must be submitted at least 60 days before the requested effective date of the exemption.

■ 21. Amend § 601.33 by revising paragraph (d) to read as follows:

§ 601.33 Processing of petitions.

* * * * *

(d) *Notification.* Whenever the Administrator determines that a petition should be granted or denied, and after consultation with the Office of Regulation and Legislation in the case of denial, the office concerned and the Office of Chief Counsel prepare a notice of that grant or denial for issuance to the petitioner, and the Administrator issues it to the petitioner.

■ 22. Amend § 601.36 by revising paragraphs (b), (c), and (d) to read as follows:

§ 601.36 Procedures for direct final rulemaking.

* * * * *

(b) The **Federal Register** document will state that any adverse comment must be received in writing by FTA within the specified time after the date of publication and that, if no written adverse comment is received, the rule will become effective a specified number of days after the date of publication.

(c) If no written adverse comment is received by FTA within the specified time of publication in the **Federal Register**, FTA will publish a notice in the **Federal Register** indicating that no adverse comment was received and confirming that the rule will become effective on the date that was indicated in the direct final rule.

(d) If FTA receives any written adverse comment within the specified time of publication in the **Federal Register**, FTA will either publish a document withdrawing the direct final rule before it becomes effective and may issue an NPRM, or proceed by any other means permitted under the Administrative Procedure Act, consistent with procedures at 49 CFR 5.13(l).

* * * * *

PART 605—SCHOOL BUS OPERATIONS

■ 23. The authority citation for part 605 continues to read as follows:

Authority: 49 U.S.C. 5323(f); 49 U.S.C. 5334; and 49 CFR 1.91.

■ 24. Revise § 605.31 to read as follows:

§ 605.31 Notification to the respondent.

On receipt of any complaint under § 605.30, or on the Administrator's own motion if at any time he or she shall have reason to believe that a violation may have occurred, the Administrator will provide written notification to the recipient (''Respondent'') that a violation has probably occurred. The Administrator will inform the respondent of the conduct which constitutes a probable violation of the agreement in a manner consistent with the fair notice requirements of 49 CFR 5.69.

■ 25. Revise § 605.32 to read as follows:

§ 605.32 Accumulation of evidentiary material.

The Administrator will allow the respondent not more than 30 days to show cause, by submission of evidence, why no violation occurred. A like period shall be allowed to the complainant, if any, during which the complainant may submit evidence to rebut the evidence offered by the respondent. The Administrator may undertake such further investigation, as deemed necessary, including the holding of an evidentiary hearing or hearings in a manner consistent with the record requirements of 49 CFR 5.81.

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DEPARTMENT OF STATE

22 CFR Part 7

[Public Notice: 12976]

RIN 1400–AG28

Security Review Committee

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Secretary of State is promulgating rules defining the membership and operating procedures of the Department of State's Security Review Committee, an internal panel that reviews serious security incidents.

DATES: This rule is effective on May 27, 2026.

FOR FURTHER INFORMATION CONTACT: Alice Kottmyer, Attorney Adviser,

Office of Management, Office of the Legal Adviser, *kottmyeram@state.gov.*

SUPPLEMENTARY INFORMATION:

Why is the Department promulgating this rule?

In 2022, section 9302(d) of Public Law 117–263 established the Security Review Committee (SRC), which required the Secretary of State to also publish rules relating to the SRC's membership and operating procedures. The SRC is an internal review process by a panel composed of designated assistant secretary-level federal employees, who are directed to assess a serious security incident involving loss of life, serious injury, or significant destruction of property at or related to a U.S. diplomatic mission abroad. The Committee determines whether the Department of State's security policies, procedures, and programs worked appropriately and as intended. Meetings of an SRC are not open to the public.

Regulatory Analysis

Administrative Procedure Act

This rulemaking is a rule of agency organization, practice and procedure, and hence is exempt from notice and comment rulemaking pursuant to 5 U.S.C. 553(b).

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 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.

Congressional Review Act

This rule is exempt from the Congressional Review Act, pursuant to 5 U.S.C. 804(3)(C).

Executive Order 12866, 14192, and 13563

The Office of Information and Regulatory Affairs has designated this rulemaking as not significant under Executive Order 12866, section 3(f), Regulatory Planning and Review. The Department has reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866. The Department of State has considered this rule in light of Executive Order 13563 and affirms that this regulation is consistent with the guidance therein. Since this rule is not significant, it is not subject to the provisions of Executive Order 14192.

Executive Orders 12372 and 13132

This regulation 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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

Executive Order 12988

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

Executive Order 13175

The Department of State has determined that this rulemaking will not have Tribal implications, will not impose substantial direct compliance costs on Indian Tribal governments, and will not pre-empt Tribal law. Accordingly, the requirements of Section 5 of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 7

Organization and functions (Government agencies).

■ For the reasons set forth in the preamble, the Department of State adds part 7 to title 22 of the Code of Federal Regulations to read as follows:

PART 7—SECURITY REVIEW COMMITTEE

Sec.

7.1 Introduction.
7.2 Security Review Committee Membership.
7.3 Security Review Committee Operating Procedures.

Authority: 22 U.S.C. 2651a; 22 U.S.C. 4801 *et seq.;* 22 U.S.C. 4833.

§ 7.1 Introduction.

The Secretary of State is required to convene a Security Review Committee in case of a serious security incident involving loss of life, serious injury, or significant destruction of property at, or related to, a U.S. diplomatic mission abroad, and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a U.S. mission abroad.

§ 7.2 Security Review Committee Membership.

(a) The Security Review Committee is comprised of officials filling the positions below, to include an official authorized to perform the duties of the position listed below in paragraphs (a)(1) through (6) by operation of federal law or through delegation of authority from the Secretary of State:

(1) the Executive Director of the Executive Office for Management;

(2) the Assistant Secretary of State responsible for the region where the incident occurred;

(3) the Assistant Secretary of State for Diplomatic Security;

(4) the Assistant Secretary of State for Intelligence and Research;

(5) an Assistant Secretary-level representative from any involved United States Government department or agency; and

(6) other personnel determined by the Secretary of State to be necessary or appropriate.

(b) The Executive Director of the Executive Office for Management serves as chairperson of the SRC, unless otherwise designated by the Secretary of State in a particular case.

§ 7.3 Security Review Committee Operating Procedures.

(a) All U.S. diplomatic posts must follow standard incident reporting requirements established by Diplomatic Security, including an official cable notification of an initial report of a potential serious security incident not later than three days after such incident occurs, whenever feasible.

(b) The Under Secretary for Management directs Diplomatic Security to assemble a Security Investigative Team within 10 days of receiving a report of a potential serious security incident.

(c) When directed by the Secretary, either Deputy Secretary, or the Under Secretary for Management, the Assistant

Secretary for Diplomatic Security forms the Security Investigative Team and reviews the Security Investigative Team's composition for any conflict, appearance of conflict, or lack of independence and on an expedited basis seeks approval from the Under Secretary for Management for the composition of the Security Investigative Team.

(d) The Under Secretary for Management approves the composition of the Security Investigative Team. The Under Secretary for Management will endeavor to respond within five days to Diplomatic Security's request for approval of the composition of the Security Investigative Team.

(e) The Security Investigative Team investigates the potential serious security incident and independently establishes what occurred consistent with the statutory requirements. The Security Investigative Team collects information, conducts interviews, reviews relevant information and evidence, and makes a written administrative Report of Investigation within 90 days of the occurrence of the potential serious security incident.

(f) The Secretary convenes a Security Review Committee within 60 days of the occurrence of the potential serious security incident, or within 120 days of the potential serious security incident if the Secretary extends the period by 60 days.

(g) The Security Review Committee reviews the Report of Investigation and any other evidence, reporting, and relevant information related to a potential serious security incident. The Security Review Committee makes a written report to the Secretary no later than 60 days after receiving the Report of Investigation, unless the Secretary extends this period for an additional 60 days. The written SRC report provides a full account of what occurred, makes required determinations as set out in the Security Review Committee statute, and makes recommendations, as warranted.

(h) The Bureau of Legislative Affairs will provide the designated committees of Congress with the following: a notification within eight days of identifying a potential serious security incident; a notification promptly upon establishment of a Security Review Committee; a copy of any written report by the Security Review Committee submitted to the Secretary of State no later than 90 days after the Secretary of State receives it.

(i) Nothing in 22 CFR part 7 precludes the Secretary from immediately directing the formation of a Security Investigative Team or a Security Review Committee following an initial report of a potential serious security incident.

Dated: April 21, 2026. .

Alice M. Kottmyer,

Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State.

[FR Doc. 2026–08148 Filed 4–24–26; 8:45 am]

BILLING CODE 4710–35–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0495]

RIN 1625–AA00

Safety Zone; Cheboygan River, Black River, Indian River, Crooked River, Cheboygan, MI

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Cheboygan River from the Cheboygan Lock and Dam Complex to the Cheboygan River's outlet from Mullett Lake, the Black River from its confluence with the Cheboygan River to Alverno Dam, the Indian River from its outlet at Burt Lake to its mouth at Mullett Lake, and the Crooked River from its outlet at Crooked Lake to its mouth at Burt Lake. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with flood waters. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Northern Great Lakes, or their designated representative.

DATES: This rule is effective without actual notice from April 27, 2026 through May 8, 2026. For the purposes of enforcement, actual notice will be used from April 22, 2026, until April 27, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0495.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact LT Rebecca Simpson, Sector Northern Great Lakes Waterways Management Division, U.S. Coast Guard; telephone 906–635–3237, or email *ssmprevention@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background and Authority

The Coast Guard received notification of dangerous flood waters and debris on the Cheboygan River from the Cheboygan Lock and Dam Complex to the Cheboygan River's outlet from Mullett Lake and the Black River from its confluence with the Cheboygan River to Alverno Dam. These dangerous flood waters also encompass the Indian River from its outlet at Burt Lake to its mouth at Mullet Lake as well as the Crooked River from its outlet at Crooked Lake to its mouth at Burt Lake. The Captain of the Port (COTP) Northern Great Lakes has determined that potential hazards associated with flood waters are a safety concern for any vessels in this area.

Because of these potential hazards, the Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard was notified of the dangers to vessels on April 21, 2026, and we must establish this safety zone by April 22, 2026, to protect personnel, vessels, and the marine environment. Therefore, we do not have enough time to solicit and respond to comments.

For the same reasons, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Discussion of the Rule

This rule establishes a safety zone from April 22, 2026 through May 8, 2026. The safety zone will cover all navigable waters in the Cheboygan River from the Cheboygan Lock and Dam Complex to the Cheboygan River's outlet from Mullett Lake, the Black River from its confluence with the Cheboygan River to Alverno Dam, the Indian River from its outlet at Burt Lake to its mouth at Mullet Lake as well as the Crooked River from its outlet at Crooked Lake to its mouth at Burt Lake. Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the Captain of the Port.

IV. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of $100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a safety zone. It is categorically excluded from further review under paragraph L60(d) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination will be available in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T09–0495 to read as follows:

§ 165.09–0495 Safety Zone; Cheboygan River, Black River, Indian River, Crooked River, Cheboygan, MI.

(a) *Location.* The following area is a safety zone: All waters of the Cheboygan River from the Cheboygan Lock and Dam Complex (45°38′09.8″ N, 084°28′47.3″ W) to the Cheboygan River's outlet from Mullett Lake (45°34′34.1″ N, 084°29′18.0″ W), all waters of the Black River from its confluence with the Cheboygan River (45°36′15.3″ N, 084°27′52.3″ W) to Alverno Dam (45°33′06.6″ N, 084°23′42.5″ W), all waters of the Indian River from its outlet at Burt Lake (45°24′36.2″ N, 084°37′26.7″ W) to its mouth at Mullett Lake (45°26′50.2″ N, 084°34′51.9″ W), and all waters of the Crooked River from its outlet at Crooked Lake (45°25′57.5″ N, 084°47′19.2″ W) to its mouth at Burt Lake (45°28′14.4.″ N, 084°43′37.9″ W). These coordinates are based on the North American Datum 83 (NAD 83).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Northern Great Lakes (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (906) 635–3237. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from April 22, 2026, to May 8, 2026.

J.R. Bendle,

Captain, U.S. Coast Guard, Captain of the Port Sector Northern Great Lakes.

[FR Doc. 2026–08120 Filed 4–24–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260421–0107]

RIN 0648–BO40

Fisheries of the Northeastern United States; Framework Adjustment 17 to the Mackerel, Squid, and Butterfish Fishery Management Plan

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

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS approves and implements Framework Adjustment 17 to the Mackerel, Squid, and Butterfish Fishery Management Plan (FMP). This

action revises the Atlantic mackerel rebuilding plan, sets final 2026 and projects 2027 specifications, implements additional management measures for the mackerel fishery, and makes administrative revisions and corrections to existing regulations. This action is necessary to respond to updated scientific information from a September 2025 management track stock assessment. The management measures in this action are intended to help prevent overfishing, rebuild the overfished mackerel stock, provide additional opportunity to the fishing industry and achieve optimum yield, and ensure that management measures are based on the best scientific information available.

DATES: Effective April 27, 2026. Public comments must be received by May 12, 2026.

ADDRESSES: A plain language summary of this interim final rule is available at: *https://www.regulations.gov/docket/NOAA-NMFS-2026-0793.* You may submit comments on this document, identified by NOAA–NMFS–2026–0793, by any 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–2026–0793 in the Search box. 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 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).

Copies of Framework Adjustment 17 (Framework 17), including the Supplemental Information Report (SIR) and the Regulatory Impact Review prepared by the Mid-Atlantic Fishery Management Council (Council) for this action, are available from Dr. Christopher Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. The supporting documents are also accessible via the internet at: *https://www.mafmc.org/actions/mackerel-rebuilding-and-2026-27-specs-fw.*

FOR FURTHER INFORMATION CONTACT: Maria Fenton, Fishery Policy Analyst, (978) 281–9196.

SUPPLEMENTARY INFORMATION: NMFS manages the Atlantic mackerel, *Illex* squid, longfin squid, butterfish, and chub mackerel fisheries pursuant to the Mackerel, Squid, and Butterfish FMP in consultation with the Council. Regulations implementing the Mackerel, Squid, and Butterfish FMP appear at 50 CFR part 648, subpart B. In 2024, the FMP supported commercial fisheries producing an overall $42.2 million in revenues, approximately $1 million of which was attributed to the Atlantic mackerel fishery. However, if fully harvested, the final 2026 mackerel commercial quota implemented through this action could provide additional fishing opportunities valued at approximately $16 million.

In September 2025, the Northeast Fisheries Science Center completed an updated management track assessment for mackerel. The results of this assessment indicate that the mackerel stock is no longer overfished and overfishing is still not occurring. This change in stock status is likely due to recent reductions in U.S. catch, closures of the Canadian directed commercial fishery, and increased recruitment. Recruitment in 2024 was estimated to be higher than the time series median, with 2024 recruitment being the highest estimate since 1983. Initial projections completed for the assessment indicate that the stock would be rebuilt in 2025. However, the report noted that, because the 2024 recruitment estimate was informed by fishery age composition data from only a single year and is largely not informed by the fishery independent survey indices incorporated into the model, there is a high degree of uncertainty associated with that estimate. Therefore, the resulting short-term projections may be overly optimistic. This is consistent with previous mackerel assessments, which produced overestimated terminal year recruitment estimates that had to be adjusted downwards in subsequent assessments. During its October 2025 meeting, the Council's Scientific and Statistical Committee (SSC) reviewed the results of the assessment and made recommendations for 2026–2027 mackerel acceptable biological catch (ABC). Due to the uncertainty associated with the 2024 recruitment estimate, the SSC recommended using an overfishing limit (OFL) coefficient of variation of 100 percent and substituting short-term (2009–2023) median recruitment for the 2024 estimate. This approach of using short-term median recruitment is consistent with the approach that the SSC used when recommending 2024–2025 mackerel ABCs. Revised projections (completed after the SSC meeting) revealed that, relative to the projections that were initially generated for the assessment, substituting short-term median recruitment reduced the 2025 spawning stock biomass estimate by approximately 60 percent.

In November 2025, the Mackerel, Squid, and Butterfish Committee and the River Herring and Shad (RH/S) Committee met jointly to review the SSC's recommendations, Advisory Panel and staff input, and updated fishery data and to develop their recommendations for Framework 17. During its December 2025 meeting, the Council reviewed updated fishery information and the recommendations from the SSC, Committees, Advisory Panel, and staff and finalized its own recommendations for Framework 17.

The regulations at § 648.22(d)(1) provide that if annual specifications for mackerel are not published in the **Federal Register** prior to the start of the fishing year, the previous year's annual specifications will remain in effect. Additionally, the regulations at § 648.22(e) provide the Regional Administrator with the authority to adjust mackerel specifications in-season.

The 2026 fishing year for the mackerel fishery started on January 1, 2026, and the 2025 specifications rolled over and remained in effect. Because there was not enough time to complete normal notice-and-comment rulemaking for this action between the December 2025 Council meeting and the start of the fishing year, absent some intervening action, the mackerel fishery would have continued to be constrained by low rollover specifications from 2025; notably, a commercial quota of 868 metric tons (mt). In accordance with the regulations for in-season adjustments to specifications at § 648.22(e), NMFS consulted with the Council during its December 2025 meeting on a possible in-season action to increase the rollover mackerel specifications as soon as possible at the start of fishing year 2026. The Council supported this approach, and NMFS subsequently prepared an interim final rule to adjust the rollover mackerel fishery specifications in 2026 (91 FR 8386; February 23, 2026). The final 2026 specifications implemented through this action replace the adjusted 2026 specifications that were implemented through the February 2026 interim final rule.

Summary of Approved Measures

This action implements the following management measures recommended by the Council in Framework 17 to the Mackerel, Squid, and Butterfish FMP pursuant to Magnuson-Stevens Act sections 303(c) and 304(b):

- Revisions to the mackerel rebuilding plan;
- Final 2026 and projected 2027 mackerel fishery specifications;
- Increased initial commercial mackerel possession limits;
- Modified process for making in-season commercial fishery possession limit adjustments; and
- Increased mode-specific (*i.e.,* private, for-hire) recreational mackerel possession limits.

This action also implements administrative revisions to existing regulations pursuant to section 305(d) of the Magnuson-Stevens Act. Although these revisions were not initiated by the Council, they are necessary corrections and clarifications to the regulations, and the Council did not object to including them in the Framework 17 rule.

Framework 17 Management Measures

Revised Mackerel Rebuilding Plan

On February 1, 2023, NMFS implemented a 10-year rebuilding plan for mackerel through Amendment 23 (88 FR 6665). The rebuilding plan assumes a fishing mortality rate (F) of 0.12; under this plan, the mackerel stock is predicted to have a 61-percent probability of rebuilding by 2032. This action revises the rebuilding plan to assume an F of 0.15, resulting in the mackerel stock having a 51-percent probability of rebuilding by 2032. This is consistent with the Council's Risk Policy for stocks under a rebuilding plan. However, the September 2025 management track assessment (which includes data through 2024) indicates that the stock may have reached its rebuilding target in 2025. NMFS will confirm this during the next management track assessment in 2027.

Final 2026 and Projected 2027 Mackerel Fishery Specifications

This action implements final 2026 projects 2027 mackerel fishery specifications. The majority of the 2026 and projected 2027 specifications are substantially higher than the 2025 specifications (table 1).

TABLE 1—2025, FINAL 2026, AND PROJECTED 2027 MACKEREL FISHERY SPECIFICATIONS (mt)

Specification	2025	Framework 17	
		Final 2026 *	Projected 2027
ABC	3,200	15,134	17,107
Canadian catch deduction	74	500	500
U.S. ABC/ACL	3,126	14,634	16,607
Recreational catch deduction	2,143	2,500	2,500
Management uncertainty buffer	0	610	610
Commercial annual catch target (ACT)	983	11,524	13,497
Commercial discards	115	287	287
Domestic annual harvest (DAH) **/domestic annual processing	868	11,237	13,210
Research set-aside (RSA) ***	0	0	0
Joint venture processing	0	0	0
Total allowable level of foreign fishing	0	0	0
RH/S catch cap	129	129	129

* The Framework 17 final 2026 mackerel fishery specifications replace the interim 2026 specifications that were implemented in February 2026 (91 FR 8386).
** The DAH is also known as the commercial quota.
*** The Council's RSA program has been suspended since 2014.

Relative to the 2025 mackerel fishery specifications:

- The 2026 ABC is 373 percent higher and the projected 2027 ABC is 435 percent higher;
- The 2026 ACL is 368 percent higher and the projected 2027 ACL is 431 percent higher; and
- The 2026 DAH is 1,195 percent higher and the 2027 DAH is 1,422 percent higher.

In both 2026 and 2027, the deduction to account for expected Canadian mackerel catch is increased to 500 mt. This is based on an announcement from the Department of Fisheries and Oceans, Canada, that the commercial mackerel fishery will remain closed, but there will be an annual total allowable catch of 500 mt for mackerel in 2026 (440 mt for the personal-use bait fishery, 20 mt for the bluefin tuna fishery, 20 mt for scientific sampling, and 20 mt bycatch). The deduction to account for expected recreational mackerel catch is also increased to 2,500 mt for both years. This change reflects general variability in recreational catch and uncertainty in recreational catch estimates, as well as the fact that the Council recommended an increase to recreational possession limits as part of this framework (see details below). The 610-mt management uncertainty buffer was calculated based on one day of high-volume landings in a highly productive year for the mackerel fishery and is designed to help ensure that closures of the commercial mackerel fishery can be completed on time to prevent overages of the commercial ACT and ACL as the fishery ramps back up again in 2026–2027. Commercial discard estimates in 2026–2027 also increased to 287 mt, which was calculated based on average annual commercial discards over the most recent two years. Finally, the 129-mt RH/S catch cap that has been in place since 2023 remains unchanged by this action.

Initial Commercial Mackerel Possession Limits

The commercial mackerel fishery has been operating under reduced initial possession limits since October 13, 2023, when an emergency action designed to constrain the directed mackerel fishery and prevent overfishing from occurring went into effect (88 FR 70909). This action implements new initial commercial mackerel possession limits that are higher than the current commercial possession limits (table 2).

TABLE 2—INITIAL COMMERCIAL MACKEREL POSSESSION LIMITS BY MACKEREL PERMIT CATEGORY

[Pounds (lb) and metric tons (mt)]

Permit type	Permit category	Current possession limit	New possession limit
Limited access	Tier 1	20,000 lb (9.07 mt)	200,000 lb (90.72 mt).
Limited access	Tier 2	20,000 lb (9.07 mt)	135,000 lb (61.23 mt).
Limited access	Tier 3	20,000 lb (9.07 mt)	100,000 lb (45.36 mt).
Open access	Category 4	5,000 lb (2.27 mt)	20,000 lb (9.07 mt).

These possession limits will take effect annually at the beginning of the fishing year on January 1. With the exception of Tier 1 limited access permits (which previously started the year with unlimited mackerel possession), the new possession limits for every permit category are identical to those that were in place prior to October 2023. The 200,000-lb (90.72-mt) possession limit for Tier 1 limited access vessels is based on mackerel fishery landings from 2019–2021, during which 64 percent of total mackerel landings were attributed to trips that landed over 200,000 lb. The 200,000-lb (90.72-mt) possession limit is expected to be high enough to facilitate harvest of the increased 2026 and projected 2027 DAHs in this rule, but catch rates would not be as high as they were in previous years when Tier 1 limited access vessels could catch unlimited mackerel.

In-Season Commercial Possession Limit Adjustment Process

The regulations at § 648.24(b)(1)(i) require NMFS to close the directed commercial mackerel fishery for the remainder of the fishing year when the Regional Administrator projects that 80 percent of the DAH is harvested.[1] During such a closure, the possession limit for vessels issued a limited access mackerel permit (Tier 1, Tier 2, and Tier 3) is reduced to 10,000 lb (4.54 mt) per trip, and the possession limit for vessels issued an open access mackerel permit (Category 4) is reduced to 2,500 lb (1.13 mt) of mackerel per trip.

This action modifies the process through which NMFS makes in-season adjustments to the commercial mackerel possession limit by breaking the year into three phases. During phase 1, which starts at the beginning of the fishing year (January 1), vessels issued commercial Federal mackerel permits will be subject to the initial possession limits in table 2. Phase 2 begins when 1,100 mt of the DAH remains; during phase 2, the commercial possession limit is reduced to 20,000 lb (9.07 mt) for limited access vessels and 5,000 lb (2.27 mt) for open access vessels. Phase 3 begins when 220 mt of the DAH remains; during phase 3, the directed mackerel fishery is effectively closed, and the commercial possession limits are reduced to 10,000 lb (4.54 mt) per trip for limited access vessels and 2,500 lb (1.13 mt) per trip for open access vessels to allow for some incidental levels of catch while vessels are engaged in other fisheries. This multi-phase possession limit adjustment process is expected to slow the commercial fishery down as catch approaches the DAH, reducing the likelihood of the ACL being exceeded.

Recreational Mackerel Possession Limits

In February 2023, NMFS established a 20-fish per person recreational mackerel possession limit through Amendment 23. This action implements increased mode-specific recreational mackerel possession limits (table 3).

TABLE 3—RECREATIONAL MACKEREL POSSESSION LIMITS

Mode	Current possession limit	New possession limit
Private recreational anglers	20 fish/person per trip	25 fish/person per trip.
For-hire vessels carrying customers	20 fish/person per trip (including captains and crew).	50 fish/person per trip (including captains and crew).
For-hire vessels without customers	20 fish/person per trip	25 fish/person per trip.

The new recreational possession limits will increase recreational fishing opportunities for mackerel, consistent with the increased specifications that are implemented through this action. The 50-fish per person possession limit for for-hire vessels carrying customers is intended to address concerns voiced by industry that people are discouraged from booking mackerel trips at lower possession limits.

Additional Measures and Administrative Revisions and Corrections

Duplicative Regulatory Text

The recordkeeping and reporting requirements regulations at § 648.7(b)(1)(ii) require the owner or operator of a vessel issued a limited access mackerel permit to report catch of mackerel daily via vessel monitoring system (VMS), unless exempted by the Regional Administrator. This regulatory text is duplicated at § 648.7(b)(3)(ii). This rule removes this language from § 648.7(b)(1)(ii) in order to streamline the regulations and remove redundant text.

The mackerel, squid, and butterfish specifications regulations at § 648.22(a)(4)(ii) allow the longfin squid specifications to be adjusted in-season, pursuant to § 648.22(e). The regulations at § 648.22(e) allow the Regional Administrator to adjust the specifications set under the Mackerel, Squid, and Butterfish FMP in-season. Because § 648.22(e) applies to all species managed under the Mackerel, Squid, and Butterfish FMP, the longfin squid-specific regulations at § 648.22(a)(4)(ii) are not necessary. This

[1] NMFS has the discretion to not implement such a closure during November and December if the Regional Administrator projects that the DAH will not be exceeded by the end of the fishing year, and this would not change under the action here.

rule removes paragraph § 648.22(a)(4)(ii) to streamline the regulations.

Errors in Existing Regulatory Text

The mackerel, squid, and butterfish fishery closure and accountability measure (AM) regulations at § 648.24(a)(2) require NMFS to close the directed *Illex* squid fishery in Federal waters when we project that 94 percent of the DAH has been harvested. On August 9, 2022, the final rule implementing revised 2022 *Illex* squid fishery specifications increased the closure threshold from 94 percent to 96 percent (87 FR 48447). The rule explained that because recent improvements in catch reporting had enabled NMFS to more effectively monitor and close the fishery, raising the closure threshold to 96 percent was still expected to avoid ABC overages. Because that change was made through an annual specifications action, the final rule expired on December 31, 2022. When it did, all of paragraph § 648.24(a)(2) was removed from the Code of Federal Regulations. The final rule to implement 2023–2025 specifications for the Mackerel, Squid, and Butterfish FMP restored this text on July 27, 2023 (88 FR 48389); however, the closure threshold was erroneously returned to the earlier 94 percent. This rule corrects that typographical error and sets the *Illex* squid fishery closure threshold back at 96 percent.

On September 23, 2025, NMFS published a final rule that changed the minimum square mesh size for vessels possessing more than 5,000 lb (2.27 mt) of butterfish, reducing it from greater than or equal to 3 inches (7.62 centimeters (cm)) to greater than 2 ⅝ inches (6.67 cm) (90 FR 45674). Through that rule, NMFS revised the butterfish gear restrictions regulations at § 648.23 to reflect the new minimum square mesh size but missed updating several other pertinent regulations. This action revises those other regulations to reflect the correct minimum square mesh size.

The black sea bass ACL regulations at § 648.140(a) erroneously reference scup instead of black sea bass. This rule corrects that typographical error.

Comment Period Requirement for Mackerel, Squid, and Butterfish Specifications

The mackerel, squid, and butterfish fishery specifications regulations at § 648.22(d)(1) require proposed specifications to be published in the **Federal Register** with a 30-day public comment period. However, section 304(b) of the Magnuson-Stevens Act allows the Secretary to publish proposed regulations from the Council in the **Federal Register** with a public comment period of 15 to 60 days. This provision was added to the statute through the Sustainable Fisheries Act of 1996, years after the regulation requiring a 30-day comment period was developed as part of the Mackerel, Squid, and Butterfish FMP. In order to increase efficiency in the specifications-setting process, allow for consistency with other regional FMP regulations, and fully utilize the flexibility that is available in the Magnuson-Stevens Act, this rule removes the 30-day comment period requirement for mackerel, squid, and butterfish specifications from the regulations at § 648.22(d)(1). The Council supported this change at its June 2025 meeting.

AM Implementation Deadlines for the Mackerel, Squid, and Butterfish FMP

The mackerel, squid, and butterfish fishery closure and AM regulations at § 648.24 require NMFS to make determinations about whether catch in a given fishing year caused the Atlantic mackerel and/or butterfish ACLs to be exceeded, and whether AMs need to be implemented.

The regulations § 648.24 further specify that AMs to account for Atlantic mackerel or butterfish ACL overages must be implemented by May 15. This deadline is impractical given the timing of when NMFS receives the data required to evaluate whether an ACL overage occurred (*e.g.,* Marine Recreational Information Program, state data) and how long it takes those data to be reviewed and finalized. In order to avoid making management decisions based on incomplete information and ensure that potential payback amounts are accurate and AMs are not implemented when they are not necessary, this rule removes these specific timing requirements for Atlantic mackerel and butterfish AM implementation from the regulations at § 648.24. Instead, this rule revises the regulations to state more broadly that AMs will be implemented as soon as possible in a following year. This is consistent with how NMFS handles data delays and the timing of AM implementation for other regulated fisheries, including chub mackerel and other high-volume fisheries such as Atlantic herring. The Council supported this change at its June 2025 meeting.

Recreational Mackerel Specifications and AMs

On September 29, 2011, the ACL and AM Omnibus Amendment (76 FR 60606) brought all Council-managed FMPs into compliance with the ACL and AM requirements that were added to the Magnuson-Stevens Act in 2007. Among other measures, this action revised the way that mackerel specifications are structured and created a recreational ACT that consisted of research set-aside, dead discards, and the recreational harvest limit (RHL). Amendment 11 to the Mackerel, Squid, and Butterfish FMP (76 FR 68642; November 7, 2011) implemented the first recreational allocation for mackerel. The recreational allocation was set equal to 6.2 percent of the U.S. mackerel ABC, which was the proportion of mackerel landings that were attributed to the recreational fishery during 1997–2007, multiplied by 1.5 to buffer for uncertainty in recreational catch estimates. The final rule implementing 2012 specifications (77 FR 16472; March 21, 2012) maintained this approach for setting the mackerel allocation and set the remainder of the mackerel specifications according to the provisions of the ACL and AM Omnibus Amendment for the first time. The recreational ACT was set equal to the recreational allocation minus 10 percent to account for uncertainty, and the RHL was set equal to the recreational ACT.

Framework Adjustment 13 (84 FR 58053; October 20, 2019) modified the way that recreational mackerel specifications were structured. Under Framework 13, the recreational allocation was treated as a set-aside (rather than a hard quota) to account for expected recreational catch of mackerel. The recreational allocation was deducted from the U.S. mackerel ABC and was calculated as the median annual recreational mackerel catch during 2013–2017. No additional recreational specifications (*e.g.,* recreational ACT, RHL) were included in this new approach.

Amendment 23 further revised management of the recreational mackerel fishery by introducing a 20-fish per-person/per-trip possession limit. The recreational allocation (now called the ''recreational catch deduction'') was calculated as annual average recreational catch during 2017–2021, minus 17 percent, accounting for the effect of the new possession limit. The recreational catch deduction was still treated as a set-aside, being subtracted from the U.S. ABC before commercial specifications were calculated.

Despite these changes in the way recreational mackerel catch has been handled as part of the specifications process, the mackerel specifications regulations at § 648.22 and the mackerel AM regulations at § 648.24 still reference elements that are no longer

part of the FMP (*e.g.,* recreational ACT, RHL). This action revises those regulations to reflect the current process for setting recreational mackerel specifications.

ACL Regulations for Council-Managed Species

The National Standard 1 guidelines at § 648.310(f)(4)(iv) state that ACLs may be set lower than the ABC to account for ecological, economic, and/or social factors. However, the ACL regulations for several Council-managed species state that ACLs shall be equal to the ABCs recommended by the SSC. This rule revises the following ACL regulations to streamline specifications-setting discussions, provide greater flexibility for the Council's Monitoring Committees, and align those species' ACL regulations with the National Standard 1 guidelines:

- Butterfish ACL regulations at § 648.22(b)(3)(ii);
- Surfclam and ocean quahog ACL regulations at § 648.70(a);
- Summer flounder ACL regulations at § 648.100;
- Scup ACL regulations at § 648.120(a);
- Black sea bass ACL regulations at § 648.140(a);
- Bluefish ACL regulations at § 648.160;
- Golden tilefish ACL regulations at § 648.290(a); and
- Blueline tilefish ACL regulations at § 648.290(b).

The Regional Administrator consulted with the Council on this topic during its December 2025 meeting, and the Council was supportive of NMFS making these administrative changes.

Comments and Responses

NMFS published an in-season interim final rule on February 23, 2026 (91 FR 8386) to increase the rollover 2025 mackerel fishery specifications in 2026, and the public comment period ended on March 25, 2026. In that rule, we indicated that any comments received during the public comment period would be addressed through the rulemaking process for Framework 17. Therefore, a summary of comments received on the February interim final rule, and NMFS' responses, is presented in this rule. We received comments from three members of the public during the comment period: Two commenters were generally opposed to commercial fishing, and one of those commenters supported the transition to farm- or lab-grown protein sources instead. Neither of these commentors specifically mentioned the specifications contained in the interim final rule. The third commenter referenced the 2026 mackerel quota and RH/S catch cap contained in the interim final rule. NMFS' responses to the elements contained in this comment are provided below.

Comment 1: A member of the public urged NMFS to maintain or consider reducing the mackerel quota for 2026, stating that the mackerel stock is heavily pressured by all fisheries, especially now that the Atlantic herring population has declined.

Response 1: Because the best scientific information available indicates that mackerel stock status has improved over time, NMFS disagrees that mackerel specifications should be maintained or reduced in 2026. The 2025 mackerel fishery specifications were based on a 2023 management track stock assessment that found the mackerel stock had unexpectedly failed to rebuild. Initial projections generated for the assessment projected in a spawning stock biomass (SSB) in 2025 of 85,584 mt; based on advice from the SSC, this projection was later reduced to 61,060 mt. The 2026 mackerel fishery specifications that were contained in the February 2026 interim final rule (as well as the final 2026 specifications contained in Framework 17) are based on the results of an updated 2025 management track stock assessment, which found that the mackerel stock is no longer overfished and overfishing is still not occurring. Further, initial projections from the 2025 assessment indicated that the stock would be rebuilt in 2025, and SSB in 2025 was projected to be 240,626 mt. Even after substituting the SSC's recommended recruitment value to account for scientific uncertainty in the assessment, the resulting revised 2025 SSB projection (104,772 mt) was still much higher than the projections generated for the 2023 assessment.

Comment 2: The same member of the public asked NMFS to consider reducing the RH/S quota because the populations for these fish are at historic lows and they are frequently caught as bycatch. The commenter stated that it makes no sense to have a season at all for these critical fish.

Response 2: NMFS agrees that protection of RH/S is important. The Atlantic States Marine Fisheries Commission is primarily responsible for the conservation and management of RH/S species. NMFS notes that there is no Federal quota or fishing season for RH/S (*i.e.,* vessels may not take trips targeting RH/S species in Federal waters at any point during the year). To protect RH/S species in Federal waters, NMFS limits the amount of RH/S that can be caught incidentally by vessels participating in the mackerel fishery through the use of a catch cap. Once the Regional Administrator projects that 95 percent of the RH/S catch cap has been harvested, NMFS closes the Federal limited access commercial mackerel fishery (*i.e.,* implements a mackerel possession limit of 20,000 lb (9.07 mt) per trip) for the remainder of the fishing year. The catch cap is intended to reduce catch of RH/S in the mackerel fishery by providing vessels with an incentive to avoid these fish. Importantly, the RH/S catch cap has not increased despite the much larger mackerel quota for 2026. The Council is able to adjust the catch cap in a future action should the need arise.

Classification

NMFS is implementing the Council's recommended Framework 17 measures pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, which provides specific authority for implementing regulations prepared under section 303(c). Pursuant to section 305(d) of the Magnuson-Steven Act, this action is necessary to allow NMFS to implement, revise, and correct measures developed through previous management actions. The NMFS Assistant Administrator has determined that this interim final rule is consistent with the Mackerel, Squid, and Butterfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This interim final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This interim final rule is exempt from the requirements of E.O. 14192 because it is a routine fishing action.

Because prior notice and opportunity for public comment are not required for this interim final rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable.

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

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of E.O. 13175

also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of E.O. 13175 is not required and has not been prepared.

The Assistant Administrator for Fisheries has determined under 5 U.S.C. 553(b)(B) that it is contrary to the public interest to provide for prior notice for this action. It is necessary to implement the measures in this rule in an expedited manner in order to achieve optimum yield in the mackerel fishery. Similarly, the need to implement these measures to relieve restrictions on the commercial, recreational, and for-hire fisheries in a timely manner constitutes good cause, under authority contained in 5 U.S.C. 553(d)(1), to waive the 30-day delay in the date of effectiveness and to make Framework 17 measures effective as soon as possible.

Without this rule, vessels issued a Federal commercial mackerel permit will continue to be constrained by low incidental possession limits (*i.e.,* 20,000 lb (9.07 mt) per trip for limited access vessels, and 5,000 lb (2.27 mt) per trip for open access vessels). These possession limits were implemented in October 13, 2023 (88 FR 70909), after a management track stock assessment showed that the mackerel stock had unexpectedly failed to rebuild, and they were designed to limit the directed mackerel and keep catch within the lower specifications that were in place during 2023–2025. Based on the best scientific information available, those commercial mackerel possession limits are too restrictive and no longer appropriate for the current condition of the stock. Initial projections from a September 2025 management track stock assessment indicated that the mackerel stock may have reached its rebuilding target in 2025 and suggested that catch in 2026 could be as high as 50,376 mt without exceeding the fishing mortality rate overfishing threshold. Additionally, in prior years when mackerel specifications were higher than they were in 2023–2025, there was substantial fishing activity early in the year. Delaying implementation of Framework 17 will result in lost commercial fishing opportunities while resource condition and availability are good. Further, feedback from vessel owners and operators with Federal squid/mackerel/butterfish charter/party permits suggests that for-hire trip bookings dropped when the 20-fish per person recreational mackerel possession limit was implemented because customers felt that it was too low. Implementing Framework 17 as soon as possible will alleviate this constraint on the recreational mackerel fishery and ensure that the recreational possession limits are reflective of the stock's improved condition.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: April 22, 2026.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 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 § 648.4 by revising paragraphs (a)(5)(iii)(B) and (a)(5)(iv) to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(5) * * *

(iii) * * *

(B) *Limited access mackerel permits.* Except for vessels that fish exclusively in state waters for Atlantic mackerel, a vessel of the United States must have been issued and carry on board a Tier 1, Tier 2, or Tier 3 limited access Atlantic mackerel permit to fish for, possess, or land more than 20,000 lb (9.07 mt) of Atlantic mackerel per trip, provided the commercial Atlantic mackerel possession limits have not been adjusted in-season as specified in § 648.24(b)(1). This includes both vessels engaged in pair trawl operations.

* * * * *

(iv) *Open access mackerel permits.* Any vessel of the United States may obtain an open access Atlantic mackerel permit to fish for, possess, or land up to 20,000 lb (9.07 mt) of Atlantic mackerel as an incidental catch in another directed fishery, provided that the vessel does not exceed the size restrictions specified in paragraph (a)(5)(iii)(A) of this section, and provided the commercial Atlantic mackerel possession limits have not been adjusted in-season as specified in § 648.24(b)(1). The incidental catch allowance may be revised by the Regional Administrator based upon a recommendation by the Council following the procedure set forth in § 648.22.

* * * * *

§ 648.7 [Amended]

■ 3. Amend § 648.7 by removing and reserving paragraph (b)(1)(ii).

* * * * *

■ 4. Amend § 648.14 by:

■ a. Revising paragraphs (g)(1)(ii) and (g)(2)(ii)(F); and

■ b. Removing paragraphs (g)(2)(ii)(G) and (H).

The revisions read as follows:

§ 648.14 Prohibitions.

* * * * *

(g) * * *

(1) * * *

(ii) *Recreational possession.* Take and retain, possess, or land Atlantic mackerel in excess of the recreational limits contained in § 648.26(a)(6).

* * * * *

(2) * * *

(ii) * * *

(F) Possess more than the incidental catch allowance of butterfish, unless issued a butterfish moratorium permit.

* * * * *

■ 5. Amend § 648.22 by:

■ a. Revising paragraph (a)(3);

■ b. Removing and reserving paragraph (a)(4)(ii);

■ c. Revising paragraphs (b)(2)(iv), (v), and (vi);

■ d. Adding paragraph (b)(2)(vii); and

■ e. Revising paragraphs (b)(3)(ii), (c)(1)(ii), and (d)(1).

The revisions and addition read as follows:

§ 648.22 Mackerel, squid, and butterfish specifications.

(a) * * *

(3) Atlantic mackerel—ACL; commercial ACT, including RSA, DAH, Atlantic mackerel Tier 3 landings cap (up to 7 percent of the DAH), DAP; joint venture processing (JVP) if any; TALFF, if any; and recreational catch deduction for Atlantic mackerel; which, subject to annual review, may be specified for a period of up to 3 years. The Monitoring Committee may also recommend that certain ratios of TALFF, if any, for Atlantic mackerel to purchases of domestic harvested fish and/or domestic processed fish be established in relation to the initial annual amounts.

* * * * *

(b) * * *

(2) * * *

(iv) *Recreational catch deduction.* The recreational catch deduction is the estimated catch (landings and discards) of Atlantic mackerel by the recreational fishing sector for the upcoming fishing year.

(v) *Commercial sector ACT.* The commercial sector ACT will be set after the recreational catch deduction is

subtracted from the ACL. The Monitoring Committee shall identify and review relevant sources of management uncertainty to recommend the ACT for the commercial fishing sector as part of the specifications process. Commercial ACT is composed of RSA, DAH, Tier 3 landings cap (up to 7 percent of DAH), dead discards, and TALFF, if any. RSA will be based on requests for research quota as described in paragraph (g) of this section. DAH, Tier 3 landings cap (up to 7 of the DAH), DAP, and JVP will be set after deduction for RSA, if applicable, and must be projected by reviewing data from sources specified in paragraph (b) of this section and other relevant data, including past domestic landings, projected amounts of Atlantic mackerel necessary for domestic processing and for joint ventures during the fishing year, projected recreational landings, and other data pertinent for such a projection. The JVP component of DAH is the portion of DAH that domestic processors either cannot or will not use. Economic considerations for the establishment of JVP and TALFF include:

(A) Total world export potential of Atlantic mackerel producing countries.

(B) Total world import demand of Atlantic mackerel consuming countries.

(C) U.S. export potential based on expected U.S. harvests, expected U.S. consumption, relative prices, exchange rates, and foreign trade barriers.

(D) Increased/decreased revenues to the U.S. from foreign fees.

(E) Increased/decreased revenues to U.S. harvesters (with/without joint ventures).

(F) Increased/decreased revenues to U.S. processors and exporters.

(G) Increases/decreases in U.S. harvesting productivity due to decreases/increases in foreign harvest.

(H) Increases/decreases in U.S. processing productivity.

(I) Potential impact of increased/decreased TALFF on foreign purchases of U.S. products and services and U.S.-caught fish, changes in trade barriers, technology transfer, and other considerations.

(vi) *Performance review.* The Mackerel, Squid, and Butterfish Committee shall conduct a detailed review of fishery performance relative to the Atlantic mackerel ACL at least every 5 years.

(A) If the Atlantic mackerel ACL is exceeded with a frequency greater than 25 percent (*i.e.,* more than once in 4 years or any 2 consecutive years), the Mackerel, Squid, and Butterfish Monitoring Committee will review fishery performance information and make recommendations to the MAFMC for changes in measures intended to ensure ACLs are not exceeded as frequently.

(B) The MAFMC may specify more frequent or more specific ACL performance review criteria as part of a stock rebuilding plan following a determination that a stock has become overfished.

(C) Performance reviews shall not substitute for annual reviews that occur to ascertain if prior year ACLs have been exceeded, but may be conducted in conjunction with such reviews.

(vii) *River herring and shad catch cap.* The Monitoring Committee shall provide recommendations regarding a cap on the catch of river herring (alewife and blueback) and shad (American and hickory) in the Atlantic mackerel fishery based on best available scientific information, as well as measures (seasonal or regional quotas, closure thresholds) necessary for implementation.

(3) * * *

(ii) *ACL.* The butterfish ACL shall not exceed the butterfish ABC.

* * * * *

(c) * * *

(1) * * *

(ii) The commercial ACT for Atlantic mackerel.

* * * * *

(d) * * *

(1) The Mackerel, Squid, and Butterfish Committee will review the recommendations of the Monitoring Committee. Based on these recommendations and any public comment received thereon, the Mackerel, Squid, and Butterfish Committee must recommend to the MAFMC appropriate specifications and any measures necessary to assure that the specifications will not be exceeded. The MAFMC will review these recommendations and, based on the recommendations and any public comment received thereon, must recommend to the Regional Administrator appropriate specifications and any measures necessary to assure that the ACL will not be exceeded. The MAFMC's recommendations must include supporting documentation, as appropriate, concerning the environmental, economic, and social impacts of the recommendations. The Regional Administrator will review the recommendations and will publish a proposed rule in the **Federal Register** proposing specifications and any measures necessary to assure that the specifications will not be exceeded. If the proposed specifications differ from those recommended by the MAFMC, the reasons for any differences must be clearly stated and the revised specifications must satisfy the criteria set forth in this section. The MAFMC's recommendations will be available for inspection at the office of the Regional Administrator during the public comment period. If the annual specifications for *Illex* squid, longfin squid, Atlantic mackerel, Atlantic chub mackerel, or butterfish are not published in the **Federal Register** prior to the start of the fishing year, the previous year's annual specifications, excluding specifications of TALFF, will remain in effect. The previous year's specifications will be superseded as of the effective date of the final rule implementing the current year's annual specifications.

* * * * *

■ 6. Amend § 648.24 by revising paragraphs (a)(2), (b), (c)(1), (c)(2), (c)(4), and (e)(2) to read as follows:

§ 648.24 Fishery closures and accountability measures.

(a) * * *

(2) *Illex.* NMFS shall close the directed *Illex* fishery in the EEZ when the Regional Administrator projects that 96 percent of the *Illex* DAH is harvested. The closure of the directed fishery shall be in effect for the remainder of that fishing period, with incidental catches allowed as specified at § 648.26.

(b) *Atlantic Mackerel AMs—Possession Limit Adjustments*—(i) *Possession Limit Adjustment—Phase 2.* When the Regional Administrator projects that 1,100 mt of the Atlantic mackerel DAH is remaining, NMFS will reduce the commercial Atlantic mackerel possession limits as specified in § 648.26(a)(2) for the remainder of the fishing year.

(ii) *Possession Limit Adjustment—Phase 3.* When the Regional Administrator projects that 220 mt of the Atlantic mackerel DAH is remaining, NMFS will reduce the commercial mackerel possession limits as specified in § 648.26(a)(3) for the remainder of the fishing year.

(iii) *Regional Administrator discretion.* NMFS has the discretion to not implement measures outlined in paragraph (b)(1)(ii) of this section during November and December if the Regional Administrator projects that commercial Atlantic mackerel landings will not exceed the DAH during the remainder of the fishing year.

(2) *Atlantic mackerel commercial landings overage repayment.* If the Atlantic mackerel ACL is exceeded and commercial fishery landings are responsible for the overage, then

landings in excess of the DAH will be deducted from the DAH as a single-year adjustment as soon as possible in a subsequent year.

(3) *Non-landing AMs.* In the event that the Atlantic mackerel ACL is exceeded, and that the overage has not been accommodated through the landing-based AM described in paragraph (b)(2) of this section, but is attributable to the commercial sector, then the exact amount, in pounds, by which the commercial Atlantic mackerel ACT was exceeded will be deducted from the commercial Atlantic mackerel ACT as a single-year adjustment as soon as possible in a subsequent year.

(4) *Atlantic mackerel recreational AMs.* If the Atlantic mackerel ACL is exceeded and recreational fishery catch is responsible for the overage, then adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made as soon as possible in a subsequent year.

(5) *Atlantic mackerel ACL overage evaluation.* The Atlantic mackerel ACL will be evaluated based on a single-year examination of total catch (landings and discards). Both landings and dead discards will be evaluated in determining if the Atlantic mackerel ACL has been exceeded. NMFS shall make determinations about overages and implement any changes to the Atlantic mackerel specifications necessary to account for the ACL overage as a single-year adjustment, in accordance with the Administrative Procedure Act, through notification in the **Federal Register**.

(6) *River herring and shad catch cap.* The river herring and shad cap on the Atlantic mackerel fishery applies to all trips that land more than 20,000 lb (9.07 mt) of Atlantic mackerel. NMFS shall close the limited access Atlantic mackerel fishery in the EEZ when the Regional Administrator projects that 95 percent of the river herring/shad catch cap has been harvested. Following closures of the limited access Atlantic mackerel fishery, vessels must adhere to the possession restrictions specified in § 648.26.

(c) * * *

(1) *Directed butterfish fishery closure.* When the butterfish catch reaches the butterfish closure threshold as determined in the annual specifications, NMFS shall implement a 5,000 lb (2,268 kg) possession limit for vessels issued a butterfish moratorium permit that are fishing with a minimum mesh size of 3-inch (7.62-cm) diamond mesh or greater than 2 5/8-inch (6.67-cm) square mesh. When NMFS projects that the butterfish catch has reached the butterfish DAH, as determined in the annual specifications, NMFS shall implement a 600 lb (272 kg) possession limit for all vessels issued a longfin squid or butterfish moratorium permit, or a squid/butterfish incidental catch permit.

(2) *Butterfish ACL overage repayment.* If the butterfish ACL is exceeded, then catch in excess of the ACL will be deducted from the ACL as a single-year adjustment as soon as possible in a subsequent year.

* * * * *

(4) *Butterfish ACL overage evaluation.* The ACL will be evaluated based on a single-year examination of total catch (landings and discards). Both landings and dead discards will be evaluated in determining if the ACL has been exceeded. NMFS shall make determinations about overages and implement any changes to the ACL as a single-year adjustment, in accordance with the Administrative Procedure Act, through notification in the **Federal Register**, as soon as possible in a subsequent year.

* * * * *

(e) * * *

(2) *Overage repayment.* The Regional Administrator will evaluate both landings and dead discards in a single year to determine if the Atlantic chub mackerel ACL specified in § 648.22(b)(5) has been exceeded. If the Atlantic chub mackerel ACL has been exceeded, then catch in excess of the Atlantic chub mackerel ACT will be deducted from the Atlantic chub mackerel ACT as a single-year adjustment as soon as possible in a subsequent year. The Regional Administrator shall implement any changes to the Atlantic chub mackerel ACT, in accordance with the Administrative Procedure Act, through notification in the **Federal Register**.

* * * * *

■ 7. Amend § 648.26 by revising paragraph (a) and (d)(1)(i) and (ii) to read as follows:

§ 648.26 Mackerel, squid, and butterfish possession restrictions.

(a) *Atlantic mackerel*—(1) *Initial (Phase 1) commercial possession limits.* A vessel must be issued a valid limited access Atlantic mackerel permit to fish for, possess, or land more than 20,000 lb (9.07 mt) of Atlantic mackerel in or harvested from the EEZ per trip, provided the commercial Atlantic mackerel possession limits have not been adjusted in-season as specified in § 648.24(b)(1).

(i) A vessel issued a Tier 1 limited access mackerel permit is authorized to fish for, possess, or land up to 200,000 lb (90.7 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(ii) A vessel issued a Tier 2 limited access mackerel permit is authorized to fish for, possess, or land up to 135,000 lb (61.2 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(iii) A vessel issued a Tier 3 limited access mackerel permit is authorized to fish for, possess, or land up to 100,000 lb (45.4 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(iv) A vessel issued an open access Atlantic mackerel permit may fish for, possess, or land up to 20,000 lb (9.07mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(2) *Phase 2 commercial possession limits.* During Phase 2 of the Atlantic mackerel fishery pursuant to § 648.24(b)(1)(i), vessels issued a valid limited access or open access Atlantic mackerel permit are subject to the possession limits specified in paragraphs (a)(2)(i) and (ii) of this section.

(i) A vessel issued a limited access (Tier 1, Tier 2, or Tier 3) Atlantic mackerel permit is authorized to fish for, possess, or land up to 20,000 lb (9.07 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(ii) A vessel issued an open access mackerel permit is authorized to fish for, possess, or land up to 5,000 lb (2.27 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(3) *Phase 3 commercial possession limits.* During Phase 3 of the Atlantic mackerel fishery pursuant to § 648.24(b)(1)(ii), vessels issued a valid limited access or open access Atlantic mackerel permit are subject to the possession limits specified in

paragraphs (a)(3)(i) and (ii) of this section.

(i) A vessel issued a limited access (Tier 1, Tier 2, or Tier 3) mackerel permit is authorized to fish for, possess, or land up to 10,000 lb (4.54 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(ii) A vessel issued an open access mackerel permit is authorized to fish for, possess, or land up to 2,500 lb (1.13 mt) of Atlantic mackerel in or harvested from the EEZ per trip, and may only land Atlantic mackerel once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(4) *Pair trawling.* Both vessels involved in a pair trawl operation must be issued a valid Atlantic mackerel permit to fish for possess, or land Atlantic mackerel in the EEZ. Both vessels must be issued the Atlantic mackerel permit appropriate for the amount of Atlantic mackerel jointly possessed by both of the vessels participating in the pair trawl operation.

(5) *River herring/shad catch cap closure.* During a closure of the limited access commercial Atlantic mackerel fishery pursuant to § 648.24(b)(6), when 95 percent of the river herring/shad catch cap has been harvested, vessels issued an open or limited access Atlantic mackerel permit may not take and retain, possess, or land more than 20,000 lb (9.07 mt) of Atlantic mackerel per trip at any time, and may only land once on any calendar day, which is defined as the 24-hr period beginning at 0001 hours and ending at 2400 hours.

(6) *Recreational possession limits*—(i) *For-hire (charter/party) recreational possession limit.* When carrying passengers for hire, the recreational Atlantic mackerel possession limit for vessels issued a squid/mackerel/butterfish charter/party permit is 50 Atlantic mackerel per person per trip, including captains and crew. When not carrying passengers for hire, the recreational Atlantic mackerel possession limit for vessels issued a squid/mackerel/butterfish charter/party permit is 25 Atlantic mackerel per person per trip.

(ii) *Private recreational possession limit.* The recreational Atlantic mackerel possession limit for private recreational anglers is 25 Atlantic mackerel per person per trip.

* * * * *

(d) * * *

(1) * * *

(i) *Vessels fishing with larger mesh.* A vessel issued a butterfish moratorium permit fishing with a minimum mesh size of 3-inch (7.62-cm) diamond mesh or greater than 2 5/8-inch (6.67-cm) square mesh is authorized to fish for, possess, or land butterfish with no possession restriction in the EEZ per trip, provided that directed butterfish fishery has not been closed and the reduced possession limit has not been implemented, as specified in § 648.24(c)(1). When butterfish harvest is projected to reach the threshold for the butterfish fishery, as specified in § 648.24(c)(1), these vessels may not fish for, possess, or land more than 5,000 lb (2,268 kg) of butterfish per trip at any time. When butterfish harvest is projected to reach the DAH limit, as specified in § 648.24(c)(1), these vessels may not fish for, possess, or land more than 600 lb (272 kg) of butterfish per trip at any time.

(ii) *Vessels fishing with smaller mesh.* A vessel issued a butterfish moratorium permit fishing with mesh less than 3-inch (7.62-cm) diamond mesh or less than or equal to 2 5/8-inch (6.67-cm) square mesh may not fish for, possess, or land more than 5,000 lb (2,268 kg) of butterfish per trip at any time, provided that butterfish harvest has not reached the DAH limit and the reduced possession limit has not been implemented, as described in § 648.24(c)(1). When butterfish harvest is projected to reach the DAH limit, as described in § 648.24(c)(1), these vessels may not fish for, possess, or land more than 600 lb (272 kg) of butterfish per trip at any time.

* * * * *

■ 8. Amend § 648.70 by revising paragraph (a) introductory text to read as follows:

§ 648.70 Surfclam and ocean quahog Annual Catch Limit (ACL).

(a) The MAFMC staff shall recommend to the MAFMC ACLs for the surfclam and ocean quahog fisheries, which shall not exceed the ABCs recommended by the SSC.

* * * * *

■ 9. Amend § 648.100 by revising paragraph (a) introductory text to read as follows:

§ 648.100 Summer flounder Annual Catch Limit (ACL).

(a) *Annual catch limits.* The Monitoring Committee shall recommend to the MAFMC separate ACLs for the commercial and recreational summer flounder fisheries, the sum total of which shall not exceed the ABC recommended by the SSC.

* * * * *

■ 10. Amend § 648.120 by revising paragraph (a) introductory text to read as follows:

§ 648.120 Scup Annual Catch Limit (ACL).

(a) *Annual catch limits.* The Monitoring Committee shall recommend to the MAFMC separate ACLs for the commercial and recreational scup fisheries, the sum total of which shall not exceed the ABC recommended by the SSC.

* * * * *

■ 11. Amend § 648.140 by revising paragraph (a) introductory text to read as follows:

§ 648.140 Black sea bass Annual Catch Limit (ACL).

(a) *Annual Catch Limits.* The Monitoring Committee shall recommend to the MAFMC separate ACLs for the commercial and recreational black sea bass fisheries, the sum total of which shall not exceed the ABC recommended by the SSC.

* * * * *

■ 12. Amend § 648.160 by revising paragraph (a) introductory text to read as follows:

§ 648.160 Bluefish Annual Catch Limit (ACL).

(a) The Bluefish Monitoring Committee shall recommend to the MAFMC an ACL for the bluefish fishery, which shall not exceed the ABC recommended by the SSC.

* * * * *

■ 13. Amend § 648.290 by revising paragraphs (a) introductory text and (b) to read as follows:

§ 648.290 Tilefish Annual Catch Limits (ACL).

(a) *Golden tilefish.* The Tilefish Monitoring Committee shall recommend to the MAFMC an ACL for the commercial golden tilefish fishery, which shall not exceed the ABC recommended by the SSC.

* * * * *

(b) *Blueline tilefish.* The Tilefish Monitoring Committee shall recommend to the MAFMC separate ACLs for the commercial and recreational blueline tilefish fisheries, the sum total of which shall not exceed the ABC recommended by the SSC.

* * * * *

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BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260423–0110; RTID 0648–XF532]

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Allocation of 2026 Northeast Multispecies Annual Catch Entitlements and Notice of Default Specifications

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

ACTION: Final rule.

SUMMARY: This final rule allocates Northeast multispecies annual catch entitlements (ACE) to approved groundfish sectors and permit banks for fishing year 2026 based on 2026 annual catch limits (ACL) set in Framework Adjustment 69 to the Northeast Multispecies Fishery Management Plan (FMP) or default specifications and provides notice of specifications for 11 stocks that are set by default in accordance with existing regulations. This action is intended to allow limited access permit holders to continue to operate sectors, as authorized under the FMP.

DATES: Northeast multispecies annual catch entitlements for sectors are effective May 1, 2026, through April 30, 2027. Default catch limits are effective May 1, 2026, through October 31, 2026, unless replaced by another action before November 1, 2026. If a subsequent action is not implemented on or before October 31, 2026, sectors would be prohibited from fishing in the stock areas of stocks with expired default catch limits beginning November 1, 2026, unless and until replaced by catch limits for those stocks.

ADDRESSES: Copies of each sector's operations plan and contracts from fishing years 2025–2026; the Sector Operations Plan, Contract, and Environmental Assessment Requirements guidance document for fishing years 2025–2026, as well as the environmental assessment and supplemental information report analyzing sector sub-annual catch limits; and other supporting documents are available from the NMFS Greater Atlantic Regional Fisheries Office (GARFO). Copies of supporting documents are available from: Heather Nelson at *Heather.Nelson@noaa.gov.* These documents are also accessible via the GARFO website. These documents and the **Federal Register** documents referenced in this rule are also accessible via the internet at: *https://www.fisheries.noaa.gov/management-plan/northeast-multispecies-management-plan.*

FOR FURTHER INFORMATION CONTACT: Heather Nelson, Fishery Policy Analyst, (978) 281–9334.

SUPPLEMENTARY INFORMATION:

Background

The Northeast Multispecies FMP defines a sector as ''a group of persons holding limited access Northeast multispecies permits who have voluntarily entered into a contract and agree to certain fishing restrictions for a specified period of time, and which has been granted a [total allowable catch] TAC(s) [*sic*] in order to achieve objectives consistent with applicable FMP goals and objectives.'' (50 CFR 648.2 ''Sector''). A sector must comprise at least three Northeast multispecies permits issued to at least three different persons, none of whom have any common ownership interest in the permits, vessels, or businesses associated with the permits issued to the other two or more persons in that sector. As long as at least three persons issued a Northeast multispecies permit meet these requirements, permit owners may have common ownership interests in other permits, vessels, or businesses associated with such permits. Sectors are self-selecting, meaning participation is voluntary, and each sector can choose its members. Between 2019 and 2023 sectors accounted for approximately 99 percent of landings and revenue in the commercial groundfish fishery, which has an annual value of approximately $40 million (ex-vessel revenue from the most recent complete fishing year).

The Northeast multispecies sector management system includes an annual allocation of available catch for portions of the Northeast multispecies stocks to each approved sector. These annual sector allocations are known as ACE and are based on the collective fishing history of the permits held by a sector's members. Sectors may receive allocations of large-mesh Northeast multispecies stocks with the exception of Atlantic halibut, windowpane flounder, Atlantic wolffish, and ocean pout, which are non-allocated species managed under separate effort controls. ACEs are portions of a stock's ACL available to commercial Northeast multispecies vessels enrolled in a sector. A sector determines how to harvest its ACE.

Because sectors elect to receive an allocation under a quota-based system, the FMP grants sector vessels several universal exemptions from the FMP's effort controls. These universal exemptions apply to trip limits on allocated stocks, portions of the Gulf of Maine (GOM) Cod Protection Closures, Northeast multispecies days-at-sea (DAS) restrictions, the requirement to use a 6.5-inch (16.5-centimeter (cm)) mesh codend when fishing with selective gear on Georges Bank (GB), and the minimum codend mesh size restrictions for trawl gear when fishing in compliance with the provisions of the Redfish Exemption Program. The FMP allows the New England Fishery Management Council (Council) to add universal exemptions using the framework adjustment process. Sectors may request additional exemptions annually as part of their sector operations plans to increase flexibility and fishing opportunities. The FMP prohibits sectors from requesting exemptions from permitting restrictions, gear restrictions designed to minimize habitat impacts, and most reporting requirements.

In addition to the sectors, there are several state-operated permit banks that each receive an allocation based on the fishing history of permits they hold. These allocations may be leased to fishermen enrolled in sectors. State-operated permit banks are no longer approved through the sector approval process (77 FR 16942; March 23, 2012), but current state-operated permit banks contribute to the total allocation under the sector system.

NMFS approved 15 sectors to operate in fishing years 2025 and 2026 and also approved 18 requested exemptions for sectors through the implementation of an emergency rule (90 FR 18804; May 2, 2025), which expires on April 30, 2026, and Framework Adjustment (Framework) 69 (91 FR 11141, March 9, 2026), which replaced the emergency rule. Although new sectors can be established annually, and approved sectors can change operations plans annually, NMFS did not receive any new sector proposals or requests for substantive changes to the approved operations plans for fishing year 2026. Therefore, this final rule allocates 2026 ACE to the approved sectors and permit banks based on fishing year 2025 rosters and the fishing year 2026 catch limits set in Framework 69 to the FMP or default specifications.

Catch Limits for Fishing Year 2026

Catch Limits Effective May 1, 2026, Through April 30, 2027

Framework 69 set or reaffirmed 2026 catch limits for nine groundfish stocks: GOM haddock, Georges Bank (GB) yellowtail flounder, American plaice, witch flounder, redfish, pollock, northern windowpane flounder, southern windowpane flounder, and Atlantic halibut. For these stocks, the sector and common pool allocations in this rule are based on the 2026 catch limits set in Framework 69 and fishing year 2025 sector rosters (table 1). Sector rosters for fishing year 2026 had not been submitted to NMFS at the time this rule was prepared.

Default Catch Limits Effective May 1, 2026, Through October 31, 2026

The groundfish regulations implement default catch limits for any stock for which final specifications are not in place by the beginning of the fishing year on May 1. The FMP's default specifications provision in the regulations at § 648.90(a)(3) sets catch limits at 75 percent of the previous year's (2025) catch limits, except in instances where 75 percent of the previous year's catch limit would exceed the Council's recommendation for the final specifications. This rule announces default specifications for 11 stocks that do not have specifications set for the 2026 fishing year.

The Council has recommended two actions, Amendment 25 and Framework 72 to the FMP, which together set catch limits for fishing year 2026 for the stocks that do not currently have 2026 catch limits specified. The final rules for Amendment 25 and Framework 72 may not be approved or implemented by May 1, 2026, the start of the fishing year. Therefore, to prevent disruption to the groundfish fishery while these rules are considered for approval, this final rule announces default catch limits for the stocks proposed in Amendment 25 and Framework 72 (table 1). Additionally, to provide information to vessels weighing the decision to fish in the Sectors program or to fish in the common pool, the common pool Trimester TACs that would result from default and previously established specifications are provided in table 2.

Amendment 25 to the FMP (91 FR 12993; March 18, 2026) proposes 2026 catch limits for four Atlantic cod stocks: GB cod, Eastern GOM cod, Western GOM cod, and Southern New England (SNE) cod. Because the FMP currently manages Atlantic cod as two stocks (GB and GOM cod), this rule uses default specifications for GB and GOM cod stocks to allocate ACE to sectors. If approved, the final rule for Amendment 25 would establish four stocks of cod (GB, Eastern GOM, Western GOM, and SNE cod) under the FMP, replace catch limits and sector allocations for GB and GOM cod with catch limits and sector allocations for the four new stocks, and specify a mid-year transition plan from the two Atlantic cod stocks to the four Atlantic cod stocks.

The Council has also submitted Framework 72, which includes catch limits for nine groundfish stocks for fishing year 2026: GB haddock, SNE/Mid-Atlantic (MA) yellowtail flounder, Cape Cod (CC)/GOM yellowtail flounder, GB winter flounder, GOM winter flounder, SNE/MA winter flounder, white hake, ocean pout, and Atlantic wolffish. Framework 72, if approved, would also replace the fishing year 2026 GB yellowtail flounder and redfish specifications previously set in Framework 69 and the fishing year 2026 GB cod specifications set in Amendment 25, if approved.

All default catch limits in this rule are set at 75 percent of their respective 2025 catch limits, except for white hake. Seventy-five percent of the 2025 catch limits for white hake would exceed the specifications recommended by the Council in Framework 72. Therefore, according to the provisions set at § 648.90(a)(3), this rule sets default specifications for white hake equal to those recommended by the Council in Framework 72. The default catch limits are effective from May 1, 2026, through October 31, 2026, unless replaced by final rules for Framework 72 and Amendment 25 that are effective prior to November 1, 2026. Existing regulations set these default specifications at the beginning of a fishing year on May 1 to minimize impacts on the fishery that would occur if no catch limits are specified in a final rule by that date. If the final rules for Framework 72 and Amendment 25 are not approved and implemented on or before October 31, all fishing for these stocks specified in these rules would be prohibited beginning November 1, 2026. The prohibition would remain in effect for the remainder of the fishing year unless and until the NMFS approves and implements the catch limits in Framework 72 and Amendment 25.

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Table 1 -- Northeast Multispecies Catch Limits for 2026 in metric tons (mt)

Stock	Total ACL	Groundfish sub-ACL	Final Sector sub-ACL	Final Common Pool sub-ACL	Recreational sub-ACL	Midwater Trawl Fishery	Scallop Fishery	Small-Mesh Fisheries	State Waters sub-component	Other sub-component
GB Cod*	140	105	101	3.6					12	23
GOM Cod*	245	223	127	5.2	90				23	0.0
GB Haddock#	1,553	1,514	1,480	35		30			0	8.2
GOM Haddock†	3,429	3,359	2,155	58	1,146	34			36	0.0
GB Yellowtail Flounder†	93	76	71	5.0			14.9	1.8	0.0	0.0
SNE/MA Yellowtail Flounder#	29	25	18	6.8			2.0		0.2	1.5
CC/GOM Yellowtail Flounder#	654	606	571	36					21	27
American Plaice†	6,632	6,597	6,393	204					0	35
Witch Flounder†	1,452	1,406	1,352	54					7.6	38
GB Winter Flounder#	1,084	1,073	1,020	53					0	11
GOM Winter Flounder#	579	455	385	70					115	9.1
SNE/MA Winter Flounder#	453	331	281	49					14	108
Redfish†	7,997	7,997	7,898	99					0	0
White Hake#	1,294	1,287	1,273	15					0	7
Pollock†	10,676	9,391	9,288	103					670	614
N. Windowpane Flounder†	127	94	na	94			27		0.0	6.8
S. Windowpane Flounder†	205	30	na	30			71		6.4	98
Ocean Pout#	63	37	na	37					0	25
Atlantic Halibut†	34	23	na	23					9.1	1.6
Atlantic Wolffish#	65	65	na	65					0	0

* These catch limits are based on default specifications and would be replaced when the final rule for Amendment 25 becomes effective, if approved. If the final rule for Amendment 25 is not approved or implemented on or before October 31, all fishing for these stocks would be prohibited beginning November 1.

†These catch limits are based on Framework 69. Framework 72, if approved, would replace the fishing year 2026 specifications for GB yellowtail flounder and redfish.

These catch limits are based on default specifications and would be replaced when the final rule for Framework 72 becomes effective, if approved. If Framework 72 is not approved or implemented on or before October 31, all fishing for these stocks would be prohibited beginning November 1.

TABLE 2—COMMON POOL TRIMESTER TOTAL ALLOWABLE CATCHES FOR FISHING YEAR 2026

[mt, live weight]

Stock			Trimester total allowable catches
Trimester 1	Trimester 2	Trimester 3	
GB Cod *	1.0	1.2	1.4
GOM Cod *	2.5	1.7	0.9
GB Haddock #	9.4	11.5	13.9
GOM Haddock †	15.7	15.1	27.3
GB Yellowtail Flounder †	1.0	1.5	2.6
SNE/MA Yellowtail Flounder #	1.4	1.9	3.4
CC/GOM Yellowtail Flounder #	20.3	9.3	6.1
American Plaice †	151.3	16.4	36.8
Witch Flounder †	29.6	10.8	13.5
GB Winter Flounder #	4.3	12.8	36.2
GOM Winter Flounder #	25.9	26.6	17.5
Redfish †	24.8	30.8	43.6
White Hake #	5.6	4.6	4.6
Pollock †	28.8	36.0	38.1

* These TACs are based on default specifications and would be replaced when the final rule for Amendment 25 becomes effective, if approved. If the final rule for Amendment 25 is not approved or implemented on or before October 31, all fishing for these stocks would be prohibited beginning November 1.

† These TACs are based on Framework 69. Framework 72, if approved, would replace the fishing year 2026 specifications for GB yellowtail flounder and redfish.

These TACs are based on default specifications and would be replaced when the final rule for Framework 72 becomes effective, if approved. If Framework 72 is not approved or implemented on or before October 31, all fishing for these stocks would be prohibited beginning November 1.

Sector Allocations for Fishing Year 2026

This rule allocates ACE to sectors and permit banks based on the fishing year 2025 sector rosters and the 2026 catch limits established in Framework 69 or default specifications. Preliminary fishing year 2026 sector rosters had not been submitted to NMFS at the time this rule was prepared. All permit holders who join a sector for fishing year 2026 have until April 30, 2026, to withdraw and instead elect to fish in the common pool, although sectors may specify a more restrictive withdrawal date for their members. As a result, the total permits enrolled in sectors for fishing year 2026 could change from the current fishing year 2025 rosters, although such changes are expected to be minimal based on past fishing years.

NMFS calculates the sector's allocation for each stock by summing its members' potential sector contributions (PSC) for a stock and then multiplying that total percentage by the available commercial sub-ACL for that stock. Table 3 shows the preliminary projected total PSC for each sector, by stock, for fishing year 2026 based on fishing year 2025 sector rosters. Tables 4 and 5 show estimates of the preliminary allocations that each sector will be allocated, in pounds and metric tons, respectively, for fishing year 2026, based on their fishing year 2025 rosters and the 2026 catch limits established in Framework 69 or default specifications.

Instead of assigning separate PSCs for eastern GB cod or eastern GB haddock, a PSC is assigned to each permit for the GB cod stock and GB haddock stock. Each sector's GB cod and GB haddock allocations are then divided into an eastern ACE and a western ACE, based on each sector's percentage of the GB cod and GB haddock ACLs. For example, if a sector is allocated 4 percent of the GB cod ACL, the sector is allocated 4 percent of the commercial eastern GB cod TAC as its eastern GB cod ACE. The eastern GB haddock allocations are determined in the same way. These amounts are then subtracted from the sector's overall GB cod and haddock allocations to determine its western GB cod and haddock ACEs. A sector may only harvest its eastern GB cod and haddock ACEs in the Eastern U.S./Canada Area. A sector may ''convert,'' or transfer, its eastern GB cod or haddock allocation into western GB allocation and harvest that converted ACE outside the eastern GB geographic area.

Each sector is required to ensure that it does not exceed its ACE during the fishing year. Sector vessels are required to retain all legal-sized allocated Northeast multispecies stocks unless a sector is granted an exemption allowing its member vessels to discard legal-sized unmarketable fish at sea. Catch (defined as landings and dead discards) of all allocated Northeast multispecies stocks by a sector's vessels counts against the sector's allocation. Groundfish catch from a sector trip targeting non-groundfish species will be deducted from the sector's ACE because these trips use gear capable of catching groundfish. Groundfish catch from a non-sector trip in an exempted fishery does not count against a sector's allocation and is assigned to a separate ACL sub-component to account for any groundfish bycatch that occurs in non-groundfish fisheries.

To reduce or eliminate any fishing year 2025 overages, NMFS will allow sectors to trade fishing year 2025 ACE for 2 weeks after completion of the year-end catch accounting. If necessary, NMFS will reduce any sector's fishing year 2026 allocation to account for a remaining overage in fishing year 2025. Each year, NMFS notifies the Council and sector managers of this deadline in writing and announces its final ACE determination at: *https://www.fisheries.noaa.gov/species/northeast-multispecies.* As soon as practicable after the start of the 2026 fishing year, final allocations to the nearest pound are provided directly to each sector based on their final May 1 rosters. NMFS uses these final allocations, along with later adjustments including ACE transfers, reductions for overages, or increases for carryover from fishing year 2025, to monitor sector catch.

The common pool collectively may harvest an amount of a particular stock equal to the common pool sub-ACL, which is a portion of the commercial groundfish quota for that stock. The common pool sub-ACLs are also included in tables 4 and 5. The common pool sub-ACLs are managed separately

from sectors and do not contribute to available ACE for leasing or harvest by sector vessels. The preliminary common pool sub-ACLs are included in tables 2 through 4 for comparison.

BILLING CODE 3510–22–P

Table 3 -- Cumulative PSC (Percentage) Each Sector Would Receive by Stock for Fishing Year 2026*

Sector Name	MRI Count	GB Cod	GOM Cod	GB Haddock	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
Fixed Gear Sector	58	10.24212320	0.62118283	1.30036807	0.17541380	0.00311474	0.18875828	1.56423147	0.44969368	1.08624360	0.01703982	1.76326285	0.94546461	0.48359712	0.98554309	2.63604599
Maine Coast Community Sector	107	2.14381876	16.04726033	3.28024954	12.19493668	1.94946572	2.52191670	6.27087271	15.57982971	12.35893454	0.80738762	7.70307452	2.23292260	9.19871852	13.83337888	12.70465517
Maine Permit Bank	11	0.13439158	1.16168961	0.04453277	1.12521597	0.01387770	0.03207071	0.31964833	1.16764302	0.72914243	0.00021875	0.42733162	0.01820836	0.82280629	1.65674426	1.69636752
Mooncusser Sector	51	11.75076850	7.21912792	3.63423596	3.80554950	0.85287050	0.71325693	3.90298129	0.95626703	2.17641454	0.06281761	3.89289999	1.81395127	4.76123074	10.82902490	10.91393118
NEFS 2	128	10.06043816	25.72844012	15.50795747	25.08012941	6.71533619	7.36598169	26.40703261	15.87508356	21.07064126	5.07183716	26.71999021	5.98070677	22.05072341	13.29452390	18.02512930
NEFS 4	58	8.63064256	11.18238598	6.05566788	8.86166344	2.17847227	2.28497979	6.42213790	9.43836833	8.82304185	0.69996268	7.42431328	1.03551783	6.69553103	8.27315447	7.26683531
NEFS 5	14	0.35472720	0.32881900	0.42498729	0.11063627	0.70255940	10.44623976	0.92544848	0.22763746	0.40210981	0.17313264	0.84381096	6.93905854	0.01320635	0.03510117	0.06575445
NEFS 6	3	0.53277963	0.16900617	0.55629310	0.15126005	0.06623359	0.00032970	0.02492228	0.88199052	0.47903712	0.08026315	0.07106409	0.01437646	1.11265148	0.52915152	0.31852137
NEFS 8	114	34.51388651	6.45087423	42.30010274	18.91885822	48.13967395	19.06150238	19.62941210	21.94659844	21.33080345	63.02944419	5.03318563	43.54807834	26.47961273	19.26726375	18.89354372
NEFS 10	20	0.17129915	1.67784253	0.10430337	0.71634962	0.00105439	0.56741495	3.07362115	0.30002267	0.59790479	0.01076827	5.69699804	0.43191024	0.01057169	0.02845311	0.07115414
NEFS 11	38	0.39824840	10.53615357	0.03378514	2.64634283	0.00088665	0.01017277	2.11441907	1.42997133	1.44683554	0.00097316	1.90333948	0.02232596	1.86077245	3.95170830	8.47767118
NEFS 12	25	0.87144678	3.84040388	0.79243704	1.41977269	1.33470334	1.55285130	9.57101150	1.86581763	2.04834200	0.39637667	12.41077504	0.72988422	0.58577546	0.92634941	1.40772701
NEFS 13	49	7.53239015	0.33857362	12.59623816	0.68350584	24.86780462	20.35771973	3.99132945	4.76528223	5.05798498	12.81770000	1.12900445	10.60284817	1.52348140	0.94824778	1.00456641
New Hampshire Permit Bank	4	0.00082696	1.15188056	0.00003421	0.03236754	0.00002041	0.00001803	0.02192453	0.02856511	0.00617883	0.00000326	0.06080509	0.00003694	0.01942370	0.08148030	0.11143814
Sustainable Harvest Sector 1	41	5.05343713	4.50212938	6.72957598	9.17479601	2.15655615	1.56139858	4.61957286	11.16236257	8.71237918	6.61130129	5.07805425	3.04571508	11.28978633	12.24469133	5.67281173
Sustainable Harvest Sector 2	14	1.29776006	1.13739128	1.99846045	4.03289027	0.70148248	1.99315808	2.13858024	2.09256157	2.33147501	0.36513799	2.03730190	2.22203502	4.16622848	2.83808242	2.72152125
Sustainable Harvest Sector 3	29	2.85517607	3.98021781	2.34273634	8.24985644	3.75909839	4.36586471	3.12368104	8.73405783	7.51949003	4.90221270	2.44199437	5.47302383	7.68590803	9.12453183	6.91687123
Common Pool	495	3.45583918	3.92662118	2.29803448	2.62045541	6.55678951	26.97636591	5.87917301	3.09824732	3.82304105	4.95342303	15.36279423	14.94393576	1.23997480	1.15256960	1.09545488
All Sectors	764	96.54	96.07	97.70	97.38	93.44	73.02	94.12	96.90	96.18	95.05	84.64	85.06	98.76	98.85	98.90

* The data in this table are based on sector rosters for fishing year 2025 and may change based on final 2026 sector enrollment.

Table 4 -- Estimated ACE (in 1,000 pounds), by Stock, for Each Sector for Fishing Year 2026*#

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	19	5	2	43	0	9	0	0	21	65	34	0	18	7	85	28	546
MCCS	4	1	47	110	0	595	3	1	84	2,266	383	19	77	16	1,622	393	2,630
MPB	0	0	3	1	0	55	0	0	4	170	23	0	4	0	145	47	351
Mooncusser	21	6	21	121	0	186	1	0	52	139	67	1	39	13	839	307	2,260
NEFS 2	18	5	75	518	0	1,224	11	4	353	2,309	653	120	268	44	3,888	377	3,732
NEFS 4	16	4	33	202	0	432	4	1	86	1,373	274	17	75	8	1,180	235	1,505
NEFS 5	1	0	1	14	0	5	1	6	12	33	12	4	8	51	2	1	14
NEFS 6	1	0	0	19	0	7	0	0	0	128	15	2	1	0	196	15	66
NEFS 8	62	17	19	1,412	0	923	81	11	262	3,192	661	1,491	51	317	4,669	547	3,912
NEFS 10	0	0	5	3	0	35	0	0	41	44	19	0	57	3	2	1	15
NEFS 11	1	0	31	1	0	129	0	0	28	208	45	0	19	0	328	112	1,755
NEFS 12	2	0	11	26	0	69	2	1	128	271	64	9	125	5	103	26	291
NEFS 13	14	4	1	421	0	33	42	11	53	693	157	303	11	77	269	27	208
NHPB	0	0	3	0	0	2	0	0	0	4	0	0	1	0	3	2	23
SHS 1	9	3	13	225	0	448	4	1	62	1,623	270	156	51	22	1,990	348	1,175
SHS 2	2	1	3	67	0	197	1	1	29	304	72	9	20	16	735	81	563
SHS 3	5	1	12	78	0	403	6	2	42	1,270	233	116	25	40	1,355	259	1,432
Common Pool	6	2	11	77	0	128	11	15	79	451	119	117	154	109	219	33	227
Sector Total	175	49	280	3,262	0	4,751	157	40	1,258	14,093	2,982	2,249	850	620	17,412	2,806	20,477

* The data in this table are based on fishing year 2025 sector rosters, and represent the preliminary total allocations to each sector. Final allocations will be determined using final fishing year 2026 rosters. The data also includes ACEs based on default specifications that may change if the final rules for Amendment 25 and Framework 72 are approved.

Numbers are rounded to the nearest thousand pounds. In some cases, this table shows an allocation of 0, but that sector may be allocated a small amount of that stock in tens or hundreds pounds.

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Table 5 -- Estimated ACE (in metric tons), by Stock, for Each Sector for Fishing Year 2026*#

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	8	2	1	20	0	4	0	0	9	30	15	0	8	3	39	13	248
MCCS	2	0	21	50	0	270	1	1	38	1,028	174	9	35	7	736	178	1,193
MPB	0	0	2	1	0	25	0	0	2	77	10	0	2	0	66	21	159
Mooncusser	10	3	10	55	0	84	1	0	24	63	31	1	18	6.0	381	139	1,025
NEFS 2	8	2	34	235	0	555	5	2	160	1,047	296	54	122	20	1,763	171	1,693
NEFS 4	7	2	15	92	0	196	2	1	39	623	124	8	34	3	535	107	682
NEFS 5	0	0	0	6	0	2	1	3	6	15	6	2	4	23	1	0	6
NEFS 6	0	0	0	8	0	3	0	0	0	58	7	1	0	0	89	7	30
NEFS 8	28	8	9	641	0	419	37	5	119	1,448	300	676	23	144	2,118	248	1,774
NEFS 10	0	0	2	2	0	16	0	0	19	20	8	0	26	1	1	0	7
NEFS 11	0	0	14	1	0	59	0	0	13	94	20	0	9	0	149	51	796
NEFS 12	1	0	5	12	0	31	1	0	58	123	29	4	57	2	47	12	132
NEFS 13	6	2	0	191	0	15	19	5	24	314	71	138	5	35	122	12	94
NHPB	0	0	2	0	0	1	0	0	0	2	0	0	0	0	2	1	10
SHS 1	4	1	6	102	0	203	2	0	28	736	123	71	23	10	903	158	533
SHS 2	1	0	2	30	0	89	1	0	13	138	33	4	9	7	333	37	256
SHS 3	2	1	5	35	0	183	3	1	19	576	106	53	11	18	615	117	650
Common Pool	3	1	5	35	0	58	5	7	36	204	54	53	70	49	99	15	103
Sector Total	79	22	127	1,480	0	2,155	71	18	571	6,393	1,352	1,020	385	281	7,898	1,273	9,288

* The data in this table are based on fishing year 2025 sector rosters and represent the preliminary total allocations to each sector. Final allocations will be determined using final fishing year 2026 rosters. The data also includes ACEs based on default specifications that may change if the final rules for Amendment 25 and Framework 72 are approved.

Numbers are rounded to the nearest metric ton, but allocations are made in pounds. In some cases, this table shows a sector allocation of 0 metric tons, but that sector may be allocated a small amount of that stock in pounds.

Sector Operations Plans and Contracts

Fifteen sectors are approved to operate in fishing year 2026. NMFS did not receive any new sector operations plans or substantive updates to existing operations plans for fishing year 2026. All 15 approved sectors were active in fishing year 2025. Approved operations plans contain the rules under which each sector will fish and the legal contract that binds each member to the sector for the length of the sector's operations plan. Each sector's operations plan, and each sector's members, must comply with the regulations governing sectors, found at § 648.87. In addition, each sector must conduct fishing activities as detailed in its approved operations plan.

Participating vessels are required to comply with all pertinent Federal fishing regulations, except as specifically exempted in the letter of authorization (LOA) issued by the Regional Administrator, which details any approved sector exemptions from the regulations. If, during the fishing year, a sector requests an exemption that NMFS already granted, or proposes a change to its administrative provisions, NMFS may amend that sector's operations plan. Should any such amendments require modifications to LOAs, NMFS will include these changes in updated LOAs and provide them to the appropriate sector(s).

NMFS may revoke exemptions in-season if it determines that the exemption jeopardizes management measures, FMP objectives, or rebuilding efforts; the exemption results in unforeseen negative impacts on other managed fish stocks, habitat, or protected resources; the exemption causes enforcement concerns; catch from trips using the exemption cannot be adequately monitored; or a sector is not meeting certain administrative or operational requirements. If it becomes necessary to revoke an exemption, NMFS will do so through a process consistent with the existing regulations or in a separate rulemaking action, as appropriate.

Sector Monitoring Programs

Sectors are responsible for developing and implementing a monitoring program that must be (1) approved by NMFS as both sufficient to monitor catch, discards, and use of ACE; and (2) consistent with the FMP's goals and objectives for the sector monitoring program.

For fishing year 2026, sector vessels may choose to use at-sea monitoring (ASM) or the audit model electronic monitoring (EM) program to meet monitoring requirements, provided that the sector has a corresponding monitoring program approved as part of its operations plan. On March 13, 2026, NMFS announced a preliminary ASM coverage target of 100 percent of all sector groundfish trips for the 2026 fishing year. The final ASM coverage level will be announced when Congress approves the 2026 ASM spend plan. Vessels that choose to use ASM to meet monitoring requirements will be assigned monitors based on the target coverage level set for all sector groundfish trips. Vessels that choose to use EM to meet monitoring coverage requirements must use cameras and adhere to catch handling protocols as described in their vessel monitoring plans for all groundfish trips.

All sectors that harvest fish included an ASM plan as part of their respective approved operations plans. Sectors that operate only as permit banks and explicitly prohibit fishing in their operations plans are not required to include provisions for an ASM program. Nine sectors use the NMFS-designed ASM program, and four sectors use a sector-designed ASM program previously approved by NMFS. Thirteen sectors also included an EM plan as part of their approved operations plans. All 13 of these sectors included the NMFS-designed audit model EM program in their operations plans. Eleven of these sectors also included the NMFS-designed maximized retention EM (MREM) program in their operations plans; however, this program has not been operated by NMFS since 2023. Although it remains in these approved sector operations plans, NMFS will not approve vessel-specific monitoring plans to enroll in the MREM program in 2026.

Approved Exemptions Granted for Fishing Years 2026

For fishing year 2026, sectors did not request any novel exemptions. NMFS previously granted exemptions from the following requirements for fishing years 2025 and 2026, all of which were also requested and granted in previous years:

(1) 120-day block out of the fishery required for Day gillnet vessels;

(2) 20-day spawning block out of the fishery required for all vessels;

(3) Limits on the number of gillnets for Day gillnet vessels outside the GOM;

(4) Prohibition on a vessel hauling another vessel's gillnet gear;

(5) Limits on the number of gillnets that may be hauled in the GB regulated mesh area when fishing under a Northeast multispecies/monkfish DAS;

(6) Limits on the number of hooks that may be fished;

(7) DAS Leasing Program length and horsepower restrictions;

(8) Prohibition on discarding;

(9) Trawl gear requirements in the Eastern U.S./Canada Management Area;

(10) Prohibition on a vessel hauling another vessel's hook gear;

(11) The requirement to declare an intent to fish in the Eastern U.S./Canada Special Access Program (SAP) and the Closed Area (CA) II Yellowtail Flounder/Haddock SAP prior to leaving the dock;

(12) Seasonal restrictions for the Eastern U.S./Canada Haddock SAP;

(13) Seasonal restrictions for the CA II Yellowtail Flounder/Haddock SAP;

(14) Sampling exemption;

(15) Prohibition on combining small-mesh exempted fishery and sector trips in SNE;

(16) Extra-large mesh requirement to target dogfish on trips excluded from ASM in SNE and Inshore GB broad stock areas;

(17) Requirement that Handgear A vessels carry a Vessel Monitoring System unit when fishing in a single broad stock area; and

(18) Limits on the number of gillnets for Day gillnet vessels in the GOM.

These exemptions are more fully described in the proposed rule for Framework 69 (90 FR 56836, December 8, 2025).

Classification

NMFS is issuing this rule pursuant to section 305(d) of the Magnuson-Stevens Act because this action is necessary to carry out the Northeast Multispecies FMP in accordance with the FMP's implementing regulations. The NMFS Assistant Administrator has determined that this rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries finds good cause to waive prior public notice and an opportunity for public comment because allowing time for notice and comment is impracticable, unnecessary, and contrary to the public interest. The allocations in this action are required by regulations that prescribe how they are determined. The public had a prior opportunity to comment on this process and the formula used for its calculation during the development of the rules implementing the Northeast Multispecies FMP and subsequent amendments and framework adjustments. In accordance with the existing regulations, NMFS calculates a sector's allocation for each stock by summing its members' PSC for a stock

and then multiplying that total percentage by the available commercial sub-ACL for that stock. Thus, the ACE allocations are based on long-established fishing histories and are formulaic and administrative and involve no exercise of discretion. These formulas have been used and ACE allocated through these processes annually since the implementation of Amendment 16 on May 1, 2010. The default specifications are set as a fraction of this fishing year's ACLs as required by regulations. This action provides notice of the specifications that are set by these existing regulations. Specifications and allocations must be in effect by May 1, 2026, for sectors to operate in fishing year 2026, and this action must publish as a final rule without notice and opportunity for comment to be implemented in a time for the beginning of the fishing year.

NMFS finds, pursuant to 5 U.S.C. 553(d)(3), that there is good cause to waive the 30-day delay in the date of effectiveness for this final rule. This action allocates ACE to groundfish sectors in the Northeast multispecies fishery for fishing year 2026. Sectors are prohibited from fishing without ACE allocations; as such, timely implementation is necessary to ensure that sectors may fish at the start of the 2026 fishing year on May 1, 2026. If sectors were prohibited from fishing while waiting for the rule to take effect, there would be significant disruption to the fishery along with negative economic impacts, thus undermining the intent of the rule. The allocation of ACE to groundfish sectors occurs annually. Industry members and other stakeholders are aware of and familiar with these proceedings and expect them to occur in a timely manner.

This final rule is exempt from review under Executive Orders 12866 and 14192.

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

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2) of E.O. 13175 is not required and has not been prepared.

Because prior notice and the opportunity for public comment are not required for this action by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable. Therefore, no final regulatory flexibility analysis is required and none has been prepared.

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

Dated: April 23, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2026–08172 Filed 4–24–26; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 91, No. 80
Monday, April 27, 2026

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

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2026–BT–STD–0001]

Energy Conservation Program: Notification of Petition for Rulemaking

AGENCY: Office of Critical Minerals and Energy Innovation, Department of Energy.

ACTION: Notification of petition for rulemaking; request for comment.

SUMMARY: On February 19, 2026, the Department of Energy (DOE) received a petition from the American Gas Association (AGA), the American Public Gas Association (APGA), and the National Propane Gas Association (NPGA) asking DOE to amend the compliance dates for two energy conservation standards final rules for commercial water heating equipment and consumer furnaces. Through this notification, DOE is seeking comment on whether it should grant the petition and undertake a rulemaking to consider the proposal contained in the petition, as well as any data or information that may be relevant to DOE's consideration of the petition.

DATES: Written comments and information are requested and will be accepted on or before May 27, 2026.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov* under docket number EERE–2026–BT–STD–0001. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2026–BT–STD–0001, by any of the following methods:

(1) *Email: CommWaterHtg andConsFurnacePetition2026STD0001@ee.doe.gov.* Include the docket number EERE–2026–BT–STD–0001 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

(2) *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop CM–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

(3) *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at *www.regulations.gov/docket/EERE-2026-BT-STD-0001.* The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT:

Ms. Julia Hegarty, U.S. Department of Energy, Office of Critical Minerals and Energy Innovation, Building Technologies Office, CM–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–0729. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–4798. Email: *Eric.Stas@hq.doe.gov.*

For further information on how to submit a comment, or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandards Questions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.,* provides among other things, that ''[e]ach agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.'' (5 U.S.C. 553(e))

DOE received a petition from AGA, APGA, and NPGA (hereinafter ''AGA *et al.*'') as described in this document and set forth verbatim below,[1] requesting that DOE extend the compliance dates for its most recently promulgated energy conservation standards for commercial water heaters (currently October 6, 2026) and consumer furnaces (currently December 18, 2028) until January 1, 2030, at a minimum. In their petition, AGA *et al.* argued that amending the compliance dates would align with Administration priorities of addressing affordability by limiting costs for American households and preserving homeowner energy choice. The petition also argued that extending the compliance date would reduce regulatory burden and uncertainty for manufacturers, especially in light of a pending appeal in related litigation and planned DOE rulemakings touching on the same topics.

In a final rule published in the **Federal Register** on October 6, 2023 (88 FR 69686), DOE adopted amended energy conservation standards for commercial water heating equipment. These standards were codified in DOE's regulations in the Code of Federal Regulations (CFR) at 10 CFR 431.110. Of particular relevance here, the thermal efficiency (TE) standards for gas-fired storage water heaters and storage-type instantaneous water heaters (95% TE) and gas-fired instantaneous water heaters and hot water supply boilers (96% TE) were set at levels that effectively require the use of condensing technology. The compliance date for the amended energy conservation standards for commercial water heaters is October 6, 2026.

In a final rule published in the **Federal Register** on December 18, 2023 (88 FR 87502), DOE adopted amended energy conservation standards for

[1] The AGA *et al.* petition for rulemaking is available in the docket at *www.regulations.gov/document/EERE-2026-BT-STD-0001-0001.*

certain consumer furnaces. These standards were codified in DOE's regulations at 10 CFR 430.32(e). This final rule set the annual fuel utilization efficiency (AFUE) standards for non-weatherized gas furnaces (95% AFUE) and mobile home gas furnaces (95% AFUE) at levels that effectively require the use of condensing technology. The compliance date for the amended energy conservation standards for the subject consumer furnaces is December 18, 2028.

In announcing this petition for public comment, DOE is seeking views on whether it should grant the petition and undertake a rulemaking to consider the proposal contained in the petition. DOE welcomes comments on any aspect of the petition.

Submission of Comments

DOE will accept comments, data, and information regarding this petition no later than the date provided in the **DATES** section at the beginning of this document. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (''faxes'') will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: one copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notification of petition for rulemaking and request for comment.

Signing Authority

This document of the Department of Energy was signed on April 23, 2026, by Audrey Robertson, Assistant Secretary (EERE) for Critical Minerals and Energy Innovation, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 23, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

Petition for Amendment

February 19, 2026

Audrey Robertson, Assistant Secretary of Energy, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0121

Re: Request to Amend the Compliance Dates for *Energy Conservation Program: Energy Conservation Standards for Commercial Water Heating Equipment,* 88 FR 69686 (Oct. 6, 2023); and *Energy Conservation Program: Energy*

Conservation Standards for Consumer Furnaces, 88 FR 87502 (Dec. 18, 2023).

Assistant Secretary Robertson,

The American Gas Association (''AGA''), American Public Gas Association (''APGA''), and National Propane Gas Association (''NPGA'') (collectively, ''Joint Requesters'') respectfully request pursuant to the Energy Policy and Conservation Act (''EPCA'') [1] and the Administrative Procedure Act (''APA''),[2] that the Department of Energy (''Department'' or ''DOE'') amend the compliance dates for the following rules: (1) *Energy Conservation Program: Energy Conservation Standards for Commercial Water Heating Equipment,* 88 FR 69686 (Oct. 6, 2023) (''Commercial Water Heater Rule''); [3] and (2) *Energy Conservation Program: Energy Conservation Standards for Consumer Furnaces,* 88 FR 87502 (Dec. 18, 2023) (''Consumer Furnace Rule'').[4] The compliance date for the Commercial Water Heater Rule is currently October 6, 2026,[5] and the compliance date for the Consumer Furnace Rule is December 18, 2028.[6] For the reasons discussed below, DOE should amend the compliance dates to provide regulatory certainty while Supreme Court review of these rules is pending and related matters remain active. Amending the compliance dates would also aid in maintaining energy affordability by providing manufacturer certainty and preserving homeowner energy choice. The Administration has emphasized reducing cost-of-living expenses for Americans and is actively taking steps to address affordability.[7] Amending the compliance dates would align with the Administration's priorities of reducing regulatory burdens and helping to limit costs for American households. The compliance dates for these rules will influence near-term manufacturing, distribution, and installation decisions, which in turn will have a significant cost impact for American homes and businesses. Specifically, the Department should amend the compliance dates for the Commercial Water Heater Rule and the Consumer Furnace Rule to January 1, 2030, at a minimum to permit the conclusion of judicial and regulatory processes that could impact the aforementioned rules.

I. Identify and Interest

AGA, founded in 1918, represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 79 million residential, commercial, and industrial natural gas customers in the U.S., of which 94 percent—more than 74 million customers—receive their gas from AGA members. AGA is an advocate for natural gas utility companies and their customers and provides a broad range of programs and services for member natural gas pipelines, marketers, gatherers, international natural gas companies, and industry associates. Today, natural gas meets more than one-third of the United States' energy needs.[8]

APGA is the trade association for more than 730 communities across the U.S. that own and operate their retail natural gas distribution entities. They include not-for-profit gas distribution systems owned by municipalities and other local government entities, all locally accountable to the citizens they serve. Public gas systems focus on safely providing reliable and affordable energy to their customers and support their communities by delivering fuel to be used for cooking, clothes drying, and space and water heating, as well as for various commercial and industrial applications.[9]

NPGA is the national trade association of the propane industry with a membership of about 2,400 companies, and 36 state and regional associations that represent members in all 50 states. Membership in NPGA includes retail marketers of propane gas who deliver the fuel to the end user, propane producers, transporters and wholesalers, and manufacturers and distributors of equipment, containers, and appliances. Propane gas fuels millions of installations nationwide for home and commercial heating and cooking, in agriculture, industrial processing, and as a clean air alternative engine fuel for both over-the-road vehicles and industrial lift trucks. Roughly 75% of NPGA's members have fewer than 100 employees and are considered small businesses.

Joint Requesters' members serve residential and commercial consumers, the majority of whom use natural gas appliances, such as furnaces, boilers, water heaters, *etc.* Therefore, Joint Requesters have a direct and vital interest in both the minimum efficiency standards for these products and appliances and the procedures used by the Department to adopt such standards.

II. The Department Should Promptly Amend the Compliance Dates for the Commercial Water Heater Rule and the Consumer Furnace Rule

Joint Requesters request that DOE promptly amend the compliance dates for the Commercial Water Heater Rule and the Consumer Furnace Rule in order to protect consumers and their choice of energy and appliances, which will also help ensure energy affordability. This process should be completed pursuant to the Department's authority under EPCA, and consistent with APA requirements.[10] Amending the compliance dates would provide regulatory certainty, allow pertinent legal and regulatory processes to be completed, and be consistent with recently issued Executive Orders.

Specifically, there is a proceeding pending at the Supreme Court concerning the rules, the Spring 2025 Unified Agenda of Federal Regulatory and Deregulatory Actions includes an item that could impact the rules, and the potential changes to DOE's Process Rule are currently pending at the Office of Management and Budget (''OMB''). The combination of these activities warrants prompt DOE action to provide clarity and prevent unnecessary disruption by amending the compliance dates for the Commercial Water Heater Rule and the Consumer Furnace Rule.

A. Amendment of the Compliance Deadlines To Allow for Additional Lead Time Is Warranted To Ensure Consumer Affordability and Minimize Cost Impacts

The compliance dates for these rules will drive near-term manufacturing, distribution, and installation decisions that can translate to significant cost impacts for residential and commercial customers. Providing additional lead time for potential compliance with the rules would help minimize the adverse impacts of the rules and allow DOE

[1] EPCA authorizes the Secretary of Energy to issue rules necessary to carry out EPCA's provisions regarding consumer products. 42 U.S.C. 6298. EPCA also applies those provisions to specified categories of commercial equipment, including commercial water heating equipment. 42 U.S.C. 6316(b)(1).

[2] Interested persons may petition an agency for the issuance, amendment, or repeal of a rule under the APA. *See* 5 U.S.C. 553(e).

[3] *Energy Conservation Program: Energy Conservation Standards for Commercial Water Heating Equipment,* 88 FR 69686 (Oct. 6, 2023) (codified at 10 CFR 431.102, 431.105(a), and 431.110).

[4] *Energy Conservation Program: Energy Conservation Standards for Consumer Furnaces,* 88 FR 87502 (Dec. 18, 2023) (codified at 10 CFR 430.32(e)(1)(ii)–(iii)).

[5] 42 U.S.C. 6313(a)(6)(C)(i)–(ii).

[6] 42 U.S.C. 6295(o)(6)(A)(ii) (furnaces: apply to products manufactured after the date that is 5 years after publication).

[7] Exec. Order No. 14,154, 90 FR 8353 (Jan. 20, 2025); Presidential Memorandum on Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis, 90 FR 8245 (Jan. 20, 2025).

[8] For more information, please visit *www.aga.org.*

[9] For more information, please visit *www.apga.org.*

[10] 5 U.S.C. 551, *et seq.*

sufficient time to fully consider the impacts of the rules on the millions of American households and small businesses that will be affected.

Executive Order 14154, ''Unleashing American Energy,'' directs the heads of all agencies to review ''all existing regulations, orders, guidance documents, policies, settlements, consent orders, and any other agency actions'' to identify those that impose an undue burden on the identification, development, or use of domestic energy resources, including restrictions on consumer choice of vehicles and appliances. *See* 90 FR 8353 (Jan. 20, 2025). DOE has recently taken steps in other contexts to prevent near-term compliance burdens, including staying a compliance date for DOE's ''Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings'' provisions from May 1, 2025, until May 1, 2026, during DOE's review of implementation guidance.[11] In December 2025, DOE rescinded its support for the National Definition of a ''Zero Emissions'' Building, stating that DOE no longer supports the definition and that it is inconsistent with current Administration priorities.[12] These actions show DOE is working to avoid unnecessary compliance burdens while similar policies are under review. The same approach supports DOE's consideration of an amendment here to reduce stranded investments and near-term cost impacts on consumers.

The Department's prompt action to amend the compliance timing is necessary. Additionally, this action would be consistent with the Administration's affordability and cost-of-living priorities. Revising the compliance dates would also be in line with the Administration's commitment to promoting energy affordability, preserving fuel choice, and reducing regulatory burdens.[13] DOE has withdrawn or postponed various conservation standards, simplified its water conservation standards by repealing a definition of a ''showerhead,'' delayed the effective dates of efficiency standards for walk-in coolers and freezers and consumer gas-fired instantaneous water heaters (and subsequently withdrew those two standards), and delayed the effective dates of test procedures for central air conditioners and heat pumps.[14]

U.S. consumers are likely to suffer irreparable injury absent amended compliance dates. Moreover, manufacturers of the covered products and associated venting equipment have no choice now but to spend millions of dollars preparing to comply with the rules, and many of those expenditures will be stranded if the rules are ultimately deemed unlawful. Moreover, the rules will be onerous on American families and notably will raise costs for a large number of senior-only households, low-income households, and small business consumers. Natural gas is 3.5 times more affordable than electricity and significantly more affordable than several other residential energy sources for the same amount of energy delivered. Households that use natural gas for heating, cooking, and clothes drying save an average of $1,030 per year compared to homes using electricity for those applications. Propane shows cost savings over electric as well; per But electricity is 1.4 times more expensive than propane.[15] This cost differential is even more pronounced in areas of the country that are both cold and have above average electricity prices, including the Mid-Atlantic and Northeast regions,[16] as space and water heating are the two most energy-intensive applications in most American homes.[17]

Specifically, non-condensing furnaces, which will be banned from manufacturing under the Consumer Furnace Rule, make up approximately 55% of the market for natural gas furnaces in the United States, cannot be replaced by other furnace types, and their removal from the market would saddle families with a challenging choice: perform costly renovations on their home or eliminate gas as a home heating option all together. The Department's own data shows that the Consumer Furnace Rule would negatively impact costs for 30% of senior-only households, 26% of low-income households, and 27% of small business consumers. For households with mobile home gas furnaces, 39% of consumers would be negatively affected by the proposed standard, showing a disproportionate impact on America's low-income households. Prompt action amending the compliance deadlines for these rules would mark another important step in the Administration's commitment to lower costs for American consumer and is consistent with the Administration's emphasis on affordability and cost-of-living considerations.

B. Amendment of the Compliance Deadlines Is Warranted Because Issues Related to These Rules Are Pending in the Current Unified Agenda of Federal Regulatory and Deregulatory Actions and in a Rulemaking Proceeding That Is Currently Under Executive Branch Review

The Spring 2025 Unified Agenda of Federal Regulatory and Deregulatory Actions (''Unified Agenda'') for the Department includes a matter titled ''Interpretive Rulemaking Regarding Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters (and Similarly-Situated Products/Equipment)'' (''Interpretive Rule'').[18] The Unified Agenda's abstract states that the Department is reexamining an interpretive rule related to residential furnaces, commercial water heaters, and similarly-situated products/equipment and the use of non-condensing and condensing technology.[19] The Department states that it is reexamining its earlier interpretation in accordance with Executive Order 14154, ''Unleashing American Energy,'' and Presidential Memorandum titled ''Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis.'' [20] Changes to the Interpretive Rule could impact the legal

[11] *Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings;* Stay, 90 FR 18911 (May 5, 2025).

[12] *Removing Support for the National Definition of a Zero Emissions Building,* 90 FR 55722 (Dec. 3, 2025).

[13] Exec. Order No. 14154, 90 FR 8353; Presidential Memorandum on Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis, 90 FR 8245.

[14] *See Energy Conservation Program: Water Conservation Standards;* Repeal of the Definition of Showerhead, 90 FR 15647 (Apr. 15, 2025); *Energy Conservation Program: Energy Conservation Standards for Walk-In Coolers and Walk-In Freezers,* 90 FR 9951–9952 (Feb. 20, 2025) (delay of effective date), 90 FR 13054–13055 (Mar. 20, 2025) (further delay of effective date), 90 FR 21391–21392 (May 20, 2025) (withdrawal); *Energy Conservation Program: Energy Conservation Standards for Consumer Gas-Fired Instantaneous Water Heaters,* 90 FR 9951 (Feb. 20, 2025) (delay of effective date), 90 FR 13054 (Mar. 20, 2025) (further delay of effective date), 90 FR 21390–21391 (May 20, 2025) (withdrawal); *Energy Conservation Program: Test Procedures for Central Air Conditioners and Heat Pumps,* 90 FR 9001 (Feb. 5, 2025) (delay of effective date), 90 FR 13052–13053 (Mar. 20, 2025) (further delay of effective date), 90 FR 21389–21390 (May 20, 2025) (further delay of effective date).

[15] *Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy,* 89 FR 83672, (Oct. 17, 2024).

[16] Table 2.10: Average Price of Electricity to Ultimate Customers by End-Use Sector, U.S. Energy Information Administration, (2025), available at *https://www.eia.gov/electricity/annual/html/epa_02_10.html.*

[17] Today in Energy: *Space heating and water heating account for nearly two thirds of home energy use,* U.S. Energy Information Administration, (Nov. 7, 2018), available at *https://www.eia.gov/todayinenergy/detail.php?id=37433.*

[18] *See* RIN 1904–AF71.

[19] *See https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=1904-AF71.*

[20] Exec. Order No. 14154, 90 FR 8353; Presidential Memorandum on Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis, 90 FR 8245.

and regulatory principles that underpin the Commercial Water Heater Rule and the Consumer Furnace Rule.

In addition, a matter titled ''Procedures, Interpretations, and Policies for Consideration in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment'' (''Process Rule'') appears in the Unified Agenda.[21] The Unified Agenda's abstract states that the Department ''is considering a notice-and-comment rulemaking to amend its Process Improvement Rule to reflect statutory changes as well as innovative, collaborative approaches to reflect more efficient rulemaking.'' [22] Moreover, the Process Rule was received at OMB on January 9, 2026, and is currently pending review by the Office of Information and Regulatory Affairs. Because changes to the Process Rule and Interpretive Rule could affect how DOE approaches standards rulemakings, amending the compliance dates now would help avoid forcing manufacturers and consumers to make irreversible transition investments while DOE is considering these matters.

C. Amendment of the Compliance Deadlines Is Warranted Due to Pending Supreme Court Review of These Rules

On January 20, 2026, AGA, APGA, NPGA, and NCTP, Inc., doing business as Thermo Products (''Petitioners'') petitioned the U.S. Supreme Court to review the D.C. Circuit decision upholding DOE's Consumer Furnace Rule and Commercial Water Heater Rule.[23] The petition maintains that the lower court inappropriately deferred to the Department in violation of *Loper Bright Enterprises* v. *Raimondo,* 603 U.S. 369, 395 (2024), and the majority erred in analyzing the sections of EPCA that protected performance characteristics. The interests of justice require amendment of the compliance dates for the Commercial Water Heater Rule and the Consumer Furnace Rule pending judicial review. First, there is significant likelihood that Petitioners will succeed on the merits in a challenge of both rules at the Supreme Court.[24] Second, if the Court grants certiorari, the briefing could extend for months, and it could be some time before the Court issues an opinion. Hence, a decision may not be issued until 2027, after the compliance date for the Commercial Water Heater Rule.

In short, the pending petition for writ of certiorari creates near-term uncertainty for manufacturers and the market. Specifically, it creates uncertainty for manufacturers, distributors, contractors, and consumers who must plan for compliance in advance of the compliance dates. This uncertainty is particularly relevant for the Commercial Water Heater Rule, given the proximity of the current compliance date (October 6, 2026) and the lead times associated with the rule. Finally, an amendment of the compliance dates pending judicial review will not substantially injure other parties or undermine the public interest. In summary, ''[t]here is generally no public interest in the perpetuation of unlawful agency action.'' *Shawnee Tribe* v. *Mnuchin,* 984 F.3d 94, 102 (D.C. Cir. 2021) (internal quotation marks omitted). In conclusion, prompt action by DOE to amend the compliance dates would provide greater regulatory certainty and reduce the risk of disruption and compliance expenditures while Petitioners' petition for writ of certiorari is pending.

III. Conclusion

For the reasons stated above, Joint Requesters respectfully request that the Department amend the compliance dates for the Commercial Water Heater Rule and the Consumer Furnace Rule. If you have any questions regarding this submission, please do not hesitate to contact the undersigned.

Respectfully submitted,

/S/

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cc: Michael Helmer, *Principal Deputy Assistant Secretary*

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[21] *See* RIN 1904–AF72.

[22] *See https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=1904-AF72.*

[23] Petition for Writ of Certiorari at Supreme Court of the United States, *AGA* v. *DOE,* No. 25–879 (Jan. 20, 2026).

[24] *Id.*

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 24, 43, and 128

[Docket ID OCC–2025–0075]

RIN 1557–AF32

Streamlining Regulations Concerning Public Welfare Investments, Open Market Collateralized Loan Obligations, and Federal Savings Association Nondiscrimination Requirements

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency invites public comment on a notice of proposed rulemaking (proposed rule) to rescind or amend certain regulations that are unnecessary, based on anything other than the best reading of the underlying statutory authority, or lacking clear statutory authority, consistent with the criteria set out in the Executive Order titled Ensuring Lawful Governance and Implementing the President's ''Department of Government Efficiency'' Deregulatory Initiative. The proposed rule would remove certain references to minority- and women-owned entities; remove the portion of the credit risk retention requirements that provides an alternative compliance option for lead arrangers of open market collateralized loan obligations; and remove certain duplicative non-discrimination requirements for Federal savings associations.

DATES: Comments must be received by May 27, 2026.

ADDRESSES: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title ''Streamlining Regulations Concerning Public Welfare Investments, Open Market Collateralized Loan Obligations, and Federal Savings Association Nondiscrimination Requirements'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

• *Federal eRulemaking Portal—Regulations.gov:*

Go to *https://regulations.gov/.* Enter Docket ID ''OCC–2025–0075'' in the Search Box and click ''Search.'' Public comments can be submitted via the ''Comment'' box below the displayed document information or by clicking on the document title and then clicking the ''Comment'' box on the top-left side of the screen. For help with submitting effective comments, please click on ''Commenter's Checklist.'' For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. EST, or email *regulationshelpdesk@gsa.gov.*

• *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

• *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and Docket ID ''OCC–2025–0075'' in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this action by the following method:

• *Viewing Comments Electronically—Regulations.gov:*

Go to *https://regulations.gov/.* Enter Docket ID ''OCC–2025–0075'' in the

Search Box and click ''Search.'' Click on the ''Dockets'' tab and then the document's title. After clicking the document's title, click the ''Browse All Comments'' tab. Comments can be viewed and filtered by clicking on the ''Sort By'' drop-down on the right side of the screen or the ''Refine Comments Results'' options on the left side of the screen. Supporting materials can be viewed by clicking on the ''Browse Documents'' tab. Click on the ''Sort By'' drop-down on the right side of the screen or the ''Refine Results'' options on the left side of the screen checking the ''Supporting & Related Material'' checkbox. For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday-Friday, 9 a.m.-5 p.m. EST, or email *regulationshelpdesk@gsa.gov.*

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

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

SUPPLEMENTARY INFORMATION:

I. Background

The OCC has conducted a review of its existing regulations for consistency with the criteria set out in Executive Order 14219 (E.O. 14219), Ensuring Lawful Governance and Implementing the President's ''Department of Government Efficiency'' Deregulatory Initiative, which requires agencies to review all regulations subject to their sole or joint jurisdiction for consistency with law and Administration policy.[1] Among other criteria, E.O. 14219 requires agencies to identify regulations that (1) are based on anything other than the best reading of the underlying statutory authority and (2) implicate matters of social, political, or economic significance that are not authorized by clear statutory authority.[2] The OCC is issuing this proposed rule to streamline parts 24, 43, and 128 of title 12 of the Code of Federal Regulations by rescinding or amending regulations that meet the criteria of E.O. 14219 or are otherwise unnecessary, duplicative, or burdensome.

II. Description of the Proposed Rule

A. Part 24—Community Development Corporation and Project Investments and Other Public Welfare Investments

Consistent with E.O. 14219, the OCC is issuing this proposed rule to amend the Community Development Corporation and Project Investments and Other Public Welfare Investments regulations codified at 12 CFR part 24.

Twelve U.S.C. 24(Eleventh) authorizes national banks and their subsidiaries to make investments ''designed primarily to promote the public welfare, including the welfare of low- and moderate-income families and communities (such as through the provision of housing, services, or jobs),'' subject to certain percentage of capital limitations. Part 24 implements this statute to provide authority for national banks to make public welfare investments (PWIs). Under § 24.3, a PWI is an investment made directly or indirectly by a national bank or its subsidiary that primarily benefits low- and moderate-income (LMI) individuals, LMI areas, or other areas targeted by a governmental entity for redevelopment, or an investment that would receive consideration as a ''qualified investment'' under the investment test in the Community Reinvestment Act's implementing regulations.[3] Section 24.6, which incorporates definitions provided for in § 24.2, describes examples that meet the requirements of § 24.3. The examples of PWIs that benefit LMI areas and individuals include certain investments in small businesses and small farms, including minority- and women-owned small businesses and small farms, and minority- and women-owned depository institutions.

Consistent with E.O. 14219, the OCC is issuing this proposed rule to amend part 24 by removing references to minority- and women-owned entities. These amendments align the PWI examples with the text of the enabling statute. Further, the use of more streamlined text would better highlight the operative components in each example. The amendments in part 24, consistent with the minimum statutory requirements, would generally permit national banks and their subsidiaries to continue to make PWIs to the same extent as currently permitted.[4]

B. Part 43—Risk Retention for Open Market Collateralized Loan Obligations

Consistent with E.O. 14219, the OCC is issuing this proposed rule to rescind the portion of its credit risk retention regulation that provides an alternative compliance option for lead arrangers of open market collateralized loan obligations (CLO) codified at 12 CFR 43.9.

On December 24, 2014, the OCC published a joint final rule implementing the credit risk retention requirements under section 15G of the Securities Exchange Act of 1934 as amended by section 941 of the Dodd-Frank Act.[5] Generally, the final rule requires securitizers of asset-backed securities (ABS) to retain at least five percent of the credit risk associated with

[1] 90 FR 10583 (Feb. 19, 2025).

[2] *Id.*

[3] *See* 12 CFR 24.3.

[4] For the proposed examples, the primary determinant of whether an investment meets the requirements of § 24.3 would, as in the current rule, continue to be (1) the location of the investment (*i.e.,* in an LMI area or targeted redevelopment area) or (2) the benefit the investment would provide for LMI individuals.

[5] 79 FR 77602 (Dec. 24, 2014).

related ABS transactions.[6] The preamble to the final rule explains that for open market CLO transactions, the CLO manager is the appropriate party to hold risk retention.[7] As an alternative to the standard options for vertical or horizontal risk retention, the final rule includes a provision to permit the lead arranger in an open market CLO transaction to hold risk retention in lieu of the CLO manager (lead arranger option).[8]

In 2018, plaintiffs successfully sued the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System to block the final rule's credit risk retention requirements from applying to CLO managers in open market CLO transactions.[9] While the OCC was not a party to the case, it is likely the court's conclusions would apply to open market CLO managers under the OCC's risk retention rule.

As open market CLO managers are no longer subject to the current risk retention rule, the lead arranger option in 12 CFR 43.9 is now irrelevant. Therefore, the OCC is issuing this proposed rule to rescind the lead arranger option for its credit risk retention regulation and make conforming amendments to cross-references in part 43.

C. Part 128—Nondiscrimination Requirements

Consistent with E.O. 14219, the OCC is issuing this proposed rule to rescind its ''Nondiscrimination Requirements'' regulation for Federal savings associations (FSAs) codified at 12 CFR part 128.[10] The regulation is duplicative of other legal authorities that address discrimination and lacks clear statutory authority. Additionally, rescinding part 128 would reduce burden for FSAs by removing regulatory requirements that are not applicable to national banks.

Part 128 prohibits FSAs from engaging in discriminatory practices in connection with: (i) lending and other services, including the purchase of a loan or securities; (ii) applications; (iii) advertising; (iv) appraisals; (v) underwriting; and (vi) employment. These requirements were originally promulgated by the Office of Thrift Supervision (OTS) at 12 CFR part 528 before the OTS's powers, authorities, rights, and duties were transferred to the OCC pursuant to Title III of the Dodd-Frank Act.[11]

E.O. 14219 requires agencies to identify regulations that (1) are based on anything other than the best reading of the underlying statutory authority and (2) implicate matters of social, political, or economic significance that are not authorized by clear statutory authority.[12] Twelve CFR part 128 implicates nondiscrimination, which is a matter of social, political, or economic significance, and is not authorized by clear statutory authority. Current part 128 cites to 12 U.S.C. 1464 (the OCC's general rulemaking powers for FSAs under the Home Owners' Loan Act) and 12 U.S.C. 5412(b)(2)(B) (the transfer provision for authorities from OTS to the OCC). Twelve U.S.C. 1464 does not address nondiscrimination. Further, the OTS did not have clear statutory authority to promulgate 12 CFR part 528 in the first instance,[13] and thus 12 U.S.C. 5412 did not transfer clear statutory authority to the OCC for part 128.

Additionally, part 128 largely reiterates the prohibitions on discrimination contained in the Equal Credit Opportunity Act and its implementing regulations,[14] the Fair Housing Act and its implementing regulations,[15] and other laws concerning nondiscrimination and their implementing regulations.[16] Accordingly, part 128 is generally duplicative of other legal authorities that address discrimination and unnecessary.[17]

Request for Comments

The OCC invites comment on all aspects of this proposed rule.

III. Regulatory Analyses

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA)[18] states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC has reviewed the notice of proposed rulemaking and determined that it would not create any new or revise any existing, collections of information under the PRA. Accordingly, no PRA submissions to OMB will be made with respect to this proposed rule.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* requires an agency, in connection with a proposed rule, to prepare an Initial Regulatory Flexibility Analysis describing the impact of the rule on small entities (defined by the Small Business Administration (SBA) for purposes of the RFA to include commercial banks and savings institutions with total assets of $850 million or less and trust companies with total assets of $47 million or less) or to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. The OCC currently supervises approximately 609 small entities.[19]

The OCC estimates that the proposed rule would not have a significant economic impact on a substantial number of small entities, as the proposed rule would rescind or amend existing regulations and does not contain any new mandates. Accordingly, an Initial Regulatory Flexibility Analysis is not required, and

[6] *Id.*

[7] *Id.* at 77650.

[8] *Id.* at 77750–1, *codified at* 12 CFR 43.9.

[9] *Loan Syndications & Trading Ass'n* v. *SEC,* 882 F.3d 220 (D.C. Cir. 2018).

[10] 76 FR 48950 (Aug. 9, 2011).

[11] Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376, 1522 (2010). The Dodd-Frank Act transferred 12 CFR part 528 to the OCC with respect to Federal saving associations and to the Federal Deposit Insurance Corporation (FDIC) with respect to State saving associations. The FDIC republished these regulations at 12 CFR part 390.

[12] 90 FR 10583 (Feb. 19, 2025).

[13] The former OTS rule cites to 12 U.S.C. 2810 (disclosure of data by the Department of Housing and Urban Development under 12 U.S.C. 29); 12 U.S.C. 2901 *et seq.* (Community Reinvestment Act, which does not impose substantive nondiscrimination requirements); 12 U.S.C. 1691 *et seq.* (Equal Credit Opportunity Act, for which the Bureau of Consumer Financial Protection has exclusive rulemaking authority); and 42 U.S.C. 1981–1982 (civil rights statutes relating to equal rights under the law and the property rights of citizens, which do not grant the OCC rulemaking authority).

[14] 15 U.S.C. 1691 *et seq.*

[15] 42 U.S.C. 3605.

[16] *See* Equal Employment Opportunity Act of 1972, Pub. L. 92–261, 86 Stat.103 (1972); Home Mortgage Disclosure Act, 12 U.S.C. 2801 *et seq.;* Civil Rights Act of 1964, Pub. L. 88–352, 78 Stat. 241 (1964).

[17] Similarly, on February 3, 2021, the FDIC rescinded and removed 12 CFR part 390, which, as noted above, was applicable to State savings associations. The FDIC based its rescission on the fact that the provision was largely duplicative of other regulations and burdensome to subject State savings associations to additional requirements to which insured State nonmember banks are not subject. 86 FR 8082 (Feb. 3, 2021).

[18] 44 U.S.C. 3501 *et seq.*

[19] The OCC bases the estimate of the number of small entities on the Small Business Administration's size thresholds for commercial banks and savings institutions (NAICS Code: 522110), and trust companies (NAICS Code: 523991), which are $850 million and $47 million, respectively. Consistent with the General Principles of Affiliation 13 CFR 121.103(a), the OCC counts the assets of affiliated financial institutions when determining whether to classify an OCC-supervised institution as a small entity. The OCC uses December 31, 2024, to determine size because a ''financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' See footnote 8 of the U.S. Small Business Administration's *Table of Size Standards.*

the OCC certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

The OCC analyzed the proposed rule under the factors set forth in the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532). Under this analysis, the OCC considered whether the proposed rule includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (adjusted for inflation). Because the proposed rule would rescind or amend existing regulations and does not contain any new mandates, the OCC estimates that the proposed rule would not result in an expenditure of $100 million or more annually by State, local, and Tribal governments, or by the private sector (adjusted for inflation). The OCC's estimates that the costs associated with the proposed rule, if finalized as proposed, would be de minimis. Accordingly, the OCC has not prepared the written statement described in section 202 of the UMRA.

Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4802(a)), in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the OCC will consider, consistent with the principles of safety and soundness and the public interest: (1) any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions and customers of depository institutions and (2) the benefits of the proposed rule. The OCC requests comment on any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions and their customers, and the benefits of the proposed rule that the OCC should consider in determining the effective date and administrative compliance requirements for a final rule.

Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 [20] requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website *www.regulations.gov.*

The OCC invites public comment on the proposed rule to rescind or amend certain regulations that are unnecessary, based on anything other than the best reading of the underlying statutory authority, or lacking clear statutory authority, consistent with the criteria set out in the Executive Order titled Ensuring Lawful Governance and Implementing the President's ''Department of Government Efficiency'' Deregulatory Initiative. The proposed rule would remove certain references to minority- and women-owned entities; remove the credit risk retention requirements for open market collateralized loan obligations; and remove certain duplicative non-discrimination requirements for Federal savings associations.

The proposal and the required summary can be found at *https://www.regulations.gov* by searching for Docket ID OCC–2025–0075 and *https://occ.gov/topics/laws-and-regulations/occ-regulations/proposed-issuances/index-proposed-issuances.html.*

Executive Orders 12866 and 14192

Executive Order 12866, as amended, provides that the Office of Information and Regulatory Affairs (OIRA) will review all ''significant regulatory actions'' as defined therein. OIRA has determined that this proposed rule is a ''significant regulatory action'' for purposes of section 3(f) of Executive Order 12866.

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

List of Subjects

12 CFR Part 24

Community development, Credit, Investments, Low and moderate income housing, Manpower, National banks, Reporting and recordkeeping requirements, Rural areas, Small businesses.

12 CFR Part 43

Automobile loans, Banks and banking, Commercial loans, Commercial real estate, Credit risk, Mortgages, National banks, Reporting and recordkeeping requirements, Risk retention, Securitization.

12 CFR Part 128

Advertising, Aged, Civil rights, Credit, Equal employment opportunity, Fair housing, Individuals with disabilities, Martial status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Savings associations, Sex discrimination, Signs and symbols.

Authority and Issuance

For the reasons set forth in the preamble, the Office of the Comptroller of the Currency proposes to amend 12 CFR parts 24, 43, and 128 as follows:

PART 24—COMMUNITY AND ECONOMIC DEVELOPMENT ENTITIES, COMMUNITY DEVELOPMENT PROJECTS, AND OTHER PUBLIC WELFARE INVESTMENTS

■ 1. The authority citation for part 24 continues to read as follows:

Authority: 12 U.S.C. 24(Eleventh), 93a, 481 and 1818.

§ 24.2 [Amended]

■ 2. Amend § 24.2(h) by removing the phrase ''or minority-owned small business''.

§ 24.6 [Amended]

■ 3. Amend § 24.6 by:
■ a. In paragraph (b)(2), removing the phrase '', including minority- and women-owned small businesses or small farms,'';
■ b. In paragraph (d)(1), removing the phrase '', including minority- and women-owned small businesses,''; and
■ c. In paragraph (d)(4), removing the phrase ''minority- and women-owned''.

PART 43—CREDIT RISK RETENTION

■ 4. The authority citation for part 43 is revised to read as follows:

Authority: 12 U.S.C. 93a, 1464, and 15 U.S.C. 78o–11.

§ 43.3 [Amended]

■ 5. Amend § 43.3(b) by removing ''§ 43.9,''.

§ 43.9 [Removed and Reserved]

■ 6. Remove and reserve § 43.9.

[20] 5 U.S.C. 553(b)(4).

PART 128—[REMOVED AND RESERVED]

■ 7. Remove and reserve part 128.

Jonathan V. Gould,

Comptroller of the Currency.

[FR Doc. 2026–08143 Filed 4–24–26; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–3868; Project Identifier AD–2025–01169–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. This proposed AD was prompted by reports of fuselage skin cracks found near the aft drain mast. This proposed AD would require inspection of the aft drain mast area and surrounding fuselage skin for any repair, repetitive inspections of the fuselage skin and structure common to the aft drain mast for any crack and any corrosion, and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 11, 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–2026–3868; 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–2026–3868.

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–2026–3868; Project Identifier AD–2025–01169–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 has received reports indicating cracks were found in the fuselage skin underneath the aft drain mast on a Model 737–400 airplane. The FAA issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to certain Boeing Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. That NPRM was published in the **Federal Register** on February 13, 2026 (91 FR 6798). During cross model evaluation, Boeing determined that Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes could also be affected by the unsafe condition due to configuration similarity; however, there have been no reports of any cracking on these models. This condition, if not addressed, could result in the inability of the principal structural element (PSE) to sustain limit loads, which could result in rapid decompression of the fuselage and the loss of structural integrity of the airplane.

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 737–53A1421 RB, dated March 20, 2025. This material specifies procedures for external general visual inspection of the aft drain mast area and surrounding fuselage skin for any repair; repetitive internal detailed inspection of the aft drain mast fitting, surrounding fuselage skin, and structure for any crack and any corrosion; repetitive external detailed inspection of the fuselage skin common to the area

where the aft drain mast was removed for any crack and any corrosion; external surface high frequency eddy current (HFEC) inspection on the fuselage skin around the fastener holes and cutout for any crack; and applicable on-condition actions. On-condition actions include contacting Boeing for alternative inspections and corrective action instructions, doing the alternative inspections and applicable on-condition corrective actions, and contacting Boeing for repair instructions and doing the 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

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2026–3868.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,987 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
External general visual inspection	14 work-hours × $85 per hour = $1,190.	$0	$1,190	$2,364,530.
Detailed inspections and external surface HFEC inspection.	16 work-hours × $85 per hour = Up to $1,360 per inspection cycle.	0	$1,360 per inspection cycle.	$2,702,320 per inspection cycle.

The FAA has received no definitive data on which to base the cost estimates for the alternative inspections and on-condition repairs 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 adding the following new airworthiness directive:

The Boeing Company: Docket No. FAA–2026–3868; Project Identifier AD–2025–01169–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 11, 2026.

(b) Affected ADs

None.

(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 fuselage skin cracks found near the aft drain mast. The FAA is issuing this AD to address cracking or corrosion in the fuselage skin or structure near the aft drain mast. The unsafe condition, if not addressed, could result in the inability of the principal structural element (PSE) to sustain limit loads, which could result in rapid decompression of the fuselage and the loss of structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–53A1421 RB, dated March 20, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–53A1421 RB, dated March 20, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–53A1421, dated March 20, 2025, which is referred to in Boeing Alert Requirements Bulletin 737–53A1421 RB, dated March 20, 2025.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time column of the table in the ''Compliance'' paragraph of

Boeing Alert Requirements Bulletin 737–53A1421 RB, dated March 20, 2025, refers to the original issue date of Requirements Bulletin 737–53A1421 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 737–53A1421 RB, dated March 20, 2025, specifies contacting Boeing for repair instructions or for alternative inspections: This AD requires doing the repair or 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 Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Additional Information

(1) 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.*

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

(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 737–53A1421 RB, dated March 20, 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 23, 2026.

Lona C. Saccomando,

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

[FR Doc. 2026–08154 Filed 4–24–26; 8:45 am]

BILLING CODE 4910–13–P

Notices

Federal Register
Vol. 91, No. 80
Monday, April 27, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Frontline Decision Making in the Adjudication of Applications; Request for Comments

AGENCY: Administrative Conference of the United States.

ACTION: Notice; request for comments.

SUMMARY: The Office of the Chairman of ACUS is requesting public input on frontline decision making in the adjudication of applications for benefits, loans, grants, licenses, and the like. ''Frontline decision making'' refers to processes that agencies use to render an initial determination, often based on a review of the application and supporting documentation, which precedes a hearing before an administrative law judge or other agency adjudicator. Responses to this request may inform an ongoing ACUS project, *Frontline Decision Making in the Adjudication of Applications,* which, if warranted, may recommend best practices for agencies to use.

DATES: Comments must be received no later than 10:00 a.m. (ET) June 26, 2026.

ADDRESSES: You may submit comments by email to *info@acus.gov* (with ''Frontline Decision Making in the Adjudication of Applications'' in the subject line of the message), or by U.S. Mail addressed to Frontline Decision Making in the Adjudication of Applications, Administrative Conference of the United States, 1120 20th Street NW, Suite 706 South, Washington, DC 20036. ACUS will ordinarily post comments on the project web page as they are received. Commenters should not include information, such as personal information or confidential business information, that they do not wish to appear on the ACUS website. For the full ACUS public comment policy, please visit *https://www.acus.gov/policy/public-comment-policy.*

FOR FURTHER INFORMATION CONTACT: Lea Robbins, Attorney Advisor, Administrative Conference of the United States, 1120 20th Street NW, Suite 706 South, Washington, DC 20036; Telephone (202) 480–2080; email *lrobbins@acus.gov.*

SUPPLEMENTARY INFORMATION: The Administrative Conference Act, 5 U.S.C. 591–596, established the Administrative Conference of the United States. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and makes recommendations to agencies, the President, Congress, and the Judicial Conference of the United States for procedural improvements (5 U.S.C. 594(1)). For further information about the Conference and its activities, see *www.acus.gov.*

Frontline Decision Making in the Adjudication of Applications

Many federal programs involve the adjudication of applications for benefits, loans, grants, licenses, and the like. In many of these programs, parties are legally entitled to an opportunity for a hearing before a federal agency adjudicator such as an administrative law judge (ALJ) or administrative judge (AJ).

Before proceeding to a hearing, many agencies first attempt to adjudicate applications and resolve cases through processes—sometimes referred to as ''frontline''—that are less trial-like. For example, upon receiving an application, agency personnel may work with the applicant to develop an adequate record for decision making. A ''frontline'' decision maker—not an ALJ or AJ—may then render an initial determination based on a review of the application and supporting documentation.

ACUS is undertaking a project to examine and identify best practices for frontline decision making in the adjudication of applications for benefits, loans, grants, licenses, and the like in which there is a later opportunity for a hearing before a federal agency adjudicator. Among other topics, the project studies the personnel involved in frontline processes; the processes used to develop records and decide cases prior to the hearing stage; the relationship between frontline and hearing-level proceedings, including how evidence obtained and findings made in frontline proceedings may be used at the hearing level; the development and communication of relevant policies; quality assurance and strategies for promoting timeliness; and interactions between frontline components and other agency components, including those responsible for more formal adjudication and policy development.

Specific Topics for Public Comment

ACUS welcomes views, information, and data on all aspects of frontline decision making in the adjudication of applications in which there is a later opportunity for a hearing. For this project, ACUS intends to research frontline decision making at agencies such as the Social Security Administration; the U.S. Patent and Trademark Office; the Department of Veterans Affairs; the U.S. Small Business Administration; and the Department of Labor. However, this request for comments is not limited to frontline adjudications of applications at those agencies. ACUS also seeks specific feedback on the following questions related to frontline decision making.

1. If you have, or represented someone who has, submitted an application for benefits, a loan, a grant, a license, or the like in which there is a later opportunity for a hearing before an ALJ or another federal agency adjudicator, what was your experience with the personnel involved in the frontline adjudication of that application? Were you aware of the titles or credentials of the frontline personnel (*e.g.,* job titles, professional licensure, qualifications)? How much communication did you have with the frontline personnel?

2. Did you submit evidence to the frontline personnel and, if so, how was it submitted? Was it clear how the frontline decision maker considered the evidence you submitted when he or she adjudicated your or your client's application?

3. Did the frontline personnel obtain other evidence and, if so, how and from whom did they obtain it? Was it clear how the frontline decision maker considered that evidence when he or she adjudicated your or your client's application?

4. Did you want to, and if so, were you able to review the record compiled

by the frontline personnel before a decision was made?

5. How would you describe your overall experience during the frontline adjudication of your or your client's application? Did you appeal the frontline decision? If so, did you have a hearing on your or your client's application before an ALJ or another agency adjudicator?

6. If you appealed the frontline decision, did you have a hearing before an ALJ or another agency adjudicator? If you had a hearing before an ALJ or another agency adjudicator, how did the adjudicator consider the frontline decision and consider the record compiled by frontline personnel? Did you receive clear information before or during the hearing about how the adjudicator would consider the frontline decision and record when deciding the appeal?

7. Are you aware of agency policies (*e.g.,* rules, guidance, manuals, memorandums) that govern how frontline personnel interact with applicants or how they interact with other ALJs or other agency adjudicators who may hear appeals from frontline decisions?

8. Are you aware of agency policies that govern the following:

a. Development and communication of relevant policies (including training);

b. Assuring adequate input from the applicant;

c. Identifying and reducing administrative burdens in the evidence-gathering process;

d. Quality assurance and strategies for promoting timeliness; and

e. Standards governing appeals.

10. Are there any agency policies regarding frontline decision making that you think are especially beneficial? In your experience, are there any agency policies regarding frontline decision making that have presented challenges, are unclear, or are applied inconsistently?

11. Are there particular facts, situations, concerns or goals that you think would be helpful for agencies to consider when they develop and implement policies on frontline decision making? For example, how should agencies:

a. Strike a balance between allowing frontline decision makers flexibility to decide individual cases fairly, accurately, and efficiently while ensuring policies are applied consistently across all cases?

b. Leverage the on-the-ground experience and expertise of frontline personnel when formulating policies or managing programs;

c. Strike a balance between efficient and timely decision making and fair and accurate decision making?

d. Use automation, including but not limited to artificial intelligence?

Authority: 5 U.S.C. 595.

Dated: April 22, 2026.

Shawne C. McGibbon,

General Counsel.

[FR Doc. 2026–08118 Filed 4–24–26; 8:45 am]

BILLING CODE 6110–01–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 27, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal & Plant Health Inspection Service

Title: Restricted, Prohibited, and Controlled Importation of Animal and Poultry Products and Byproducts, Into the United States.

OMB Control Number: 0579–0015.

Summary of Collection: The Animal Health Protection Act of 2002 (Title X, Subtitle E, Sec. 10401–18 of PL 107–171) is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. Disease prevention is the most effective method for maintaining a healthy animal population and for enhancing the Animal and Plant Health Inspection Service's (APHIS') ability to bolster the United States' capability to compete globally in animal and animal product trade. In connection with this mission, APHIS enforces regulations regarding both the importation of controlled materials and the prevention of foreign animal disease incursions into the United States. These regulations can be found at title 9, chapter I, subchapter D, parts 94, 95, 96, and 122 of the *Code of Federal Regulations* (CFR). APHIS is responsible for protecting the health of our Nation's livestock and poultry populations by preventing the introduction and interstate spread of serious diseases and pests of livestock and for eradicating such diseases from the United States when feasible. Swine Vesicular Disease (SVD) is a highly contagious disease that resists both environmental factors and common disinfectants. SVD rarely results I mortality in infected swine and does not cause severe production losses. However, the disease can have a major economic impact since eradication if costly and SVD-free regions often prohibit imports of swine, pork, and pork products from affected regions.

Need and Use of the Information: APHIS will collect information to ensure that imported items do not present a disease risk to the livestock and poultry populations of the United States. The information collected will provide APHIS with critical information concerning the origin and history of the items destined for importation into the United States. If this information were collected less frequently or not collected, the United States would be at increased risk for the introduction of FMD, ASF, CSF, swine vesicular disease (SVD), ND, or HPAI. This would cause serious economic consequences to several United States livestock industries and potentially serious health

consequences for United States livestock. A certificate must be completed and signed by the issuing official and contains such information as the origin of the meat used in the product, the name and location of the facility that processed the product, and the product's intended destination. APHIS regulations contain specific requirement for the processing, recordkeeping, and certification procedures for pork-filled pasta products exported to the United States from SVD-affect regions. Without the information, it would significantly cripple APHIS' ability to ensure that pork-filled pasta from certain regions poses a minimal risk of introducing SVD into the United States.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 25,806.

Frequency of Responses: Reporting: Third-Party; On occasion.

Total Burden Hours: 101,504.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–08124 Filed 4–24–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–230–2026]

Foreign-Trade Zone 255; Application for Subzone; Fisher BioServices; Frederick, Maryland

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Board of County Commissioners of Washington County, grantee of FTZ 255, requesting subzone status for the facility of Fisher BioServices, located in Frederick, Maryland. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on April 22, 2026.

The proposed subzone (3.72 acres) is located at 4650 New Design Road, Frederick, Maryland. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 255.

In accordance with the FTZ Board's regulations, Juanita Chen of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is June 8, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through June 22, 2026.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov.*

Dated: April 22, 2026.

Juanita Chen,

Acting Executive Secretary.

[FR Doc. 2026–08127 Filed 4–24–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–502]

Circular Welded Carbon Steel Pipes and Tubes From Thailand: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that certain companies subject to this administrative review made sales of subject merchandise at less than normal value (NV) during the period of review (POR) March 1, 2024, through February 28, 2025. Additionally, Commerce is rescinding the review, in part, with respect to 28 companies. Interested parties are invited to comment on these preliminary results.

DATES: Applicable April 27, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Romani, 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) 482–0198.

SUPPLEMENTARY INFORMATION:

Background

On March 11, 1986, Commerce published in the **Federal Register** the antidumping duty (AD) order on circular welded carbon steel pipes and tubes (CWP) from Thailand.[1] On March 4, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order* for the POR.[2] On April 28, 2025, based on timely requests for an administrative review, Commerce initiated an administrative review of the *Order*.[3] On May 22, 2025, Commerce selected Saha Thai Steel Pipe Public Co., Ltd. (Saha Thai) for individual examination as the sole mandatory respondent in this administrative review.[4] On March 4, 2026, Commerce notified interested parties of our intent to rescind this administrative review with respect to the 28 companies that had no suspended entries during the POR.[5]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[6] 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.[7] On February 2, 2026, Commerce extended the time limit for these preliminary results to April 8, 2026.[8]

For a complete description of the events following the initiation of this administrative review, *see* the Preliminary Decision Memorandum.[9] A list of topics included in the Preliminary Decision Memorandum is

[1] *See Antidumping Duty Order; Circular Welded Carbon Steel Pipes and Tubes from Thailand,* 51 FR 8341 (March 11, 1986) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List,* 90 FR 11155, 11156 (March 4, 2025).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 17568, 17571 (April 28, 2025).

[4] *See* Memorandum, ''Respondent Selection,'' dated May 22, 2025.

[5] *See* Memorandum, ''Intent to Partially Rescind Review,'' dated March 4, 2026 (Intent to Rescind Memorandum).

[6] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[7] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[8] *See* Memorandum, ''Extension of Deadline for Preliminary Results of the Antidumping Duty Administrative Review,'' dated February 2, 2026.

[9] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Circular Welded Carbon Steel Pipes and Tubes from Thailand; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

included in Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The products covered by the *Order* are CWP from Thailand. For a complete description of the scope of this *Order, see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review, in whole or in part, when it concludes that there were no suspended entries of subject merchandise during the POR. Normally, upon completion of an administrative review, the suspended entries are liquidated and AD duties are assessed at a rate determined in the final results for the review period.[10] Therefore, for an administrative review to be conducted, there must be a suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the calculated AD assessment rate for the review period.[11]

Based on our analysis of CBP information, we determined that 28 companies had no suspended entries of subject merchandise during the POR. On March 4, 2026, we notified the parties of our intent to rescind the administrative review with respect to the 28 companies listed in Appendix II of this notice that had no suspended entries of subject merchandise during the POR.[12] No party commented on our Intent to Rescind Memorandum. As a result, we are rescinding this review for the 28 companies listed in Appendix II of this notice.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). Export price and NV are calculated in accordance with sections 772 and 773 of the Act, respectively. For a complete description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Review-Specific Rate for Non-Examined Company

The Act and Commerce's regulations do not address what weighted-average dumping margin to apply 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 regarding establishing an weighted-average dumping margin for respondents that are not individually examined in an administrative review.

Section 735(c)(5)(A) of the Act provides that Commerce will base the all-others rate in an investigation on the weighted average of the estimated weighted-average dumping margins calculated for the individually examined respondents, excluding rates that are zero, *de minimis,* or based entirely on facts available. Where the weighted-average dumping margins for each of the individually examined respondents is zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method'' to establish the estimated all-others rate.

In this review, we have preliminarily calculated a weighted-average dumping margin for Saha Thai that is not zero, *de minimis,* or based on adverse facts available. Consistent with our practice,[13] we have preliminarily determined that the weighted-average dumping margin calculated for the sole mandatory respondent, Saha Thai, will be assigned to the sole non-examined company, TPP, consistent with section 735(c)(5)(A) of the Act.

Preliminary Results of Review

We preliminarily determine that the following estimated weighted-average dumping margins exist for the period March 1, 2024, through February 28, 2025:

Producer or exporter	Weighted-average dumping margin (percent)
Saha Thai Steel Pipe Public Co., Ltd. (also known as Saha Thai Steel Pipe (Public) Company, Ltd.)	0.64
Thai Premium Pipe Co. Ltd	0.64

Disclosure

We intend to disclose the calculations and analysis performed for these preliminary results 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).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[14] Rebuttal briefs, limited

[10] *See, e.g., Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Recission of Antidumping Administrative Review; 2020–2021,* 88 FR 4154 (January 24, 2023).

[11] *See, e.g., Shanghai Sunbeauty Trading Co., Ltd.* v. *United States,* 380 F.Supp.3d 1328, 1337 (CIT 2019) (referring to section 751(a) of the Act, the U.S. Court of International Trade held that ''{w}hile the statute does not explicitly require that an entry be suspended as a prerequisite for establishing entitlement to a review, it does explicitly state the determined rate will be used as the liquidation rate for the reviewed entries. This result can only obtain if the liquidation of entries has been suspended''); *see also Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019,* 86 FR 36102 (July 8, 2021), and accompanying Issues and Decision Memorandum at Comment 4; and *Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review,* 77 FR 65532 (October 29, 2012) (noting that ''for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate'').

[12] *See* Intent to Rescind Memorandum.

[13] *See Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021,* 87 FR 60989 (October 7, 2022), unchanged in *Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2020–2021,* 88 FR 20218 (April 5, 2023).

[14] *See* 19 CFR 351.309.

to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[15] Interested parties who submit case or rebuttal briefs in this administrative review must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[16]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[17] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[18]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance *via* ACCESS within 30 days after the date of publication of this notice. Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. Issues raised at the hearing will be limited to those raised in the case and rebuttal briefs. If a hearing request is made, parties will be notified of the date and time of the hearing.[19] Parties should confirm the date and time of the hearing two days before the scheduled date.

All submissions, including case and rebuttal briefs, as well as hearing requests, should be filed using ACCESS.[20] An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Assessment Rates

Upon completion of the final results of this administrative review, pursuant to section 751(a)(2)(A) of the Act, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review.[21] If Saha Thai's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, we will calculate importer-specific *ad valorem* assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[22] If Saha Thai's weighted-average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of review, we intend to instruct CBP to liquidate relevant entries without regards to antidumping duties.[23]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Saha Thai for which it did not know that the merchandise was destined to the United States, we will instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[24]

For TPP, which was not selected for individual examination in this review, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the weighted-average dumping margin determined in the final results of this review, unless that rate is zero or *de minimis,* in which case we intend to instruct CBP to liquidate relevant entries without regards to antidumping duties.

For the companies for which this review is rescinded with these preliminary results, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit rate of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period March 1, 2024, through February 28, 2025, in accordance with 19 CFR 351.212(c)(l)(i). Commerce intends to issue assessment instructions to CBP for the rescinded companies no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[25] 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 upon publication in the **Federal Register** of the notice of final results of administrative review for all shipments of CWP from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for subject merchandise exported by Saha Thai or TPP will be equal to the weighted-average dumping margin established in the final results of this review (except, if that rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1), then the cash deposit rate will be zero); (2) for merchandise exported by a company not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review or another completed segment of this proceeding, but the producer is, then the cash deposit rate will be the company-specific rate established for the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 15.67 percent, the all-others rate established in the less-

[15] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[16] *See* 19 CFR 351.309(c)(2) and (d)(2).

[17] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[18] *See APO and Service Final Rule.*

[19] See 19 CFR 351.310(d).

[20] *See* 19 CFR 351.303.

[21] *See* 19 CFR 351.212(b)(1).

[22] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[23] *Id.,* 77 FR at 8102; *see also* 19 CFR 351.106(c)(2).

[24] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[25] *See* section 751(a)(2)(C) of the Act; and 19 CFR 351.212(b).

than-fair-value investigation.[26] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary 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.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h) and 351.221(b)(4).

Dated: April 8, 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 Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Rescission of Administrative Review, In Part
V. Discussion of the Methodology
VI. Currency Conversion
VII. Recommendation

Appendix II

Companies Rescinded From This Administrative Review

1. Apex International Logistics
2. Aquatec Maxcon Asia
3. Asian Unity Part Co., Ltd.
4. Better Steel Pipe Company Limited
5. Bis Pipe Fitting Industry Co., Ltd.
6. Blue Pipe Steel Center Co. Ltd.
7. Chuhatsu (Thailand) Co., Ltd.
8. CSE Technologies Co., Ltd.
9. Expeditors International (Bangkok)
10. Expeditors Ltd.
11. FS International (Thailand) Co., Ltd.
12. Kerry-Apex (Thailand) Co., Ltd.
13. K Line Logistics
14. Oil Steel Tube (Thailand) Co., Ltd.
15. Otto Ender Steel Structure Co., Ltd.
16. Pacific Pipe and Pump
17. Pacific Pipe Public Company Limited
18. Panalpina World Transport Ltd.
19. Polypipe Engineering Co., Ltd.
20. Schlumberger Overseas S.A.
21. Siam Fittings Co., Ltd.
22. Siam Steel Pipe Co., Ltd.
23. Sino Connections Logistics (Thailand) Co., Ltd.
24. Thai Malleable Iron and Steel
25. Thai Oil Group
26. Thai Oil Pipe Co., Ltd.
27. Vatana Phaisal Engineering Company
28. Visavakit Patana Corp., Ltd.

[FR Doc. 2026–08128 Filed 4–24–26; 8:45 am]

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[26] *See Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–943, C–570–944]

Oil Country Tubular Goods From the People's Republic of China: Final Determination of Covered Merchandise Inquiry

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that seamless oil country tubular goods (OCTG) produced by Boly Pipe Co., Ltd. (Boly Pipe) in Thailand using steel billets from the People's Republic of China (China) and exported to its customers, Commercial Steel Products LLC (CSP) and JOL Tubular, Inc. (JOL Tubular), in the United States are subject to the scope of the antidumping duty (AD) and countervailing duty (CVD) orders on OCTG from China.

DATES: Applicable April 27, 2026.

FOR FURTHER INFORMATION CONTACT: Harrison Tanchuck, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–7421.

SUPPLEMENTARY INFORMATION:

Background

On December 31, 2025, Commerce initiated a covered merchandise inquiry to determine whether seamless OCTG produced by Boly Pipe in Thailand using steel billets from China and exported to its customers, CSP and JOL Tubular, in the United States is subject to the scope of the *Orders* on OCTG from China.[1] Pursuant to 19 CFR 351.227(d)(1), Boly Pipe and CSP timely submitted comments and factual information addressing the initiation.[2]

For a complete description of the events that followed the initiation of this inquiry, *see* the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is available electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (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 Orders

The merchandise covered by the *Orders* is certain OCTG. For a complete description of the scope of the *Orders, see* the Issues and Decision Memorandum.

Merchandise Subject to the Covered Merchandise Inquiry

This covered merchandise inquiry addresses whether the scope of the *Orders* covers the seamless OCTG

[1] *See Oil Country Tubular Goods From the People's Republic of China: Notice of Covered Merchandise Referral and Initiation of Covered Merchandise Inquiry,* 90 FR 61375 (December 31, 2025); *see also Certain Oil Country Tubular Goods from the People's Republic of China: Final Affirmative Countervailing Duty Determination, Final Negative Critical Circumstances Determination,* 74 FR 64045 (December 7, 2009), as amended in *Certain Oil Country Tubular Goods from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 75 FR 3203 (January 20, 2010); *see also Certain Oil Country Tubular Goods from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, Affirmative Final Determination of Critical Circumstances and Final Determination of Targeted Dumping,* 75 FR 20335 (April 19, 2010), as amended in *Certain Oil Country Tubular Goods from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 75 FR 28551 (May 21, 2010) (collectively, the *Orders*).

[2] *See* Boly Pipe's Letter, ''Comments on CBP Covered Merchandise Referral and Commerce's Initiation of Covered Merchandise Inquiry,'' dated January 30, 2026; *see also* CSP's Letters, ''Notice of Covered Merchandise Referral and Initiation of Covered Merchandise Inquiry—Factual Information,'' dated January 30, 2026; and ''Notice of Covered Merchandise Referral and Initiation of Covered Merchandise Inquiry—Comments and Factual Information,'' dated January 30, 2026.

[3] *See* Memorandum, ''Oil Country Tubular Goods from the People's Republic of China: Issues and Decision Memorandum for the Final Determination of Covered Merchandise Inquiry—EAPA Inv. 8143,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

produced by Boly Pipe in Thailand using steel billets [4] from China.

Analysis of Comments Received

All issues raised in the case briefs that were submitted by parties in this inquiry are addressed in the Issues and Decision Memorandum. For a list of the issues raised by interested parties and addressed in the Issues and Decision Memorandum, *see* the appendix to this notice.

Final Determination

We determine, pursuant to 19 CFR 351.227(e)(2), that seamless OCTG produced by Boly Pipe in Thailand using steel billets from China and exported to its U.S. customers, CSP and JOL Tubular, is subject to the scope of the *Orders* under Commerce's prior finding that such entries were circumventing the *Orders*.[5] In reaching this determination, we relied on our findings in the *Final Circumvention Determination.* For further discussion, *see* the Issues and Decision Memorandum.

Continuation of Suspension of Liquidation

As stated above, Commerce has made an affirmative finding that seamless OCTG produced by Boly Pipe in Thailand using steel billets from China and exported to its customers, CSP and JOL Tubular, in the United States, which were the subject of this referral from U.S. Customs and Border Protection (CBP), are subject to the scope of the *Orders.* This affirmative in-scope finding applies on a country-wide basis, regardless of the producer, exporter, or importer, to all products from the same country with the same relevant physical characteristics as the products at issue, unless the entry of the product is accompanied by the certifications of non-Chinese origin billets as outlined in the *Final Circumvention Determination*.[6] Therefore, in accordance with 19 CFR 351.227(l)(3), for these products, Commerce will direct CBP to: (1) continue the suspension of liquidation of previously suspended entries and apply the applicable cash deposit rates; (2) suspend liquidation and require cash deposits of estimated duties, at the applicable rates, for each unliquidated entry of the product not yet suspended, entered, or withdrawn from warehouse, for consumption on or after December 18, 2024, the date of publication of the notice of initiation of the circumvention inquiry in the **Federal Register**.[7]

CBP Notification

In accordance with section 517(b)(4)(B) of the Tariff Act of 1930, as amended (the Act), we will notify CBP of the final determination of this covered merchandise inquiry. Commerce will direct CBP to assess, upon further instruction by Commerce, antidumping and countervailing duties on all imports of seamless OCTG produced in Thailand using Chinese-origin steel billets entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is issued and published pursuant to section 517 of the Act and 19 CFR 351.227(e)(2).

Dated: April 21, 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 *Orders*
IV. Description of Merchandise Subject to this Inquiry
V. Legal Framework
VI. Analysis of Covered Merchandise Inquiry
VII. Discussion of the Issues
Comment 1: Effective Date of Application of Duties
Comment 2: Whether Steel Billets are Subject Merchandise
VIII. Notification to CBP
IX. Recommendation

[FR Doc. 2026–08129 Filed 4–24–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–135, C–570–136]

Certain Chassis and Subassemblies Thereof From the People's Republic of China: Final Determination of Covered Merchandise Inquiry

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a covered merchandise referral by U.S. Customs and Border Protection (CBP), the U.S. Department of Commerce (Commerce) determines that certain merchandise subject to the inquiry imported into in the United States is covered under the antidumping duty (AD) and countervailing duty (CVD) orders on certain chassis and subassemblies thereof (chassis) from the People's Republic of China (China).

DATES: Applicable April 27, 2026.

FOR FURTHER INFORMATION CONTACT: 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) 482–4849.

SUPPLEMENTARY INFORMATION:

Background

On January 26, 2026, Commerce published in the **Federal Register** the *Preliminary Determination* of this covered merchandise inquiry and determined that certain merchandise imported by FEMC LLC, formerly

[4] *See* Covered Merchandise Referral Letter at 2. ''A steel billet is a cylindrical steel bar that does not have a hole in it.''

[5] *See Oil Country Tubular Goods From the People's Republic of China: Final Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders,* 91 FR 9811 (February 27, 2026) (*Final Circumvention Determination*). This affirmative in-scope finding applied on a country-wide basis, regardless of the producer, exporter, or importer, to all products from the same country with the same relevant physical characteristics as the products at issue, unless the entry of the product is accompanied by the certifications of non-Chinese origin billets as outlined in the *Final Circumvention Determination.*

[6] *See Final Circumvention Determination,* 91 FR at 9812–9813.

[7] *See Oil Country Tubular Goods from the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping and Countervailing Duty Orders,* 89 FR 102864 (December 18, 2024); *see also Final Circumvention Determination,* 91 FR at 9811, 9813.

known as AXN Heavy Duty LLC (AXN), from China is covered merchandise subject to the *Orders* on chassis from China.[1] On February 25, 2026, Commerce extended the deadline for this final determination by 45 days in accordance with 19 CFR 351.302(b).[2] Accordingly, the deadline for this final determination is now April 21, 2026.

For a complete description of the events that followed the *Preliminary Determination, see* the Issues and Decision Memorandum.[3] A list of topics included in the Issues and Decision Memorandum is included as Appendix I to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (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 Orders

The merchandise covered by the *Orders* are chassis from China. For a complete description of the scope of the *Orders, see* the Issues and Decision Memorandum.

Merchandise Subject to the Covered Merchandise Inquiry

The merchandise subject to this inquiry are: (1) the axle beams imported by AXN that can be used on chassis, whether (a) incorporated into an axle assembly by AXN by adding Chinese-origin parts; (b) incorporated into an axle assembly by AXN by adding domestically (*i.e.,* U.S.) sourced parts; (c) incorporated into an axle assembly by AXN by adding a mix of Chinese-origin and domestically sourced parts; and/or (d) not incorporated into an axle assembly by AXN (*i.e.,* as imported); (2) slider boxes that can be used on chassis, as imported by AXN; (3) landing gear sets, as imported by AXN; and (4) any merchandise imported by AXN that can be used on chassis, including, but not limited to, axle beams, slider boxes, and landing gear leg components/landing gear sets, that, even if considered individual components, were imported by AXN ''with or for further assembly with a finished or unfinished chassis'' by virtue of their intended sale by AXN to manufacturers for use in the production of completed trailers.

Analysis of Comments Received

All issues raised by AXN in its case brief are addressed in the Issues and Decision Memorandum. For a list of the issues raised by AXN in the Issues and Decision Memorandum, *see* Appendix I to this notice.

Final Determination

Commerce determines, pursuant to 19 CFR 351.227(e)(2), that certain merchandise imported by AXN are subject chassis subassemblies: (1) the axle beams imported by AXN that can be used on chassis, regardless if incorporated into an axle assembly via scenarios (1)(a)–(c), are covered merchandise; (2) slider boxes that can be used on chassis, as imported by AXN, are covered merchandise; (3) landing gear sets that can be used on chassis, as imported by AXN, are covered merchandise; and (4) any other merchandise considered individual components, such as the landing gear legs, imported by AXN and entered and sold by themselves would not be considered subject merchandise even if the intended sale is to manufacturers for use in the production of completed trailers. Commerce is imposing an importer-specific certification required for AXN's importation of subassemblies not subject to the *Orders, see* Appendix II. For a full description of the methodology underlying our conclusions, *see* the Issues and Decision Memorandum.

Continuation of Suspension of Liquidation

Commerce determines that AXN's imported axle beams, slider boxes, and landing gear sets for use on chassis are subject merchandise. These affirmative in-scope findings are importer-specific to AXN pursuant to 19 CFR 351.227(m)(1)(i). Therefore, in accordance with 19 CFR 351.227(l)(2), Commerce will direct CBP to: (1) continue the suspension of liquidation of previously suspended entries and apply the applicable AD and CVD cash deposit rates; (2) begin the suspension of liquidation and require a cash deposit of estimated duties, at the applicable rate, for each unliquidated entry of the product not yet suspended, entered, or withdrawn from warehouse, for consumption on or after April 3, 2025, the date of publication of the notice of initiation of this covered merchandise inquiry in the **Federal Register**; and (3) begin the suspension of liquidation and require a cash deposit of estimated duties, at the applicable rate, for each unliquidated entry of the product not yet suspended, entered, or withdrawn from warehouse, for consumption prior to April 3, 2025, but after November 4, 2021.[4]

Certification Requirements

With this final determination, Commerce has imposed certification requirements for AXN's entries of Chinese-origin axles, axle assemblies, slider boxes, and landing gear sets that could be used to produce chassis or chassis subassemblies. Commerce has determined it appropriate to require that entries made on or after the publication of this final determination be certified with the importer certification detailed at Appendix II to this notice. Entries made prior to May 13, 2026, must be certified as soon as applicable, but no later than 45 days after the date of the publication of this determination. Entries made on or after May 13 must be certified at the time of entry summary filing.

For AXN's merchandise entered, or withdrawn from warehouse, for consumption during the period November 4, 2021, through the date of publication of this final determination in the **Federal Register**, where the entry has not been liquidated (and entries for which liquidation has not become final), the relevant certification should be completed and signed as soon as practicable, but not later than 45 days after the date of publication of this final determination in the **Federal Register**. For such entries, importers each have the option to complete a blanket certification covering multiple entries, individual certifications for each entry, or a combination thereof.

The importer, or the importer's agent, must submit the importer's certification and supporting documents (*i.e.,* bill of lading and commercial invoice) to CBP as part of the entry process by uploading them into the document imaging system in CBP's Automated Commercial

[1] *See Certain Chassis and Subassemblies Thereof from the People's Republic of China: Preliminary Determination of Covered Merchandise Inquiry,* 91 FR 3119 (January 26, 2026) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum; *see also Certain Chassis and Subassemblies Thereof from the People's Republic of China: Antidumping Duty Order,* 86 FR 36093 (July 8, 2021); and *Certain Chassis and Subassemblies Thereof from the People's Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination,* 86 FR 24844 (May 10, 2021), respectively (collectively, the *Orders*).

[2] *See* Memorandum, ''Deadline Extension for Final Determination,'' dated February 25, 2026.

[3] *See* Memorandum, ''Certain Chassis and Subassemblies Thereof from the People's Republic of China: Issues and Decision Memorandum for the Final Determination of Covered Merchandise Inquiry—EAPA Inv. 7839,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See Certain Chassis and Subassemblies Thereof from the People's Republic of China: Notice of Covered Merchandise Referral and Initiation of Covered Merchandise Inquiry,* 90 FR 14639 (April 3, 2025).

Environment. Consistent with CBP's procedures, importers shall identify entries required to have certifications by using importer's additional declaration (record 54) AD/CVD Certification Designation (type code 06) when filing entry summary.

Additionally, the claims made in the importer's certification and supporting documentation are subject to verification by Commerce and/or CBP. Importers are required to maintain the certifications and supporting documentation for the later of: (1) the date that is five years after the latest entry date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries. If it is determined that an importer has not met the certification and/or related documentation requirements for certain entries, Commerce intends to instruct CBP to suspend all unliquidated entries for which the importer has failed to supply this information and require the posting of a cash deposit on the total entered value of chassis subassemblies equal to the cash deposit rate for the China-wide entity in effect at the time of the entry.

CBP Notification

In accordance with section 517(b)(4)(B) of the Tariff Act of 1930, as amended (the Act), we will notify CBP of the final results of this covered merchandise inquiry. Commerce will direct CBP to assess, upon further instruction by Commerce, antidumping and countervailing duties on all imports of AXN's chassis subassemblies from China entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is issued and published in accordance with section 517 of the Act and 19 CFR 351.227(e)(2).

Dated: April 21, 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 *Orders*
IV. Merchandise Subject to this Inquiry
V. Discussion of the Issues
  Comment 1: Whether Commerce Unlawfully Expanded the Scope of the *Orders*
  Comment 2: Whether the *Orders* Cover ''Unfinished'' Subassemblies
  Comment 3: Whether Commerce Altered the Scope of the *Orders* to Cover Partial Subassemblies
  Comment 4: Whether Commerce is Defining the Scope Based on End Use
  Comment 5: Whether Commerce Misinterpreted ''Entered with or for Further Assembly'' Scope Language
  Comment 6: Whether Dressed Axles are Subject Merchandise
  Comment 7: Whether AXN's Axles are Non-Subject Components
  Comment 8: Whether Slider Boxes are Subject Merchandise
  Comment 9: Whether Landing Gear Sets are Subject Merchandise
  Comment 10: Whether Commerce Provided Adequate Notice to AXN
  Comment 11: Whether to Allow Certification for Suspended Entries
VI. Recommendation

Appendix II

Importer Certification

I hereby certify that:

A. My name is {NAME of IMPORTING COMPANY OFFICIAL} and I am an official of

{NAME OF IMPORTING COMPANY}, located at {ADDRESS OF IMPORTING COMPANY}.

B. I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of the products that entered under entry summary number(s), identified below, and are covered by this certification. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records.

C. If the importer is acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

The product(s) covered by this certification was/were imported by {IMPORTING COMPANY} on behalf of {U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}.

If the importer is not acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

{NAME OF IMPORTING COMPANY} is not acting on behalf of the first U.S. customer.

D. The product(s) covered by this certification were shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM THE MERCHANDISE WAS FIRST SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.

E. This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:

Entry Summary Line Item #:

F. I am importing Chinese-origin running gear assemblies or axle assemblies, whether finished or unfinished, that could be used to produce chassis or subassemblies thereof.

i. I certify that the Chinese-origin running gear assemblies or axle assemblies, whether finished or unfinished, that I am importing are not for connection to a chassis frame or being imported together with a subject finished or unfinished chassis.

ii. I certify that the Chinese-origin running gear assemblies or axle assemblies, whether finished or unfinished, that I am importing are not entered with or for further assembly with Chinese-origin components to produce unfinished or finished running gear assemblies or axle assemblies for connection to a chassis frame. Imported together means on the same bill of lading. Parts on the same bill of lading are considered to be imported together even if they are entered in different containers, separate entries, or on different invoices.

iii. I also certify that neither my company nor a related entity will assemble these parts with a subject subassembly or a subject unfinished chassis to produce a finished chassis. For purposes of this certification, a related entity is any entity that has a connection to the importer, whether through ownership, control, contracts, or close supplier/customer relationship.

G. I am importing Chinese-origin bare axles that could be used to produce chassis axle assemblies.

i. I certify that the Chinese-origin bare axle that I am importing is not being imported together with a subject finished or unfinished chassis.

ii. I certify that the Chinese-origin bare axle that I am importing is not entered with or for further assembly with Chinese-origin axle assembly components, such as but not limited to, suspensions (mechanical or pneumatic), wheel end components, slack adjusters, brake shoes, brake chambers, brake drums, hub endcaps, wheel hubs, dust covers, locking pins, tires, or wheels, for connection to a chassis frame. Imported together means on the same bill of lading. Parts on the same bill of lading are considered to be imported together even if they are entered in different containers, separate entries, or on different invoices.

iii. I also certify that neither my company nor a related entity will assemble these parts with a subject subassembly or a subject unfinished chassis to produce a finished chassis. For purposes of this certification, a related entity is any entity that has a connection to the importer, whether through ownership, control, contracts, or close supplier/customer relationship.

H. I am importing Chinese-origin landing gear subassemblies, whether finished or unfinished, that could be used to produce chassis or subassemblies thereof.

i. I certify that the Chinese-origin landing gear assemblies, whether finished or unfinished, that I am importing are not for connection to a chassis frame or being imported together with a subject finished or unfinished chassis.

ii. I certify that the Chinese-origin landing gear assemblies, whether finished or unfinished, that I am importing are not entered with or for further assembly with other Chinese-origin landing gear components to produce unfinished or finished landing gear subassemblies for connection to a chassis frame. Imported together means on the same bill of lading. Parts on the same bill of lading are considered to be imported together even if they are entered in different containers, separate entries, or on different invoices.

iii. I also certify that neither my company nor a related entity will assemble these parts with a subject subassembly or a subject unfinished chassis to produce a finished chassis. For purposes of this certification, a related entity is any entity that has a connection to the importer, whether through ownership, control, contracts, or close supplier/customer relationship.

I. I understand that {IMPORTING COMPANY} is required to submit a copy of the importer certification, the commercial invoice, and the bill of lading as part of the entry summary by uploading them into the document imaging system (DIS) in ACE at the time of entry, and to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with the importer certification, and any supporting documentation upon request of either agency. Consistent with CBP's procedures, importers shall identify certified entries by using importers' additional declaration (record 54) AD/CVD Certification Designation (type code 06) when filing entry summary.

J. I understand that {IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party) until the later of (1) the date that is five years after the latest entry date of the entries covered by the certification or (2) the date that is three years after the conclusion of any litigation in the United States courts regarding such entries.

K. I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

L. I understand that failure to maintain the required certification and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all entries to which this certification applies are within the scope of the antidumping duty and countervailing duty orders on certain chassis and subassemblies thereof from China. I understand that such finding will result in:

i. suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

ii. the importer being required to post the antidumping duty and countervailing duty cash deposits determined by Commerce; and

iii. the importer no longer being allowed to participate in the certification process.

M. I understand that agents of the importer, such as brokers, are not permitted to make this certification.

N. This certification was completed by the time of filing the entry summary.

O. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

P. I understand that the signature of the importing company official must be a digital signature, electronic signature, or handwritten signature. A digital signature is an electronic signature based upon cryptographic methods of originator authentication, computed by using a set of rules and a set of parameters such that the identity of the signer and the integrity of the data can be verified, such an Adobe PDF Digital Certificate. An electronic signature is a computer data compilation of any symbol or series of symbols executed, adopted, or authorized by an individual to be the legally binding equivalent of the individual's handwritten signature.

Q. I understand that corrections to this certification must be filed in the ACE DIS within 30 days of the entry-summary date.

Signature
{NAME OF COMPANY OFFICIAL}
{TITLE OF COMPANY OFFICIAL}
{DATE}

[FR Doc. 2026–08130 Filed 4–24–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF705]

North Pacific Fishery Management Council; Notice of Public Meeting

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

ACTION: Notice of a hybrid public meeting.

SUMMARY: North Pacific Fishery Management Council will host a meeting of the Council Coordination Committee (CCC), consisting of the Regional Fishery Management Council chairs, vice chairs, and executive directors on May 19 through May 21, 2026.

DATES: The CCC will begin at 1 p.m. on Tuesday May 19, 2026, recess at 5 p.m.; and reconvene at 9 a.m. on Wednesday, May 20, 2026, recess at 5 p.m.; and reconvene at 9 a.m. Thursday, May 21, 2026 and adjourn at 5 p.m. or when business is complete.

ADDRESSES: Lands End Resort, 4786 Homer Spit Rd., Homer, AK. Join online through the link at *https://www.fisherycouncils.org/ccc-meetings/may-2026.*

Council address: North Pacific Fishery Management Council, 1007 West 3rd Ave., Suite 400, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Executive Director; phone; (907) 271–2809; email: *devans@npfmc.org*. For technical support, please contact our admin Council staff, email: *support@npfmc.org;* telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, May 19, 2026, Through Thursday, May 21, 2026

CCC Session: The agenda for the CCC's plenary session will include the following issues.

1. Approval of Agenda
2. Magnuson-Stevens Fishery Conservation and Management Act (MSA) 50th Anniversary
3. Council Updates, Priorities, and Needs
4. NOAA Fisheries Update and 2026/2027 Priorities
5. Budget and Council Funding Update
6. NOAA Fisheries Science Updates
7. Executive Order 14276 Restoring American Seafood Competitiveness (NOAA Fisheries)
8. Risk/Value Matrix (NOAA Fisheries)
9. Legislative Outlook
10. Marine Resource Education Program MREP National Program
11. Joint Presentation from Marine Fisheries Commissions
12. Internal Affairs Updates
13. National Environmental Policy Act (NEPA) Updates
14. Council Coordination Committee (CCC) and Work Group Reports
15. Future Meeting Planning
16. Other Business

The agenda is subject to change, and the latest version will be posted at *https://www.fisherycouncils.org/ccc-meetings/may-2026* prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smartphone, or by phone only. Connection information will be posted online at:

https://www.fisherycouncils.org/ccc-meetings/may-2026.

Public Comment

Public comment letters will be accepted and should be submitted either electronically to Council staff at *support@npfmc.org* or by mail to the North Pacific Fishery Management Council, 1007 West 3rd Ave., Suite 400, Anchorage, AK 99501–2252. Information will also be posted online at: *https://www.fisherycouncils.org/ccc-meetings/may-2026.*

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

Dated: April 23, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–08164 Filed 4–24–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF719]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: ACTION: Notice of webinar.

SUMMARY: The Southeast Data Assessment and Review (SEDAR) 90 assessment process of South Atlantic Red Snapper will consist of a Data Workshop, a series of Assessment Webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR 90 Assessment Webinar 6 will be held from 1 p.m. until 4 p.m. EDT May 18, 2026.

ADDRESSES: *SEDAR address:* 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405. *www.sedarweb.org. Meeting address:* The SEDAR 90 Assessment Webinar 6 will be held via webinar. The webinar is open to members of the public. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

FOR FURTHER INFORMATION CONTACT: Emily Ott, SEDAR Coordinator; (843) 302–8434. Email: *Emily.Ott@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the National Marine Fisheries Service and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process. SEDAR is a participatory process for developing, evaluating and reviewing information used for fisheries management advice. This multi-step process for determining the status of fish stocks in the Southeast Region may include (1) a Data stage, and (2) an Assessment stage, and (3) a Review stage. Each stage produces a report summarizing decisions made during that stage. A final stock assessment report is produced at the end of a SEDAR process documenting data sets used, model configurations and the opinions from the independent peer review. Participants for SEDAR projects are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and National Marine Fisheries Service Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants may include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGO's); International experts; and staff of Councils, Commissions, and state and Federal agencies.

The items of discussion in the SEDAR 90 Assessment Webinar 6 are as follows:

Participants will Review recommendations made on assessment webinar 5, continue discussion of new modeling topics. Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: April 22, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–08140 Filed 4–24–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF657]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to U.S. Army Corps of Engineers Miller Sands Island, Rice Island, and Cottonwood Island Pile Dike Repairs Projects on the Lower Columbia River in Oregon and Washington

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

ACTION: Notice; proposed incidental harassment authorizations; request for comments on proposed authorizations and possible renewals.

SUMMARY: NMFS has received a request from U.S. Army Corps of Engineers (USACE) for authorization to take marine mammals incidental to the Miller Sands-Rice Island Pile Dike Repairs Project (MSRI Project) and Cottonwood Island Pile Dike Replacement Project (CI Project) on the lower Columbia River (LCR) in Oregon and Washington. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue two incidental harassment authorizations (IHAs) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on possible one-time, 1-year renewals that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than May 27, 2026.

ADDRESSES: Comments should be addressed to Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to *ITP.demarest@noaa.gov.* Electronic

copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Austin Demarest, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking; other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to as ''mitigation''); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below (*see also* 16 U.S.C. 1362; 50 CFR 216.3, 216.103).

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHAs qualifies to be categorically excluded from further NEPA review.

We will Review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA requests.

Summary of Request

On April 10, 2025, and May 9, 2025, NMFS received requests from USACE for two IHAs to take marine mammals incidental to pile driving (installation and removal) associated with construction to replace pile dikes at Miller Sands-Rice Island and Cottonwood Island on the lower Columbia River in Oregon and Washington. Following NMFS' review of each original application and multiple revised versions, USACE submitted revised versions for the MSRI Project and CI Project on March 9, 2026, and March 12, 2026, respectively. NMFS subsequently deemed the applications complete on March 26, 2026. USACE's request for the MSRI Project is for take of harbor porpoises, Steller sea lions, California sea lions, and harbor seals, by Level B harassment, and for a subset of these species, by Level A harassment. For the CI Project, USACE's request is for take of Steller sea lions, California sea lions, and harbor seals, by Level A and Level B harassment. Neither USACE nor NMFS expect serious injury or mortality to result from this activity and, therefore, IHAs are appropriate.

Description of Proposed Activity

Overview

The USACE proposes repairing and replacing pile dikes for two separate projects at different locations on the lower Columbia River (LCR). The projects would restore flood control, prevent erosion, maintain safe vessel passage, and reduce the frequency and need of maintenance dredging in the LCR. The USACE MSRI Project would repair and replace three existing pile dikes between river mile (RM) 23 and RM 25 near Altoona, Washington. The project includes removing debris and degraded timber piles, enhancing or extending enrockment which would replace three existing timber pile dikes, and connecting two of these three pile dikes together (connector). After enrockment is in place, eight steel Aid to Navigation (ATON) piles would be installed along the enrockment to mark the new pile dikes and pile dike connector. In-water construction is anticipated over 4 months between November 2026 through February 2027 in Wahkiakum County, Washington, and Clatsop County, Oregon.

The USACE CI Project would repair or replace 10 existing pile dikes between RM 68 and RM 71 in the LCR, southeast and directly upstream of Longview, Washington in Cowlitz County. The project would include construction of new shore attachments for 5 pile dikes, installing new steel marker piles at 10 pile dikes, enhancing or extending enrockment in place of existing pile dikes, and construction of up to 3 material offload facilities on Cottonwood Island. Construction for the CI Project is expected to occur over 4 months from November 2026 through February 2027. Activities from both projects that have the potential to result in Level A harassment and Level B harassment of marine mammals from underwater sound production include impact and vibratory pile installation and vibratory pile removal.

Dates and Duration

Each of these proposed IHAs would be valid for the statutory maximum of 1 year from the date of effectiveness. They would become effective upon written notification from the applicant to NMFS, but not beginning later than 1 year from the date of issuance or extending beyond 2 years from the date of issuance.

The MSRI Project is scheduled to span 5 months, with pile driving being restricted to a 4-month window between

November 2026 and March 2027. Debris and pile removal would require approximately 15 days, while pile installation would take approximately 8 days; construction days may be non-consecutive.

The CI Project is scheduled to occur over 4 months, from November 2026 through February 2027. Permanent and temporary pile installation or removal would take approximately 66 non-consecutive days. Activities for both projects would occur during daylight hours, specifically from 30 minutes before civil dawn to 30 minutes after civil dusk.

Specific Geographic Region

The LCR flows 146 miles (mi) or 235 kilometers (km) from Bonneville Dam to the Pacific Ocean. This reach of the river features a deep-draft shipping channel supporting major ports and connects major cities and towns in Oregon and Washington to the Pacific Ocean. The LCR serves as an important migratory corridor for salmonids, sturgeon, and eulachon (*Thaleichthys pacificus*) as they transition freshwater and marine life stages, while providing foraging opportunities for pinnipeds and other wildlife.

The Miller Rice pile dike system consists of seven Pile Dolphins (PDs) located between Miller Sands Island and Rice Island, extending from RM 22.75 to RM 24.63 in Wahkiakum County, Washington, and Clatsop County, Oregon (figure 1). The structures are identified by their RM location: PDs 22.75, 23.07, 23.39, 23.67, 23.71, 23.81, and 24.63. The MSRI Project would replace three of these PDs (*i.e.,* 23.71, 23.81, and 24.63) which are situated approximately 13.5 km upstream and east of Astoria, Oregon, along the Federal Navigation Channel. The area experiences frequent vessel traffic, including recreational boats, tugboats, and large cargo vessels, which all contribute to the in-air and underwater acoustic environment.

The CI Project construction area is located between RM 68 and RM 71 of the LCR in Cowlitz County, Washington (figure 2). A total of 10 PDs would be replaced along Cottonwood Island in the Columbia River at RM 68.35, 68.57, 68.79, 69.01, 69.25, 69.51, 69.79, 70.07, 71.17, and 71.51. The project site is approximately 3.5 km upstream and southeast of Longview, Washington, directly south of the Cowlitz River confluence with the Columbia River. The CI Project area is situated within a highly industrialized area, and experiences frequent recreational and commercial vessel traffic, which all contribute to the in-air and underwater acoustic environment.

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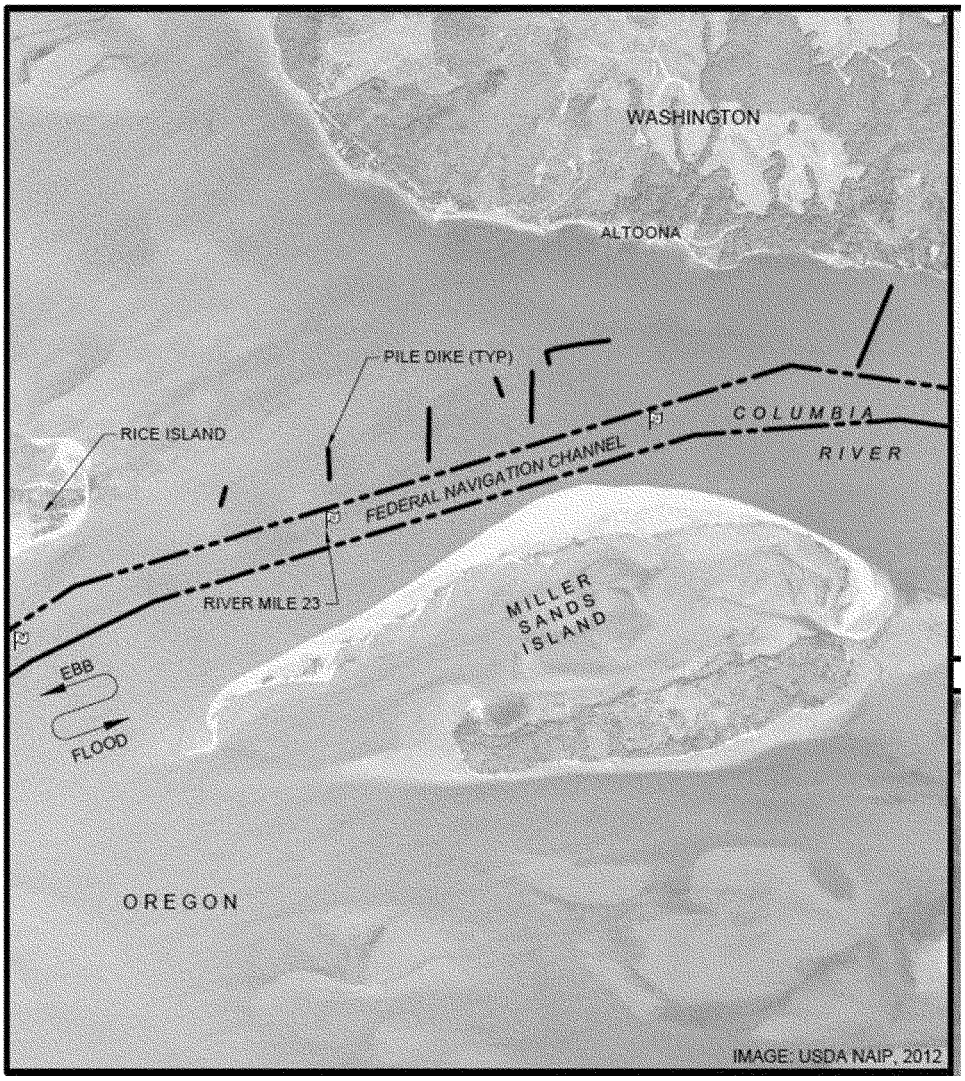


Figure 1—USACE Miller Sands-Rice Island Dike Repairs Project Site Map

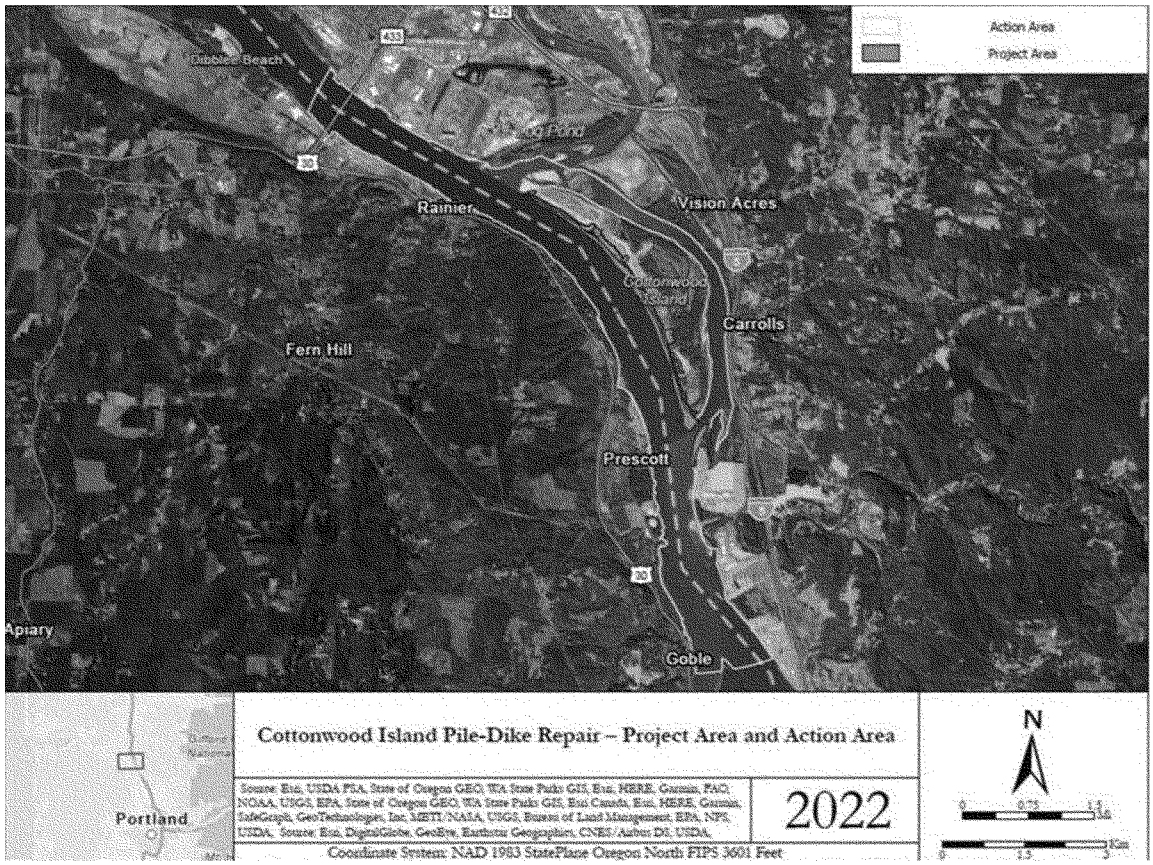


Figure 2—USACE Cottonwood Island Dike Repairs Project Site Map

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Detailed Description of the Specified Activity

The MSRI Project and the CI Project are needed to manage sediments, direct flow, provide bank protection, reduce the frequency and need of dredging, and to improve navigability within the LCR Federal Navigation Channel (FNC). The present-day pile dike system was built from 1917 through 1923 and from 1933 through 1939. After decades of deferred maintenance and repairs, the LCR pile dike system no longer functions as initially designed. Therefore, both of these proposed projects would replace degraded pile dikes and improve vessel navigability within sections of the FNC in the Columbia River.

The MSRI Project involves five construction activities:

1. Removing debris behind existing pile dikes.
2. Removing degraded timber piles, spreaders, and hardware.
3. Enhancing enrockment at three PDs (23.71, 23.81, and 24.63) by mechanically placing rock on the prior PD footprint and connecting enrockment between PD 23.71 and PD 23.81.
4. Installing eight new isolated ATON piles.
5. Site access and staging.

Debris removal and disposal would be followed by mechanical removal by direct pull methods or breaking existing timber piles at the mudline; therefore, vibratory pile extraction would not be necessary. Rock would be transported by barge and placed at each dike location using a crane or long-arm excavator with a clamshell bucket, orange peel grapple, or excavator bucket. Rocks (ranging from 50 to 1,000 pounds [22 to 454 kilograms]) would be lowered below the water's surface and released directly above the existing substrate. Rock placement would occur during the in-water work window (November–February), as well as in September and October.

After rock placement, eight new 24-inch steel pipe ATON piles would be installed to mark each PD and the PD connector. Vibratory hammers would be used to drive ATON piles to the point of refusal and then an impact hammer would be used to ensure that the piles are seated in the substrate. Impact and vibratory pile installation would occur over 8 days and sound produced from these activities has the potential to result in incidental take of marine mammals by Level A and Level B harassment. Activities 1, 2, 3, and 5 are not expected to cause take of marine mammals because these activities do not produce sound with characteristics likely to result in marine mammal harassment and are thus not discussed further.

TABLE 1—MSRI PROJECT PILE INSTALLATION SUMMARY

Method	Pile size, material	Pile type and location	Piles/day (min-max)	Time (minutes) or (strikes/pile)	Number of piles	Min duration (days)	Max duration
Vibratory	24-inch steel pipe	ATON–PD 23.71	1–8	12	2	1	2
Impact				(225)			
Vibratory	24-inch steel pipe	ATON/ Enrockment between PD 23.71 and PD 23.81.		12	1		1
Impact				(225)			
Vibratory	24-inch steel pipe	ATON/PD 23.81		12	2		2
Impact				(225)			
Vibratory	24-inch steel pipe	ATON/24.63		12	3		3
Impact				(225)			
Totals					8	1	8

The Cottonwood Project involves 5 construction activities:

1. Construction and removal of Material Offload Facilities (MOF).
2. Removal of 162 existing timber piles.
3. Installation of 114 new 12-inch timber piles offset from the original 5 PDs at RM 68.35, 69.01, 69.51, 69.76, and 70.7.
4. Installation of 17 steel pipe ATON piles between 10.75–24-inches in diameter.
5. Adding rock around the new piles for scour protection.

All materials associated with the CI Project would initially be transported by barges and tugboats to the construction site, which would be anchored in place with spuds. The MOF piles would be installed with a vibratory hammer and consist of 18 24-inch steel pipe piles and 100 24-inch steel sheet piles. A maximum of three MOFs can be built over 21 days and then removed over 10.5 days using vibratory methods. Existing damaged piles would be removed by vertical pull or by breaking them off at the mudline.

New piles would be installed using a vibratory hammer to the point of refusal and then an impact hammer would be used to ensure piles are seated in the substrate. Both timber and steel ATON piles can be installed on the same day, but only one pile at a time, with a maximum of 8 piles per day. Pile installation would occur over approximately 34 days.

All project activities, except for PD 68.35, would take place anytime during the in-water work window from November 2026 to February 2027. Work on PD 68.35 would be restricted to November due to its close proximity (200 meters (m)) to a seasonal pinniped haulout site. Activities 1, 3, and 4, which involve pile installation and removal with vibratory and impact hammers, and sound produced from these activities has the potential to result in incidental take of marine mammals by Level A and Level B harassment. Activities 2 and 5 are not expected to cause take of marine mammals because these activities do not produce sound with characteristics likely to result in marine mammal harassment and are thus not discussed further.

TABLE 2—CI PROJECT PILE INSTALLATION AND REMOVAL SUMMARY

Method	Pile size, material	Pile type and/or location	Time/pile (minutes), (strikes/pile)	Number of piles	Max piles/day	Min duration (days)	Expected duration (days)
Installation							
Vibratory	10.75–12-inch steel pipe	ATON	12	11	4	2.75	11
Impact			4.5 (225)				
Vibratory	16-inch steel pipe	ATON	12	4	3	1.5	4
Impact			4.5 (225)				
Vibratory	24-inch steel pipe	ATON	12	2	1	2	2
Impact			4.5 (225)				
Vibratory	12-inch timber pole	PD 68.35	8	14	8	1.8	2
Impact			4.5 (225)				
Vibratory	12-inch timber pole	PD 69.01	8	14	8	1.8	2
Impact			4.5 (225)				
Vibratory	12-inch timber pole	PD 69.51	8	18	8	2.3	3
Impact			4.5 (225)				
Vibratory	12-inch timber pole	PD 69.76	8	35	8	4.4	5
Impact			4.5 (225)				
Vibratory	12-inch timber pole	PD 70.7	8	33	8	4.1	5
Impact			4.5 (225)				
Vibratory	24-inch steel pipe	MOF 1	12	18	8	2.25	3
Vibratory	24-inch steel sheet	MOF 1	10	100	25	4	4
Vibratory	24-inch steel pipe	MOF 2	12	18	8	2.25	3
Vibratory	24-inch steel sheet	MOF 2	10	100	25	4	4
Vibratory	24-inch steel pipe	MOF 3	12	18	8	2.25	3

TABLE 2—CI PROJECT PILE INSTALLATION AND REMOVAL SUMMARY—Continued

Method	Pile size, material	Pile type and/or location	Time/pile (minutes), (strikes/pile)	Number of piles	Max piles/day	Min duration (days)	Expected duration (days)
Vibratory	24-inch steel sheet	MOF 3	10	100	25	4	4
Total Duration of Pile Installation (days)						39.4	55
MOF Removal							
Vibratory	24-inch steel pipe	MOF 1	12	18	8	2.25	3
Vibratory	24-inch steel sheet	MOF 1	3	100	200	0.5	0.5
Vibratory	24-inch steel pipe	MOF 2	12	18	8	2.25	3
Vibratory	24-inch steel sheet	MOF 2	3	100	200	0.5	0.5
Vibratory	24-inch steel pipe	MOF 3	12	18	8	2.25	3
Vibratory	24-inch steel sheet	MOF 3	3	100	200	0.5	0.5
Total Duration of Pile Removal (days)						8.25	10.5
Total Duration of Pile Driving and Removal (days)						47.65	65.5

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species*).

Table 3 lists all four species and stocks for which take is expected and proposed to be authorized for the MSRI Project and a subset of three species (California sea lion, Steller sea lion, and harbor seal) for which take is expected and proposed to be authorized the CI Project. Tables 3 summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or proposed to be authorized here, PBR and annual serious injury and mortality (M/SI) from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Alaska and Pacific SARs. All values presented in table 3 are the most recent available at the time of publication (including from the draft 2024 SARs) and are available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.*

TABLE 3—SPECIES [1] WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [2]	Stock abundance (CV, N_{min}, most recent abundance survey) [3]	PBR	Annual M/SI [4]
Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Family Phocoenidae (porpoises):						
Harbor Porpoise [5]	*Phocoena phocoena*	Northern OR/WA Coast	-, -, N	22,074 (0.391, 16,068, 2022)	161	≥3.2
Order Carnivora—Pinnipedia						
Family Otariidae (eared seals and sea lions):						
CA Sea Lion	*Zalophus californianus*	U.S	-, -, N	257,606 (N/A, 233,515, 2014)	14,011	>321
Steller Sea Lion	*Eumetopias jubatus*	Eastern	-, -, N	36,308 (N/A, 36,308, 2022) [6]	2,178	93.2
Family Phocidae (earless seals):						

TABLE 3—SPECIES [1] WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [2]	Stock abundance (CV, N_{min}, most recent abundance survey) [3]	PBR	Annual M/SI [4]
Harbor Seal	*Phoca vitulina*	OR/WA Coastal	-, -, N	22,549 (UNK, 19,561, 2022) [7]	UND [8]	10.6

[1] Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (*https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies*)

[2] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[3] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

[4] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[5] Incidental take of harbor porpoises is not expected or proposed for authorization for the CI Project.

[6] Nest is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the U.S. only.

[7] Most recent SAR does not include an abundance estimate for this stock. These data are for the Washington coast and thus underestimate the size of the OR/WA Coastal stock; estimates are from Pearson *et al.* 2024.

[8] UND means undetermined.

As indicated above, all four species (with four managed stocks) of marine mammals in table 3 spatially and temporally co-occur to the degree that take is reasonably likely to occur in the proposed MSRI Project area. However, California sea lions, Steller sea lions, and harbor seals could spatially co-occur within the CI Project area to the degree that take is reasonably likely to occur.

While gray whales, humpback whales, killer whales, and northern elephant seals have been reported in the LCR, the temporal or spatial occurrence of these species is such that take is not expected to occur, and they are not discussed further beyond the explanation provided here. Gray whales, humpback whales, and killer whales have been documented in the LCR, but sightings of these animals have primarily been at RM 11 and below, and sightings above this area are considered rare (no sightings in recent years) within both project areas. Northern elephant seals have been documented within the LCR but all reported sightings of these species within the project areas are over 40 years old and all recent sightings have occurred below RM 11 in the Columbia River. Therefore, take of these species is not expected nor proposed to be authorized and these species are not considered further in this document.

Harbor Porpoise

In the eastern North Pacific Ocean, harbor porpoises are found in coastal and inland waters from Point Barrow, along the Alaskan coast, and down the west coast of North America to Point Conception, California. Harbor porpoises are known to occur year-round in the inland trans-boundary waters of Washington and British Columbia, Canada and along the Oregon/Washington coast.

Harbor porpoise movement along west coast of the United States is relatively restricted and they do not move extensively between California, Oregon, and Washington (Calambokidis and Barlow, 1991). The Northern Oregon/Washington Coast stock of harbor porpoises ranges from Lincoln City, Oregon, to Cape Flattery, Washington and the stock commonly occurs in the Columbia River Estuary (Carretta *et al.,* 2020). Their nearshore abundance peaks with anchovy presence, which is generally June through October. In 2024, three harbor porpoises were documented over 33 days of marine mammal monitoring for year 2 of USACE's East and West Sand Island Pile Dike Repairs Project at RM 4. Considering the spatial and temporal distribution, harbor porpoises could occur in the MRSI Project area but are not unexpected to occur in the CI Project area.

California Sea Lion

California sea lions are found along the west coast from the southern tip of Baja California to southeast Alaska. They breed mainly on offshore islands from Southern California's Channel Islands south to Mexico. Non-breeding males often roam north in spring foraging for food. Since the mid-1980s, increasing numbers of California sea lions have been documented feeding on fish along the Washington coast and—more recently—in the Columbia River as far upstream as Bonneville Dam, at RM 146. However, the total number of California sea lions observed at Bonneville Dam has been in decline, ranging from 195 individuals in 2015 to 24 individuals in 2021, and 50 individuals in 2023 (Braun *et al.,* 2024).

In recent years, California sea lions have been reported below Bonneville Dam (RM 146) feeding on returning white sturgeon (*Acipenser transmontanus*) and adult salmonids (Braun *et al.,* 2024). California sea lions have been observed hauling out at East Mooring Basin in Astoria, Oregon, city docks in Rainier, Oregon, and the Cowlitz River mouth in Longview, Washington (Oregon Department of Fish and Wildlife [ODFW], 2024). Considering the spatial and temporal distribution, California sea lions are expected to occur in both the MSRI and CI Project areas.

Steller Sea Lion

Steller sea lions that occur in the LCR, including the project vicinity, are members of the eastern Distinct Population Segment (DPS), ranging from Southeast Alaska to central California, including both Oregon and Washington (Jeffries *et al.,* 2000; Scordino, 2006; NMFS, 2013). In Washington, Steller sea lions occur mainly along the outer coast from the Columbia River to Cape Flattery (Jeffries *et al.,* 2000). The eastern DPS of Steller sea lions has historically bred on rookeries located in Southeast Alaska, British Columbia, Oregon, and California. However, within the last several years, a new rookery has become established on the outer Washington coast at the Carroll Island and Sea Lion Rock complex (Muto *et al.,* 2019).

Steller sea lions have also been observed at the base of Bonneville Dam (RM 146) in recent years, feeding on white sturgeon (*Acipenser transmontanus*) and salmonids (Braun *et al.,* 2024). Steller sea lions have been observed hauling out at the South Jetty at the mouth of the Columbia River, city docks in Rainier, OR, and the Cowlitz River mouth in Longview, WA (ODFW, 2024). Considering the spatial and temporal distribution, Steller sea lions

are expected to occur in both the MSRI and CI Project areas.

Harbor Seal

Harbor seals are the most common, widely distributed marine mammal found in Washington and Oregon marine waters and are frequently observed in the nearshore marine environment. The Oregon/Washington Coastal Stock was most recently estimated at 22,549 harbor seals in 2024 (Pearson *et al.,* 2024). Harbor seals use hundreds of sites to rest or haulout along coastal and inland waters, including intertidal sand bars and mudflats in estuaries; intertidal rocks and reefs; sandy, cobble, and rocky beaches; islands; and log booms, docks, and floats in all marine areas of the state (Harvey 1987; Jeffries *et al.,* 2003).

Harbor seals in this population are typically non-migratory and reside year-round in the Columbia River and generally remain in the same area throughout the year for breeding and feeding. Pupping seasons in coastal estuaries vary geographically; in the Columbia River, Willapa Bay, and Grays Harbor, pups are born from mid-April through June (Jeffries *et al.,* 2003). Harbor seals in the Columbia River do exhibit some seasonal movement upriver, including into or through both of USACE's proposed project areas, to follow winter and spring runs of Pacific eulachon and outmigrating juvenile salmon (*Oncorhynchus spp.*), and they are observed regularly in the Columbia River including the action areas. Within the lower Columbia River, they tend to congregate to feed at the mouths of tributary rivers, including the Cowlitz and Kalama rivers (RMs 68 and 73, respectively). Washington Department of Fish and Wildlife's (WDFW's) atlas of seal and sea lion haulout sites (Jeffries *et al.,* 2000) identifies shoals near the confluence of the Cowlitz and Columbia rivers, one of which is located 200 m from the CI Project site, as a documented haulout site. Additionally, ODFW has documented harbor seals hauled out near the MSRI Project area at Taylor Sands Island, around Green Island, and in Grays Bay during the months of May through June (Edwards, personal communication, 2023). Therefore, harbor seals could enter both of USACE's proposed project areas during in-water construction.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007; 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on the ~65 decibel (dB) threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007, 2019). We note that the names of two hearing groups and the generalized hearing ranges of all marine mammal hearing groups have been recently updated (NMFS, 2024) as reflected below in table 4.

TABLE 4—MARINE MAMMAL HEARING GROUPS

[NMFS, 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales).	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales).	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans. (true porpoises, *Kogia,* river dolphins, Cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals).	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals).	60 Hz to 68 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on approximately 65 dB threshold from composite audiogram, previous analysis in NMFS (2018), and/or data from Southall *et al.* (2007, 2019). Additionally, animals are able to detect very loud sounds above and below that ''generalized'' hearing range.

For more details concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section provides a discussion of the ways in which components of the specified activity may impact marine mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Acoustic effects on marine mammal during the specified activities for the MSRI Project and CI Project could occur from impact pile driving and vibratory pile driving and removal. The effects of underwater noise from USACE's proposed activities have the potential to result in Level A and Level B harassment of marine mammals in the proposed action areas.

Description of Sound Sources

The marine soundscape is comprised of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and far (American National Standards Institute (ANSI), 1995). The sound level of an area is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.,* vessels, dredging, aircraft, construction).

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is

that, depending on the source type and its intensity, sound from the specified activities may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

In-water construction associated with the proposed projects would include impact and vibratory pile driving and removal. The sounds produced by these activities fall into one of two general sound types: impulsive and non-impulsive. Impulsive sounds (*e.g.,* explosions, gunshots, sonic booms, impact pile driving) are typically transient, brief (less than 1 second), broadband, and consist of high peak sound pressure with rapid rise time and rapid decay (ANSI, 1986; National Institute for Occupational Safety and Health (NIOSH), 1998; ANSI, 2005; NMFS, 2018). Non-impulsive sounds (*e.g.,* aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems) can be broadband, narrowband or tonal, brief or prolonged (continuous or intermittent), and typically do not have the high peak sound pressure with rapid rise/decay time that impulsive sounds do (ANSI, 1995; NIOSH, 1998; NMFS, 2018). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward 1997 in Southall *et al.,* 2007).

Both impact and vibratory pile hammers would be used on the MSRI and CI Projects. Impact hammers operate by repeatedly dropping a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper, 2005). Vibratory hammers install piles by vibrating them and allowing the weight of the hammer to push them into the sediment. Vibratory hammers produce significantly less sound than impact hammers. Peak sound pressure levels (SPLs) may be 180 dB or greater but are generally 10 to 20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.,* 2009). Rise time is slower, reducing the probability and severity of injury, and sound energy is distributed over a greater amount of time (Nedwell and Edwards, 2002; Carlson *et al.,* 2005).

The likely or possible impacts of the USACE's proposed activities on marine mammals could involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of the equipment, vessel, and personnel; however, we expect that any animals that approach the project sites close enough to be harassed due to the presence of equipment or personnel would be within the Level B harassment zones from pile driving would already be subject to harassment from the in-water activities. Therefore, any impacts to marine mammals are expected to primarily be acoustic in nature. Acoustic stressors would be generated by heavy equipment operation during pile installation and removal (*i.e.,* impact and vibratory pile driving and removal).

Potential Effects of Underwater Sound on Marine Mammals

The introduction of anthropogenic noise into the aquatic environment from impact and vibratory pile driving and removal is the primary means by which marine mammals may be harassed from the USACE's specified activities. Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life from none or minor to potentially severe responses depending on received levels, duration of exposure, behavioral context, and various other factors. Broadly, underwater sound from active acoustic sources, such as those in the Projects, can potentially result in one or more of the following: temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2003; Nowacek *et al.,* 2007; Southall *et al.,* 2007; Götz *et al.,* 2009).

We describe the more severe effects of certain non-auditory physical or physiological effects only briefly as we do not expect that use of pile driving hammers (impact and vibratory) is reasonably likely to result in such effects (see below for further discussion). Potential effects from impulsive sound sources can range in severity from effects such as behavioral disturbance or tactile perception to physical discomfort, slight injury of the internal organs and the auditory system, or mortality (Yelverton *et al.,* 1973). Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to high level underwater sound or as a secondary effect of extreme behavioral reactions (*e.g.,* change in dive profile as a result of an avoidance reaction) caused by exposure to sound include neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.,* 2006; Southall *et al.,* 2007; Zimmer and Tyack, 2007; Tal *et al.,* 2015). Each project's activities considered here do not involve the use of devices such as explosives or mid-frequency tactical sonar that are associated with these types of effects.

In general, animals exposed to natural or anthropogenic sound may experience physical and psychological effects, ranging in magnitude from none to severe (Southall *et al.,* 2007, 2019). Exposure to anthropogenic noise has the potential to result in auditory threshold shifts and behavioral reactions (*e.g.,* avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior). It can also lead to non-observable physiological responses, such an increase in stress hormones. Additional noise in a marine mammal's habitat can mask acoustic cues used by marine mammals to carry out daily functions, such as communication and predator and prey detection.

The degree of effect of an acoustic exposure on marine mammals is dependent on several factors, including, but not limited to, sound type (*e.g.,* impulsive vs. non-impulsive), signal characteristics, the species, age and sex class (*e.g.,* adult male vs. mom with calf), duration of exposure, the distance between the noise source and the animal, received levels, behavioral state at time of exposure, and previous history with exposure (Wartzok *et al.,* 2004; Southall *et al.,* 2007). In general, sudden, high-intensity sounds can cause hearing loss as can longer exposures to lower-intensity sounds. Moreover, any temporary or permanent loss of hearing, if it occurs at all, will occur almost exclusively for noise within an animal's hearing range. We describe below the specific manifestations of acoustic effects that may occur based on each of the activities proposed by the USACE.

Richardson *et al.* (1995) described zones of increasing intensity of effect that might be expected to occur in relation to distance from a source and assuming that the signal is within an animal's hearing range. First (at the greatest distance) is the area within which the acoustic signal would be audible (potentially perceived) to the animal but not strong enough to elicit any overt behavioral or physiological response. The next zone (closer to the receiving animal) corresponds with the area where the signal is audible to the animal and of sufficient intensity to elicit behavioral or physiological responsiveness. The third is a zone within which, for signals of high intensity, the received level is sufficient to potentially cause discomfort or tissue damage to auditory or other systems. Overlaying these zones to a certain extent is the area within which masking

(*i.e.,* when a sound interferes with or masks the ability of an animal to detect a signal of interest that is above the absolute hearing threshold) may occur; the masking zone may be highly variable in size.

Below, we provide additional details regarding potential impacts on marine mammals and their habitat from noise in general, starting with hearing impairment, as well as from the specific activities the USACE plans to conduct, to the degree it is available.

Auditory Injury (AUD INJ)—NMFS defines auditory injury as ''damage to the inner ear that can result in destruction of tissue . . . which may or may not result in permanent threshold shifts (PTS)'' (NMFS, 2024). NMFS defines PTS as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024). PTS does not generally affect more than a limited frequency range, and an animal that has incurred PTS has incurred some level of hearing loss at the relevant frequencies; typically, animals with PTS are not functionally deaf (Au and Hastings, 2008; Finneran, 2016). Available data from humans and other terrestrial mammals indicate that a 40-dB threshold shift approximates PTS onset (see Ward *et al.,* 1958, 1959, 1960; Kryter *et al.,* 1966; Miller, 1974; Ahroon *et al.,* 1996; Henderson *et al.,* 2008). PTS levels for marine mammals are estimates, as with the exception of a single study unintentionally inducing PTS in a harbor seal (Kastak *et al.,* 2008), there are no empirical data measuring PTS in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing PTS are not typically pursued or authorized (NMFS, 2018).

Temporary Threshold Shift (TTS)—TTS is a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018). Based on data from cetacean TTS measurements (Southall *et al.,* 2007, 2019), a TTS of 6 dB is considered the minimum Threshold Shift (TS) clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Schlundt *et al.,* 2000; Finneran *et al.,* 2000, 2002). As described in Finneran (2015), marine mammal studies have shown the amount of TTS increases with cumulative sound exposure level (SELcum) in an accelerating fashion: At low exposures with lower SELcum, the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SELcum, the growth curves become steeper and approach linear relationships with the noise SEL.

Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during a time when communication is critical for successful mother/calf interactions could have more serious impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Many studies have examined noise-induced hearing loss in marine mammals (see Finneran (2015) and Southall *et al.* (2019) for summaries). TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter, 2013). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. For pinnipeds in water, measurements of TTS are limited to harbor seals, elephant seals (*Mirounga angustirostris*), bearded seals (*Erignathus barbatus*) and California sea lions (Kastak *et al.,* 1999, 2007; Kastelein *et al.,* 2019b, 2019c, 2021, 2022a, 2022b; Reichmuth *et al.,* 2019; Sills *et al.,* 2020). These studies examined hearing thresholds measured in marine mammals before and after exposure to intense or long-duration sound exposures. The difference between the pre-exposure and post-exposure thresholds can be used to determine the amount of TS at various post-exposure times.

The amount and onset of TTS depends on the exposure frequency. Sounds at low frequencies, well below the region of best sensitivity for a species or hearing group, are less hazardous than those at higher frequencies, near the region of best sensitivity (Finneran and Schlundt, 2013). At low frequencies, onset-TTS exposure levels are higher compared to those in the region of best sensitivity (*i.e.,* a low frequency noise would need to be louder to cause TTS onset when TTS exposure level is higher), as shown for harbor porpoises and harbor seals (Kastelein *et al.,* 2019a, 2019c). Note that in general, harbor seals have a lower TTS onset than other measured pinniped species (Finneran, 2015). In addition, TTS can accumulate across multiple exposures, but the resulting TTS will be less than the TTS from a single, continuous exposure with the same SEL (Mooney *et al.,* 2009; Finneran *et al.,* 2010; Kastelein *et al.,* 2014, 2015). This means that TTS predictions based on the total, SELcum will overestimate the amount of TTS from intermittent exposures, such as sonars and impulsive sources. Nachtigall *et al.* (2018) describes measurements of hearing sensitivity of multiple odontocete species (*i.e.,* bottlenose dolphin, harbor porpoise, beluga, and false killer whale (*Pseudorca crassidens*)) when a relatively loud sound was preceded by a warning sound. These captive animals were shown to reduce hearing sensitivity when warned of an impending intense sound. Based on these experimental observations of captive animals, the authors suggest that wild animals may dampen their hearing during prolonged exposures or if conditioned to anticipate intense sounds. Another study showed that echolocating animals (including odontocetes) might have anatomical specializations that might allow for conditioned hearing reduction and filtering of low-frequency ambient noise, including increased stiffness and control of middle ear structures and placement of inner ear structures (Ketten *et al.,* 2021). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species.

Relationships between TTS and PTS thresholds have not been studied in marine mammals, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several dBs above that inducing mild TTS (*e.g.,* a 40-dB TS approximates PTS onset (Kryter *et al.,* 1966; Miller, 1974), while a 6-dB TS approximates TTS onset (Southall *et al.,* 2007, 2019). Based on

data from terrestrial mammals, a precautionary assumption is that the PTS thresholds for impulsive sounds (such as impact pile driving pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and PTS SELcum thresholds are 15 to 20 dB higher than TTS SELcum thresholds (Southall *et al.,* 2007, 2019). Given the higher level of sound or longer exposure duration necessary to cause PTS as compared with TTS, it is considerably less likely that PTS could occur.

Pile dike repairs for the MSRI and CI Projects would require impact pile driving and vibratory pile driving and removal. Construction activities for each project would occur independently under separate authorizations. For each project, only one method of pile installation or removal would occur at a time, although multiple pile driving methods may be used on the same day. Pile driving associated with each project is not expected to be constant and pauses in the activities producing sounds are likely. Given these pauses and that many marine mammals would be transiting through the project areas and not remaining for extended periods of time, the potential for TS declines. For California sea lions, Steller sea lions, and harbor seals, animals are expected to remain in the CI project area, particularly around haulout site 24, which is a sand bar where the Cowlitz River and Carrols Channel meet with the mainstem Columbia River. California sea lions and Steller sea lions could also remain near the CI Project area as they transit to and from haulout site 24, and other structures near the Rainier, Oregon waterfront. Animals swimming with heads underwater would be exposed to pile driving noise throughout a day on multiple days, increasing risk of TS. However, we also expect these individuals to remain out of the water on haulouts for extended durations which reduces risk of TS.

Behavioral Harassment—Exposure to noise from pile driving and removal also have the potential to behaviorally disturb marine mammals. Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005).

Disturbance may result in changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where sound sources are located. Pinnipeds may increase their haul out time, possibly to avoid in-water disturbance (Thorson and Reyff, 2006). Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2004; Southall *et al.,* 2007, 2021; Weilgart, 2007; Archer *et al.,* 2010). Behavioral reactions can vary not only among individuals but also within exposures of an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012, Southall *et al.,* 2021), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). In general, pinnipeds seem more tolerant of, or at least habituate more quickly too, potentially disturbing underwater sound than do cetaceans, and generally seem to be less responsive to exposure to industrial sound than most cetaceans. For a review of the studies involving marine mammal behavioral responses to sound, see Southall *et al.,* 2007; Gomez *et al.,* 2016; and Southall *et al.,* 2021 reviews.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.,* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Airborne Acoustic Effects—Pinnipeds that occur near the project sites could be exposed to airborne sounds associated with pile driving and removal that have the potential to cause behavioral harassment, depending on their distance from the activities. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project sites within the range of noise levels elevated above the airborne acoustic harassment criteria. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when swimming with their heads above water. Most likely, airborne sounds would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled-out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon the area and move further from the source. However, these animals would previously have been 'taken' because of exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further here.

Stress Response—An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.,* Seyle, 1950; Moberg, 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a

significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.,* Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.,* 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and ''distress'' is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.,* Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.,* 2002b) and, more rarely, studied in wild populations (*e.g.,* Romano *et al.,* 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as ''distress.'' In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2005), however distress is an unlikely result of these projects based on observations of marine mammals during previous, similar construction projects in the LCR.

Auditory Masking—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.,* 1995; Erbe *et al.,* 2016). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* shipping, sonar, seismic exploration, pile driving) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions. Masking of natural sounds can result when human activities produce high levels of background sound at frequencies important to marine mammals. Conversely, if the background level of underwater sound is high (*e.g.,* on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked.

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is man-made, it may be considered harassment when disrupting or altering critical behaviors. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (*e.g.,* Clark *et al.,* 2009) and may result in energetic or other costs as animals change their vocalization behavior (*e.g.,* Miller *et al.,* 2000; Foote *et al.,* 2004; Parks *et al.,* 2007; Di Iorio and Clark, 2009; Holt *et al.,* 2009). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.,* 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Houser and Moore, 2014). Masking can be tested directly in captive species (*e.g.,* Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (*e.g.,* Branstetter *et al.,* 2013).

Masking affects both senders and receivers of acoustic signals and can potentially have long-term chronic effects on marine mammals at the population level as well as at the individual level. Low-frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, with most of the increase from distant commercial shipping (Hildebrand, 2009). All anthropogenic sound sources, but especially chronic and lower-frequency signals (*e.g.,* from vessel traffic), contribute to elevated ambient sound levels, thus intensifying masking. The MSRI and CI Projects are located in areas with routine vessel traffic from recreational and commercial vessels; therefore, background sound levels are generally already elevated.

Marine Mammal Habitat Effects

Proposed construction for the MSRI and CI Projects could have localized, temporary impacts on marine mammal habitat, including prey, by increasing in-water SPLs and slightly decreasing water quality. Increased noise levels may affect acoustic habitat (see Auditory Masking) and adversely affect marine mammal prey in the vicinity of the project area (see discussion below). During impact and vibratory pile driving or removal, elevated levels of underwater noise would ensonify the project areas where both fish and mammals occur and could affect foraging success. Additionally, marine

mammals may avoid the areas during construction; however, displacement due to noise is expected to be temporary and is not expected to result in long-term effects to the individuals or populations. Each project would be relatively short in duration and would likely only have temporary impacts on marine mammal habitat through increases in underwater and airborne sound.

Water Quality—In-water pile driving activities would also cause short-term effects on water quality due to increased turbidity. Temporary and localized increase in turbidity near the riverbed would occur in the immediate area surrounding where piles are installed or removed and where rock placement occurs due benthic sediment disturbance. In general, turbidity associated with pile installation is localized to about a 25 ft (7.6 m) radius around the pile (Everitt *et al.,* 1980). The sediments of the project sites would settle out of the water column rapidly when disturbed. Local currents and tides are anticipated to disburse any additional suspended sediments produced by each of the project's activities at moderate to rapid rates depending on river current or tidal stage. Studies of the effects of turbid water on fish (marine mammal prey) suggest that concentrations of suspended sediment can reach thousands of milligrams per liter before an acute toxic reaction is expected (Burton, 1993).

Effects from turbidity and sedimentation are expected to be short-term, minor, and localized. Suspended solids in the water column should dissipate and quickly return to background levels in all construction scenarios. Turbidity within the water column has the potential to reduce the level of oxygen in the water and irritate the gills of prey fish species in each of the proposed project's areas. However, suspended sediment associated with the project would be temporary and localized, and fish in the proposed project area would be able to move away from and avoid the areas where plumes may occur. Therefore, it is expected that the impacts on prey fish species from turbidity, and therefore on marine mammals, would be minimal and temporary. In general, the areas likely impacted by the proposed construction activities are relatively small compared to the total available marine mammal habitat in the LCR in Oregon and Washington. Therefore, we expect the impact from increased turbidity levels to be discountable to marine mammals and do not discuss it further.

In-water Effects on Potential Foraging Habitat—The proposed activities would not result in permanent impacts to habitats used directly by marine mammals and only negligible increases in vessel traffic are expected in either location as a result of the specified activities. The areas likely impacted by the proposed actions are relatively small compared to the total available habitat in the LCR in Oregon and Washington. Each of the proposed project areas are highly influenced by anthropogenic activities and provide limited foraging habitat for marine mammals. The total riverbed area affected by pile driving and rock placement activities is small compared to the vast foraging areas available to marine mammals both upstream and downstream the construction sites in the LCR. At best, the area impacted provide marginal foraging habitat for marine mammals and fishes. Furthermore, pile driving, pile removal and rock placement would not obstruct movements or migration of marine mammals.

Construction activities would produce continuous, non-impulsive (*i.e.,* vibratory pile driving and removal) and intermittent impulsive (*i.e.,* impact pile driving) sounds. Fish utilize the soundscape and components of sound in their environment to perform important functions such as foraging, predator avoidance, mating, and spawning (Zelick *et al.,* 1999; Fay, 2009). Depending on their hearing anatomy and peripheral sensory structures, which vary among species, fishes hear sounds using pressure and particle motion sensitivity capabilities and detect the motion of surrounding water (Fay *et al.,* 2008). The potential effects of noise on fishes depends on the overlapping frequency range, distance from the sound source, water depth of exposure, and species-specific hearing sensitivity, anatomy, and physiology. Key impacts to fishes may include behavioral responses, hearing damage, barotrauma (pressure-related injuries), and mortality.

Fish react to sounds which are especially strong and/or intermittent low-frequency sounds, and behavioral responses such as flight or avoidance are the most likely effects. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. The reaction of fish to noise depends on the physiological state of the fish, past exposures, motivation (*e.g.,* feeding, spawning, migration), and other environmental factors. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fish, several of which are based on studies in support of large, multi-year bridge construction projects (*e.g.,* Scholik and Yan, 2001; Popper and Hastings, 2009). Many studies have demonstrated that impulse sounds might affect the distribution and behavior of some fishes, potentially impacting foraging opportunities or increasing energetic costs (*e.g.,* Pearson *et al.,* 1992; Skalski *et al.,* 1992; Santulli *et al.,* 1999; Fewtrell and McCauley, 2012; Paxton *et al.,* 2017). In response to pile driving, Pacific sardines (*Sardinops sagax*) and northern anchovies (*Engraulis mordax*) may exhibit an immediate startle response to individual strikes but return to ''normal'' pre-strike behavior following the conclusion of pile driving with no evidence of injury as a result (see NAVFAC, 2014). However, some studies have shown no or slight reaction to impulse sounds (*e.g.,* Wardle *et al.,* 2001; Popper *et al.,* 2005; Jorgenson and Gyselman, 2009; Peña *et al.,* 2013).

SPLs of sufficient strength have been known to cause injury to fish and fish mortality. However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function is likely restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012b) showed that a TTS of 4–6 dB was recoverable within 24 hours for one species. Impacts would be most severe when the individual fish is close to the source and when the duration of exposure is long. Injury caused by barotrauma can range from slight to severe and can cause death and is most likely for fish with swim bladders. Barotrauma injuries have been documented during controlled exposure to impact pile driving (Halvorsen *et al.,* 2012a; Casper *et al.,* 2013) and the greatest potential effect on fish during the proposed project would occur during impact pile driving. Impact pile driving for each of the proposed USACE construction projects would constitute a small proportion of total in-water construction time. For the MSRI Project, impact driving would be limited to 6 minutes per pile; consequently, installing all eight piles in a single day would result in a maximum of 48 minutes of impact noise. Similarly, the CI Project would require only 4.5 minutes of impact driving per pile, resulting in a total daily duration of just 36 minutes if eight piles are installed. In-water construction would be restricted to daylight hours (defined as 30 minutes before sunrise to 30 minutes after sunset) which would allow fish to forage and transit the area undisturbed

at night. While vibratory pile driving may elicit temporary behavioral avoidance, it is unlikely to cause injury or have persistent effects on local populations. Furthermore, all installation would occur within USACE and USFWS-designated work windows from November 1, 2026, through February 28, 2027, to minimize exposure for migrating ESA-listed fish species. Notably, the MSRI and CI Project areas already experience significant anthropogenic noise from regular vessel traffic, with the CI Project area subject to additional noise from industrial activities.

The most likely impact to fishes from impact and vibratory pile driving and removal in project areas would be temporary behavioral avoidance of the area. The duration of fish avoidance of the area after pile driving stops is unknown but a rapid return to normal recruitment, distribution, and behavior is anticipated. There are times of known seasonal marine mammal foraging when fish are aggregating but the impacted areas are small portions of the total foraging habitats available in the LCR. In general, impacts to marine mammal prey species are expected to be minor and temporary. Further, it is anticipated that preparation activities for pile driving (*i.e.,* positioning of the pile or hammer) and upon initial startup of devices would cause fish to move away from the affected area where injuries may occur. Therefore, relatively small portions of the proposed project area would be affected for short periods of time, and the potential for effects on fish to occur would be temporary and limited to the duration of sound-generating activities.

Construction activities, in the form of increased turbidity, also have the potential to adversely affect forage fish in the project area. As discussed earlier, increased turbidity is expected to occur in the immediate vicinity (approximately 25 ft (7.6 m) or less) of construction activities (Everitt *et al.,* 1980). However, suspended solids are expected to dissipate quickly within a single tidal cycle. Given the limited area affected and high tidal dilution rates, any effects on forage fish are expected to be minor or negligible. In addition, best management practices would be in effect to limit the extent of turbidity to the immediate project areas. Finally, turbidity levels resulting from construction activities are expected to remain within the range of baseline conditions. Fish and marine mammals in these regions are frequently exposed to significant suspended sediment loads from winter storm runoff, as well as other natural and anthropogenic sources.

In summary, given the short daily duration of sound associated with pile driving and removal the relatively small areas being affected, pile driving and removal activities associated with the proposed projects are not likely to have a permanent adverse effect on any fish habitat, or populations of fish species. Thus, we conclude that impacts of the specified activity are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization through the IHAs, which will inform NMFS' consideration of ''small numbers,'' the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment (in the form of behavioral disturbance and temporary threshold shift (TTS)), as use of the acoustic sources (*i.e.,* vibratory, and impact pile driving; and vibratory pile removal) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment), primarily affecting harbor seals, Steller sea lions, and California sea lions because of their prevalence in project areas, nearby haulouts, and predicted AUD INJ zones are relatively larger than for other hearing groups. The proposed mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity. Below we describe how the proposed take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes there is some reasonable potential for marine mammals to be behaviorally harassed or incur some degree of hearing impairment; (2) the area or volume of water that would be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur AUD INJ of some degree (equated to Level A harassment). Criteria for AUD INJ, and hearing group categories are available in NMFS' Updated Technical Guidance (NMFS 2024) and are reflected below in the Level A harassment section.

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.,* frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.,* bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.,* Southall *et al.,* 2007; Southall *et al.,* 2021; Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater

anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 μPa)) for continuous (*e.g.,* vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μPa for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

The USACE's proposed activities include the use of continuous (vibratory hammer) and impulsive (impact hammer) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μPa are applicable.

Level A harassment—NMFS' Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (Updated Technical Guidance, 2024) identifies dual criteria to assess AUD INJ (Level A harassment) to five different underwater marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The USACEs' proposed activities include the use of impulsive (impact hammer) and non-impulsive (vibratory hammer) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The thresholds are provided in table 5 below. The references, analysis, and methodology used in the development of the criteria are described in NMFS' 2024 Updated Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools.*

TABLE 5—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY

Hearing group	AUD INJ onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 222 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,\ LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,HF,24h}$: 193 dB	*Cell 4:* $L_{E,\ HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,VHF,24h}$: 159 dB	*Cell 6:* $L_{E,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 223 dB; $L_{E,PW,24h}$: 183 dB	*Cell 8:* $L_{E,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 230 dB; $L_{E,OW,24h}$: 185 dB	*Cell 10:* $L_{E,OW,24h}$: 199 dB.

* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak sound pressure level ($L_{p,0\text{-}pk}$) has a reference value of 1 μPa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μPa^2s. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization standards (ISO, 2017). The subscript ''flat'' is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (*i.e.,* 7 hertz (Hz) to 165 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

In order to calculate distances to the Level A and Level B harassment thresholds for the methods and piles being used in these projects, NMFS used proxy source levels for the piles that were identified from the literature. Vibratory and impact pile driving of steel pipe, timber, and steel sheet piles for the MSRI and CI Projects were based on the summary of data for each pile material and type provided by Caltrans (2020, 2015). Table 6 shows the source levels used for calculating harassment zones for impact driving as well as vibratory pile driving and removal for the MSRI and CI Projects. The source levels used were the most suitable due to similar pile sizes, pile driving, and pile removal methods.

TABLE 6—ESTIMATED UNATTENUATED UNDERWATER SOUND PRESSURE LEVEL ASSOCIATED WITH VIBRATORY AND IMPACT PILE DRIVING FOR THE CI PROJECT

Pile type	Method	Source for proxy values used	SPLs or SEL at 10 meters distance		
			Average Peak SPL, dB re 1 μPa	Average RMS SPL, dB re 1 μPa	Average SEL, dB re 1 μPa2-sec
MSRI Project					
24-inch Steel pipe	Vibratory Installation	Caltrans (2020)	194	157	NA
24-inch Steel pipe	Impact installation	Caltrans (2015)	203	190	177
CI Project					
10–12-inch Steel pipe	Vibratory Installation	Caltrans (2015)	171	155	NA

TABLE 6—ESTIMATED UNATTENUATED UNDERWATER SOUND PRESSURE LEVEL ASSOCIATED WITH VIBRATORY AND IMPACT PILE DRIVING FOR THE CI PROJECT—Continued

Pile type	Method	Source for proxy values used	SPLs or SEL at 10 meters distance		
			Average Peak SPL, dB re 1 μPa	Average RMS SPL, dB re 1 μPa	Average SEL, dB re 1 μPa2-sec
10–12-inch steel pipe	Impact Installation	Caltrans (2015, 2020) ..	192	177	167
16-inch Steel pipe	Vibratory Installation	Caltrans (2020)	196	158	NA
16-inch Steel pipe	Impact Installation	Caltrans (2020)	200	185	175
20–24-inch Steel pipe	Impact Installation	Caltrans (2015)	203	190	177
24-inch Steel pipe	Vibratory Installation	Caltrans (2020)	194	157	NA
24-inch AZ Steel sheet ..	Vibratory Installation and Removal.	Caltrans (2020)	175	160	NA
12–16-inch Timber	Vibratory Installation	Caltrans (2020)	NA	162	NA
12–14-inch Timber	Impact installation	Caltrans (2020)	180	170	160

SPL = Sound Pressure Levels; SEL = Sound Exposure Level; RMS = root mean square; dB re 1 μPa = decibels referenced to 1 micropascal; dB re 1 μPa2 -sec = decibels referenced to 1 micropascal squared second; NA = not applicable. All SPLs and SELs are unattenuated.

Level B Harassment Zones

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source until the source becomes indistinguishable from ambient sound. TL parameters vary with frequency, temperature, river conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$TL = B * Log10 (R1/R2)$

Where:

TL = transmission loss in dB
B = transmission loss coefficient; for practical spreading equals 15
R1 = the distance of the modeled SPL from the driven pile, and
R2 = the distance from the driven pile of the initial measurement

The recommended TL coefficient for most nearshore environments is the practical spreading value of 15. This value results in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions, which is the most appropriate assumption for the USACE's proposed activities in the absence of specific modeling. The spreadsheet inputs for pile size, type, and installation method for each project are included in tables 7 and 8. The estimated Level B harassment zones for USACE's proposed activities are shown in tables 9 and 10 for the MSRI and CI Projects, respectively.

Level A harassment Zones

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as impact and vibratory driving, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur AUD INJ. Inputs used in the optional User Spreadsheet tool, and the resulting estimated isopleths, are reported below.

TABLE 7—NMFS USER SPREADSHEET INPUTS FOR THE MSRI PROJECT

Pile size and material	Spreadsheet tab used	Source level (SPL)	Weighting factor adjustment	Transmission loss coefficient	Activity duration (minutes), or (strikes/pile)	Number of piles per day	Distance of sound pressure level measurement (m)
Vibratory pile driving							
24-inch steel	A.1) Vibratory Pile Driving.	157 dB RMS	2.5	15	12	8	10
Impact pile driving[a]							
24-inch steel	E.1) Impact Pile Driving.	190 dB RMS, 177 dB SEL, 203 dB PK.	2	15	(225)	8	10

[a] 5 dB of attenuation was applied to impact driving to account for noise reduction from bubble curtains.

TABLE 8—NMFS USER SPREADSHEET INPUTS FOR THE CI PROJECT

Pile size and material	Spreadsheet tab used	Source level (SPL)	Weighting factor adjustment	Transmission loss coefficient	Activity duration (minutes) or (strikes/pile)	Number of piles per day	Distance of sound pressure level measurement (m)
Vibratory pile driving							
10.75–12-inch steel pipe.	A.1) Vibratory Pile Driving.	155 dB RMS	2.5	15	12	4	10
16-inch steel pipe		158 dB RMS	2.5	15	18	3	10
24-inch steel pipe (ATON).		157 dB RMS	2.5	15	12	1	10
12-inch timber pole.		162 dB RMS	2.5	15	8	8	10
24-inch steel pipe (MOF).		157 dB RMS	2.5	15	12	8	10
24-inch Steel Sheet (MOF).		160 dB RMS	2.5	15	10	25	10
Vibratory pile removal							
24-inch steel pipe (MOF).	A.1) Vibratory Pile Driving.	157 dB RMS	2.5	15	12	8	10
24-inch Steel Sheet (MOF).		160 dB RMS	2,5	15	3	200	10
Impact Pile driving[a]							
10.75–12-inch steel pipe.	E.1) Impact Pile Driving.	177 dB RMS, 167 dB SEL, 200 dB PK.	2	15	(225)	4	10
16-inch steel pipe		185 dB RMS, 175 dB SEL, 200 dB PK.	2	15	(225)	3	10
24-inch steel pipe (ATON).		190 dB RMS, 177 dB SEL, 203 dB PK.	2	15	(225)	8	10
12-inch timber pole.		170 dB RMS, 160 dB SEL, 180 dB PK.	2	15	(225)	8	10

[a] 5 dB of attenuation was applied to impact driving to account for noise reduction from bubble curtains.

TABLE 9—PROJECTED DISTANCES TO LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS (m) BY MARINE MAMMAL HEARING GROUPS FOR VIBRATORY AND IMPACT INSTALLATION OF PILES FOR THE MSRI PROJECT

Pile size and material	Level A harassment distance (m)					Level B harassment distance (m)
	LF cetaceans	HF cetaceans	VHF cetaceans	PW	OW	
Vibratory pile driving						
24-inch steel pipe	7	3	6	9	3	2,929
Impact pile driving[a]						
24-inch steel pipe	272	34	421	242	90	464

[a] 5 dB of attenuation was applied to impact driving to account for noise reduction from bubble curtains.

TABLE 10—PROJECTED DISTANCES TO LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS (m) BY MARINE MAMMAL HEARING GROUPS FOR THE VIBRATORY INSTALLATION OR REMOVAL AND IMPACT INSTALLATION

Pile size and material	Level A harassment distance (m)					Level B harassment distance (m)
	LF cetaceans	HF cetaceans	VHF cetaceans	PW	OW	
Vibratory pile driving						
10.75–12-inch steel pipe	3	1	3	4	2	2,154
16-inch steel pipe	4	2	3	5	2	3,415
24-inch steel pipe (ATON)	2	1	1	2	1	2,929
12-inch timber	15	6	12	19	6	6,310
24-inch steel pipe (MOF) [a]	7	3	6	9	3	2,929
24-inch Steel Sheet (MOF) [a]	21	8	19	17	26	4,642
Impact pile driving [b]						
10.75–12-inch steel pipe	37	5	57	33	12	63
16-inch steel pipe	104	13	161	93	35	215
24-inch steel pipe (ATON)	68	9	105	60	23	464
12-inch timber	20	3	31	18	7	22

[a] indicates piles would be installed and removed.
[b] 5 dB of attenuation was applied to impact driving to account for noise reduction from bubble curtains.

Marine Mammal Occurrence

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations.

For all species, the best available scientific data was considered to estimate occurrence for both proposed projects.

For the MSRI Project, incidental take is expected to occur for harbor seals, California lions, Steller sea lions and harbor porpoises. Occurrence of harbor porpoises for the MSRI Project was derived from a monitoring report for the USACE Sand Island Pile Dike Replacement Project, located at RM 4 in the LCR. During the 15 days of monitoring for that project, seven individual harbor porpoises were observed (Hammer Environmental L.P., 2020). Based on these observations, USACE estimates that two harbor porpoises may enter Level B Harassment zones during the 8 days of pile driving for the MRSI Project. NMFS concurs with this approach because although harbor porpoises are generally uncommon in project area, they could potentially occur.

Initially, USACE estimated harbor seal take based on densities derived from ODFW and WDFW surveys as well as personal communication with state biologists. Upon review, NMFS determined that the ODFW data for harbor seals and California sea lions were either outside of the proposed project area or represented months of peak abundance for these species which do not align with the MSRI Project's in-water work window. Similarly, the initial California sea lion and Steller sea lion densities were based on a single count 40 RM upstream of the project site, which NMFS deemed unrepresentative of the MSRI Project area.

For the CI Project, incidental take is expected to occur for harbor seals, California sea lions, and Steller sea lions. Initially, USACE estimated harbor seal take based on the maximum number of animals observed on haulout sites 24 and 25 in 2000 (WDFW, 2000). NMFS determined these data were outdated, as they were over 26 years old. For California sea lions and Steller sea lions, USACE initially estimated take based on single count of animals at haulout sites 24 A, B, and C, as well as pinnipeds counts at Bonneville Dam, located 70 RM upstream (Edwards, personal communication, 2023, and Braun *et. al.,* 2024). NMFS does not agree with this approach because historical data, single counts, and data from Bonneville Dam is unlikely to accurately reflect current occurrence of pinnipeds at the CI Project area. Consequently, NMFS proposed, and USACE accepted, revised methodologies for estimating take for both the MSRI and CI Projects using more recent and geographically relevant data described below.

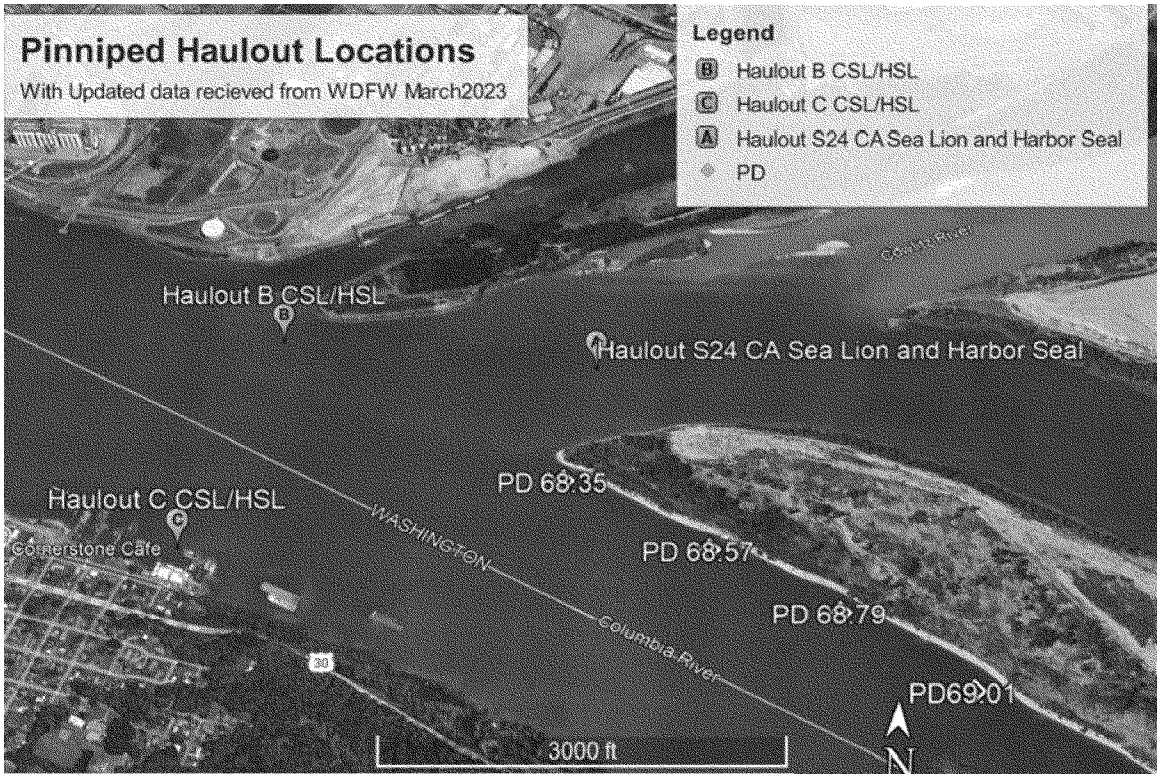


Figure 3—Pinniped Haulouts Near the CI Project Area

Previously, NMFS inquired about current marine mammal signings data from the ODFW in the WDFW in October 2024 for the Interstate Bridge Replacement Project (90 FR 40492, August 19, 2025). These agencies provided information about the relative use of haulout areas and the seasonality of pinniped presence in the Columbia and Willamette Rivers. This data indicated that peak seasonal presence occurred between the months of February through May, though sea lions are often present at Bonneville Dam in other months.

In November 2024, NMFS received unpublished 2012–2020 pinniped abundance monitoring data for the LCR from ODFW in collaboration with the Columbia River Inter-Tribal Fish Commission (CRITFC), and ODFW pinniped monitoring data for 2021–2024 from haulout sites in Columbia, Willamette, and Kalama Rivers. CRITFC data were taken via boat-based surveys of known pinniped haulouts along the LCR and the ODFW monitoring data were taken via boat and aerial drone surveys in the Columbia, Willamette, and Kalama Rivers at known haulout sites (Brown, M., Personal communication, 2024). Each of these data sets presented pinnipeds as a guild, not separated by species.

NMFS analyzed CRITFC datasets for Zone 4 of the Columbia River Estuary, spanning from Astoria, Oregon river kilometer RM 12 to the upper end of the estuary RM 41. Although the MSRI Project is expected to occur between December and February, CRITFC data were only available from February through May. These data show a seasonal increase in pinniped abundance starting in February, with a wide range of annual variability. Given the project's brief 8-day duration, it is possible that all in-water work could be concentrated at the end of the work window when pinniped density is highest. To account for this and for the variability in pinniped sightings between years, NMFS utilized the monthly 75th percentile of February and March occurrence data pooled, which were used in take calculations and are presented in table 11. This methodology ensures that take of pinnipeds reflects this seasonal trend, specifically accounting for the higher abundance observed in late February when all construction for the MSRI Project could potentially occur.

TABLE 11—PINNIPED OCCURRENCE FOR THE COLUMBIA RIVER BETWEEN ASTORIA, OR AND THE UPPER END OF THE COLUMBIA RIVER ESTUARY

Month	Monthly average	Monthly 75th Percentile	Average for February and March	75th Percentile for February and March
February	10.5	14.3	70.5	79.2
March	85.5	89.3		

While the CI Project area (RM 68–72) falls within CRITFC Survey Zone 3, NMFS believes that the ODFW monitoring data from 2021 through 2024 provides a more scientifically precise representation of pinniped occurrence

in the immediate vicinity (Brown, M., Personal communication, 2024). This dataset captures seasonal variation between January through May, showing an increase in occurrence that peaks between February and March. To ensure take estimates accurately reflect seasonal variability during the CI Project's November through December pile driving window, NNMFS condensed the monitoring data using the following approach:

- *Averaging Methodology:* Monthly counts were compiled to calculate monthly and 2-month pooled averages (*e.g.,* January/February, and February/March) to capture peak seasonal occurrence.
- *November/December Proxy:* Because specific monitoring data were unavailable for these months, the January monthly average was used as a surrogate.
- *January Adjustment:* The January/February pooled average was applied to January project activities to account for increasing seasonal occurrence.
- *February Adjustment:* The February/March pooled average was applied to February project activities to ensure estimates account for the late-season peak in occurrence.

The resulting values in table 12 were applied to the Level A formula for the CI Project below.

TABLE 12—PINNIPED OCCURRENCE FOR THE COWLITZ/RAINIER HAULOUTS USED IN TAKE ESTIMATION

Construction Month	Guild average	Observation month(s) (moving average(s))
November	138	January (one-month).
December	138	January (one-month).
January	148	January and February (two-months).
February	298.15	February and March (two-months).

Take Estimation

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and proposed for authorization. Because recent monitoring data obtained from CRITFC, ODFW, and WDFW often do not differentiate between pinniped species, NMFS calculated occurrence rates for the three expected pinniped species as a combined guild.

The predicted isopleths in table 13 differ from those presented in the original applications because the application's Level A harassment isopleths were modeled without a bubble curtain. In this proposed authorization, NMFS applied a 5 dB noise attenuation factor to account for USACE's use of bubble curtains during impact pile driving.

Not all animals within the MSRI and CI Project areas are expected to be exposed to noise levels exceeding the threshold for Level A harassment. NMFS concurs with USACE's proposal to estimate Level A harassment based on the proportion of the largest pile-driving isopleth (impact or vibratory) for each pile size relative to the average river width at the construction site (Table 13).

TABLE 13—PROPORTION OF EPOSURE BY ACTIVITY FOR TRANSITING PINNIPEDS, TOTAL DAYS OF PILE INSTALLATION, AND AVERAGE DAYS OF PILE INSTALLATION EACH MONTH FOR THE MSRI AND CI PROJECTS

Installation method [a]	Pile type	Predicted largest isopleth (m)	Average channel width (m)	Proportion of channel width ensonified	Total days of pile driving	Days of pile installation per month
MSRI Project						
Attenuated Impact Installation [b].	24-inch Steel Pipe	242	9,918	0.026	8	2
CI Project						
Unattenuated vibratory installation.	12-inch timber piles	19	969	0.020	17	4.25
Attenuated impact installation [b].	10 to 12-inch steel pipe piles.	33	811.4	0.041	11	2.75
Attenuated impact installation [b].	16-inch steel pipe piles	93	862	0.108	4	1
Attenuated impact installation [b].	24-inch steel pipe	60	762	0.079	2	0.5

[a] Only the largest harassment zone (impact or vibratory installation) per pile size was included because both methods would occur on the same day and take was calculated with the largest of the two zones.
[b] 5 dB of attenuation was applied to impact driving to account for noise reduction from bubble curtains.

MSRI Project: Take Calculation Methods

NMFS used the following formula to calculate take by Level A harassment for pinnipeds as a guild for the MSRI Project:

Level A harassment= (Largest predicted Level A harassment isopleth (m)/ Average river channel width (m)) × Total days of pile driving × 75th percentile of 2-month pinniped occurrence (February and March)

For the MSRI Project, the largest Level A harassment isopleth would occur during impact pile driving of 24-inch steel pipe piles. After applying the 5 dB attenuation for bubble curtain use, the largest Level A harassment isopleth for

the pinniped guild is 242 m. Dividing this by the average channel width results in an isopleth ratio of 0.026 (table 13).

To calculate the take estimate, this ratio (0.026) was multiplied by the total duration of pile driving (8 days) and the 75th percentile of pinniped occurrence for February and March (79.6 animals per day) from CRITFC Zone 4 surveys. This results in a rounded estimate of 17 takes by Level A harassment. Accordingly, NMFS proposes to authorize 17 takes of pinnipeds by Level A harassment for the MSRI Project, presented as a guild (tables 14 and 15).

NMFS used the following formula to calculate take by Level B harassment for the MSRI Project:

Level B harassment = ((total days of pile driving × 75th percentile of 2-month pinniped occurrence (February and March))—Calculated Level A harassment)

Take by Level B harassment was calculated by multiplying the 8 days of pile driving for 24-inch steel pipe piles by the 75th percentile of pooled March/February occurrence (79.6), equating to 634 total pinniped takes by Level B harassment. After subtracting the 17 takes by Level A harassment, the result is 617 estimated takes by Level B harassment. Thus, NMFS proposes to authorize 617 takes by Level B harassment of pinnipeds presented as a guild (tables 14 and 15).

TABLE 14—ESTIMATED TAKE BY LEVEL A HARASSMENT AND LEVEL B HARASSMENT PROPOSED FOR AUTHORIZATION FOR PINNIPEDS AS A GUILD FOR THE MSRI PROJECT

Pile type (installation or removal method)	Estimated take November through December	Total
Level A harassment		
24-inch steel pipe (impact)	16.8	17
Level B harassment		Total Level B harassment – Level A harassment
24-inch steel pipe (impact)	633.6	617

TABLE 15—PROPOSED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT AND PERCENT OF EACH STOCK EXPECTED TAKE FOR THE MSRI PROJECT

Species	Stock	Proposed Take—MSRI Project		Percentage of stock [a]
		Level A harassment	Level B harassment	
Harbor Porpoise	Northern OR/WA Coast	0	2	<1
California Sea Lion	U.S	17	617	<1
Steller Sea Lion	Eastern			1.7
Harbor Seal	OR/WA Coastal			2.8 [b]

[a] NMFS conservatively assumes that all proposed estimated takes could come from a single stock due to the inability to distinguish between species detected during surveys. In reality, takes would occur to all three stocks and the percentages shown are thus overestimates.
[b] The SAR lists the abundance for this stock as unknown; Pearson *et al.,* 2024 report an estimate of 22,549, which we used in this analysis.

CI Project: Take Calculation Methods

NMFS used the following formula to calculate take by Level A harassment per pile size/type for the CI project:

Level A harassment (per pile size/type) = (Largest predicted Level A harassment isopleth (m)/Average river channel width (m)) × Average pile driving days per month × Monthly or pooled 2-month average pinniped occurrence

For all pile sizes, except 12-inch timber piles, the largest predicted Level A harassment isopleth occurs during impact pile driving. The average river channel width represents the mean of all pile installation locations (PDs) corresponding to each specific pile size and type. The average pile driving days is the total number of days per pile type divided by four, as the in-water work window spans 4 months (December through February) (table 13). USACE assumed that each pile type would be driven on separate days. Estimates for each pile size were summed to determine the total takes by Level A harassment for the CI Project (table 16).

NMFS used the following formula to calculate take by Level B harassment for the CI Project:

Level B harassment (per pile size/type) = (Average monthly pile driving days x Monthly or pooled 2-month average of pinniped occurrence)—Calculated take by Level A harassment

The total Level B harassment for the CI Project was calculated by summing the estimates for all pile sizes/types and then subtracting the total estimated takes by Level A harassment (table 16). Total takes proposed for authorization by Level A and Level B harassment are presented in table 17.

TABLE 16—TAKE BY LEVEL A AND LEVEL B HARASSMENT OF PINNIPEDS AS A GUILD FOR EACH PILE SIZE AND TOTAL TAKE FOR THE CI PROJECT

Pile type (installation or removal method)	November	December	January	February	Total (rounded)
Level A harassment					
Installation					
12-inch timber pole (vibratory)	11.5	11.5	12.3	24.8	247
10–12-inch steel pipe (impact)	15.4	15.4	16.6	33.3	
16-inch steel pipe (impact)	14.9	14.9	16	32.2	
24-inch steel pipe (impact)	5.4	5.4	5.8	11.7	
Level B harassment					
Installation)					Total (rounded)
12-inch timber pole (vibratory)	586.5	586.5	629	1,267.1	11,578
10–12-inch steel pipe (impact)	379.5	379.5	407	819.9	
16-inch steel pipe (impact)	138	138	148	298.2	
24-inch steel pipe (impact)[a]	69	69	74	149.1	
24-inch steel pipe (vibratory)[b]	310.5	310.5	333	670.8	
24-inch steel sheet (vibratory)[b]	414	414	444	894.5	
Removal					
24-inch steel pipe (vibratory)[b]	310.5	310.5	333	670.8	
24-inch steel sheet (vibratory)[b]	51.75	51.75	55.5	111.8	

[a] Indicates permanent Aid to Navigation (ATON) piles.
[b] Indicates temporary Material Offload Facility (MOF) pile.

TABLE 17—PROPOSED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT AND PERCENT OF EACH STOCK EXPECTED TAKE FOR THE CI PROJECT

Species	Stock	Proposed Take		Percentage of Stock[a]
		Level A harassment	Level B harassment	
California Sea Lion	U.S	247	11,758	4.6
Steller Sea Lion	Eastern			32.6
Harbor Seal[b]	OR/WA Coastal			52.44

[a] NMFS conservatively assumes that all proposed estimated takes could come from a single stock due to the inability to distinguish between species detected during surveys. In reality, takes would occur to all three stocks and likely to the same individuals over subsequent days, and the percentages shown are thus overestimates.
[b] The SAR lists the abundance for this stock as unknown; Pearson *et al.,* 2024 report an estimate of 22,549, which we used in this analysis.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations.

The mitigation requirements described in the following were proposed by USACE in its adequate and complete applications or are the result of subsequent coordination between NMFS and USACE. USACE has agreed that all of the mitigation measures are practicable. NMFS has fully reviewed the specified activities and the mitigation measures to determine if the mitigation measures would result in the least practicable adverse impact on marine mammals and their habitat, as

required by the MMPA, and has determined the proposed measures are appropriate. NMFS describes these below as proposed mitigation requirements and has included them in the proposed IHAs.

In addition to the measures described later in this section, the USACE would follow these general mitigation measures:

- Authorized take, by Level A and Level B harassment only, would be limited to the species and numbers listed in tables 15 and 17. Construction activities must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or is within the harassment zone.
- The taking by serious injury or death of any of the species listed in table 16 or any taking of any other species of marine mammal would be prohibited and would result in the modification, suspension, or revocation of the IHAs, if issued. Any taking exceeding the authorized amounts listed in tables 15 and 17 would be prohibited and would result in the modification, suspension, or revocation of the IHAs, if issued.
- Ensure that construction supervisors and crews, the marine mammal monitoring team, and relevant USACE staff are trained prior to the start of all construction activities, so that responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures are clearly understood. New personnel joining during the projects must be trained prior to commencing work;
- The USACE, construction supervisors and crews, protected species observers (PSOs), and relevant USACE staff must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 10 meters of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction;
- Employ PSOs and establish monitoring locations as described in Section 5 of the IHAs and the USACE's Marine Mammal Monitoring and Mitigation Plans (see chapter 10 and chapter 13 of the USACE MSRI and CI Project applications, respectively). The USACE must monitor the project area to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions.

Additionally, the following mitigation measures apply to the USACE's in-water construction activities at both the MSRI and CI project locations:

Establishment of Shutdown Zones

The USACE would establish shutdown zones with radial distances as identified in tables 18 and 19 for all construction activities. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). If a marine mammal enters or is observed within the shutdown zones indicated in tables 18 and 19, pile driving must be delayed or halted. Operations may only resume once the animal is visually confirmed outside the zone or 15 minutes have passed without a re-detection.

Construction supervisors and crews, PSOs, and relevant USACE staff must avoid direct physical interaction with marine mammals during construction activities. If marine mammals come within 10 m of such activity, operations must cease, to avoid direct interaction. If an activity is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone indicated in tables 18 and 19 or 15 minutes have passed without re-detection of the animal.

Finally, construction activities must be halted upon observation of a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met entering or within any shutdown zone. If a marine mammal species not covered under these IHAs enters a shutdown zone, all in-water activities would cease until the animal leaves the zone or has not been observed for at least 15 minutes. Pile driving may proceed if the unauthorized species is observed leaving the clearance and shutdown zone or if 15 minutes have passed since the last observation.

TABLE 18—PROPOSED SHUTDOWN ZONES DURING MSRI PROJECT ACTIVITIES

Pile type, size, and method or activity	Shutdown zone (m)		
	VHF cetaceans	PW	OW
24-inch Steel Pipe, Vibratory Installation	50		
24-inch Steel Pipe, Impact Installation. Barge Movement and Rock or Pile Placement	10		

TABLE 19—PROPOSED SHUTDOWN ZONES DURING CI PROJECT ACTIVITIES

Pile type, size, and method or Activity	Shutdown zones (m)	
	PW	OW
10–12, 16, and 24 Steel Pipe Piles, Impact Installation	60	
12-inch Timber Pole Pile, Vibratory and Impact Installation	40	
10–12, 16, and 24-inch Steel Pipe Piles, and 24-inch Steel Sheet Piles, Vibratory Installation or Removal	20	
Terrestrial Work at PD 68.35	60	
Barge Movement and Rock or Pile Placement	10	

Pre- and Post-Activity Monitoring

Monitoring would take place before, during, and 30 minutes after any pile driving or pile removal activities (*i.e.,* pre-start clearance monitoring). In addition, monitoring for 30 minutes would take place whenever a break in the specified activity (*i.e.,* impact pile driving, vibratory pile driving) of 30 minutes or longer occurs. Pre-start clearance monitoring would be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones indicated in tables 18 and 19 are clear of marine mammals. Pile driving may commence following 30 minutes of observation when the determination is made that the shutdown zones are clear of marine mammals. If pile driving is delayed or halted due to the presence of a marine mammal, the activities would not commence or resume until either the animal has voluntarily left and been visually confirmed beyond the shutdown zones or 15 minutes have passed without re-detection of the animal.

Soft Start Procedures for Impact Driving

Soft-start procedures are used to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to an impact hammer operating at full capacity. The USACE would use soft start techniques when impact pile driving. Soft start procedures require contractors to provide an initial set of three strikes at reduced energy, followed by a 30-second waiting period, then two subsequent reduced- energy strike sets. A soft start would be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

Bubble Curtain

A bubble curtain would be employed during impact installation or proofing of timber or steel piles, unless the piles are driven in the dry, or water is less than 3 ft (0.9 m) in depth. A bubble curtain would not be required during vibratory pile driving. At minimum, the bubble curtain must distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column. The lowest bubble ring would be in contact with the substrate for the full circumference of the ring. The weights attached to the bottom ring would ensure 100 percent substrate contact. No parts of the ring or other objects would prevent full substrate contact. Air flow to the bubblers must be balanced around the circumference of the pile.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance. NMFS conducted an independent evaluation of the proposed measures, and has preliminarily determined for each of the proposed IHAs that the proposed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure *(e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

The monitoring and reporting requirements described in the following were

proposed by the USACE in its adequate and complete applications and/or are the result of

subsequent coordination between NMFS and USACE. USACE has agreed to the

requirements. NMFS describes these below as requirements and has included them in the proposed IHAs.

Visual Monitoring

All PSOs must be NMFS-approved and have no other assigned tasks during monitoring periods. At least one PSO would have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued ITA.

During all in-water work for both the MSRI and CI Projects, a minimum of two PSOs would monitor Level A and Level B harassment zones to the extent practicable to document the marine mammal's presence and behavior. PSOs would monitor for marine mammals 30 minutes before, during, and 30 minutes after the specified activities from the construction barge, on shore nearby, or from a vessel 200 to 300 m away. Additionally, observers would record all incidents of marine mammal occurrence, regardless of distance from activity, and would document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

PSOs should also have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;

• Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and

• Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Reporting

The USACE would be required to submit a draft report(s) on all construction activities and marine mammal monitoring results to NMFS within 90 days of the completion of monitoring, or 60 days prior to the requested issuance of any subsequent IHAs or similar activities at the same locations, whichever comes first. The information required to be collected and reported to NMFS is included in the draft IHA available at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In summary, the reports would include, but not be limited to, information regarding activities that occurred, marine mammal sighting data, and whether mitigative actions were taken or could not be taken. The USACE would also be required to submit reports on any observed injured or dead marine mammals. If the death or injury was clearly caused by the specified activity, the USACE would immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. The USACE would not resume its activities until notified by NMFS.

Specific proposed mitigation, monitoring, and reporting requirements can be found in the draft IHAs found at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.*

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.,* intensity, duration), the context of any impacts or responses (*e.g.,* critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the majority of our analysis applies to all the species listed in table 3, given that many of the anticipated effects of these two projects on different marine mammal stocks are expected to be relatively similar in nature. There is little information about the nature or severity of the impacts, or the size, status, or structure of any of these species or stocks that would lead to a different analysis for this activity.

NMFS has identified key factors which may be employed to assess the level of analysis necessary to conclude whether potential impacts associated with a specified activity should be considered negligible. These include (but are not limited to) the type and magnitude of taking, the amount and importance of the available habitat for the species or stock that is affected, the duration of the anticipated effect to the species or stock, and the status of the species or stock. The following factors support negligible impact determinations for all affected stocks. Additionally, for both projects, pile driving will be restricted to daylight hours only. This allows animals to transit through the project areas and use the habitat during nighttime hours without the potential for noise-related harassment.

Pile driving and removal activities associated with the MRSI and CI Projects, as outlined previously have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level A and Level B harassment, from underwater sounds generated by impact and vibratory pile driving. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

For the MSRI and CI Projects, take by Level A harassment is proposed to be authorized for California sea lions, Steller sea lions, and harbor seals to account for the possibility that an animal could enter a Level A harassment zone prior to detection, and remain within that zone for long enough to incur AUD INJ, *i.e.,* minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by impact and vibratory pile driving (*i.e.,* the low-frequency region below 2 kilohertz (kHz)), not severe hearing impairment or impairment within the ranges of greatest hearing sensitivity. Animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of AUD INJ. If hearing impairment occurs, it is most likely that the affected animal would lose only a few dB in its hearing sensitivity. Due to the small degree anticipated, any AUD INJ from Level A harassment potentially incurred is not expected to impair an individual's ability to communicate, forage, or detect predators to a level that would impact reproductive success or survival, much less result in adverse impacts on the species or stock.

For the MSRI Project, NMFS proposes to authorize 17 takes by Level A harassment across three species/stocks (*i.e.,* California sea lions, Steller sea lions, and harbor seals), representing a small portion of each species' stock abundance. Because the ensonified area is relatively small, confined, and does not span the entire width of the river channel, animals can transit through the area outside the ensonified zones or during construction breaks, thereby reducing their potential for Level A harassment.

For the CI Project, NMFS proposes to authorize 247 takes by Level A harassment for three pinniped species/stocks (*i.e.,* California sea lions, Steller sea lions, and harbor seals). Despite the higher number of takes, this remains a small portion of each species' stock abundance. Similar to the MSRI project, the ensonified areas for the CI Project would not span the entire river channel, and the use of non-consecutive pile driving days provides additional opportunities for animals to transit the area without harassment.

As described above, NMFS expects that marine mammals would likely move away from an aversive stimulus, especially at levels that would be expected to result in AUD INJ, given sufficient notice through use of soft start. The USACE would also be required to shut down pile driving activities if marine mammals approach within hearing group-specific zones (see tables 17 and 18), further minimizing the likelihood and degree of AUD INJ and more severe behavioral responses. Even absent mitigation, no serious injury or mortality from construction activities is anticipated or proposed to be authorized. Effects on individuals that are taken by Level B harassment in the form of behavioral disruption, on the basis of reports in the literature as well as monitoring from other similar activities, would likely be limited to reactions such as avoidance, increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff 2006). Most likely, individuals would simply move away from the sound source and temporarily avoid the area where pile driving is occurring. If sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activities are occurring, particularly as both project areas are located along the FNC in the LCR with high amounts of commercial and recreational vessel traffic. We expect that any avoidance of the project area by marine mammals would be temporary in nature and that any marine mammals that avoid the project area during construction would not be permanently displaced. Pinnipeds on nearby haulouts may remain on these haulouts for longer or swim with their heads out of the water more often. Short-term avoidance of the project area and energetic impacts of interrupted foraging or other important behaviors is unlikely to affect the reproduction or survival of individual marine mammals, and the effects of behavioral disturbance on individuals is not likely to accrue in a manner that would affect the rates of recruitment or survival of any affected stock. Additionally, and as noted previously, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. However, since the hearing sensitivity of individuals that incur TTS is expected to recover completely within minutes to hours, it is unlikely that the brief hearing impairment would affect the individual's long-term ability to forage and communicate with conspecifics, and would therefore not likely impact reproduction or survival of any individual marine mammal, let alone adversely affect rates of recruitment or survival of the species or stock.

The MSRI and CI Projects are also not expected to have significant adverse effects on affected marine mammals' habitats. The project activities would not modify existing marine mammal habitat for a significant amount of time. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected (with no known particular importance to marine mammals), the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

For the MSRI Project area there are no known haulouts or Biologically Important Areas within the ensonified zones. Marine mammals are expected to transit through the area during the proposed activities; therefore, any resulting impacts are expected to be short-term and minor, given the brief 8 days of pile driving.

In the CI project area, California sea lions, Steller sea lions, and harbor seals are common and frequently use haulout sites 24 A, B, and C. While pile installation for PD 68.35 is located approximately 200 m from haulout site 24 A, in-water construction at this site would be restricted to the month of November when pinnipeds are expected to be the least prevalent. Monitoring by the ODFW and CRITFC indicate high seasonal variability in haulout site use, with counts ranging from a single individual (January and April 2022) to as many as 1,766 pinnipeds (March 2023) (Brown, M., Personal communication, 2024).

Given the implementation of mitigation measures, the availability of alternative haulout sites in the LCR, the localized nature of ensonified areas, and the project's short overall duration of pile driving (66 days), the proposed activities are expected to have a negligible impact on the affected pinniped stocks.

Additionally, the CI Project area is a very small proportion of the stocks' overall range, with only a small portion of the overall stock expected to occur at these haulouts. Consequentially, the requested take does not represent a broad impact across the entire stock, but rather repeated exposures to the same individuals. Although the harbor seals that haul out in the project area may experience short term exposure to elevated noise levels, such intermittent disturbances, which are not expected to result in chronic stress or physical injury that would reduce the fitness, survival, or reproductive success of any individual. Because the anticipated impacts are localized to a small subset of the population and are not expected to affect the health of those individuals, the take proposed for authorization would not reach a level of biological significance that would affect annual rates of recruitment or survival for the Oregon/Washington coastal stock of harbor seals.

In summary and as described above, the following factors primarily support our preliminary determinations that the impacts resulting from the two separate specified activities are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- The intensity of anticipated takes by Level B harassment is relatively low for all stocks and would not be of a duration or intensity expected to result in impacts on reproduction or survival;
- The ensonified areas are very small relative to the overall habitat ranges of all species and stocks, and would not adversely affect ESA-designated critical habitat for any species or any areas of known biological importance;
- The lack of anticipated significant or long-term negative effects to marine mammal habitat;
- The availability of nearby areas of similar habitat value (*e.g.,* foraging and haulout habitats) within and outside the LCR;
- Impacts on marine mammal feeding are not expected to result in significant or long-term consequences for individuals, or to accrue adverse impacts on their populations;
- The USACE would implement mitigation measures, such as soft-starts for impact pile driving and shutdowns to minimize the numbers of marine mammals exposed to injurious levels of sound, and to ensure that take by Level A harassment, is at most, a small degree of auditory injury.
- Previous monitoring reports for similar activities in the LCR have documented little to no behavioral effect on individuals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds for

each of the proposed IHAs that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under section 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers (see 86 FR 5322, January 19, 2021). Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Consistent with the small numbers finding required by the MMPA, NMFS has determined that the number of individuals proposed for authorization is small relative to the relevant stock abundances. For the MSRI Project, the number of takes proposed for all species is well below one-third of the best available population estimates, representing less than 1 percent for harbor porpoises and California sea lions, approximately 1.7 percent for Steller sea lions, and approximately 2.8 percent for harbor seals.

For the CI Project, the proposed instances of take for California sea lions (approximately 4.6 percent) and Steller sea lions (approximately 32.6 percent) are below the one-third threshold. However, the proposed instances of take for harbor seals (approximately 52.4 percent) are above one-third of the stock. While the total number of takes proposed for authorization represents a notable portion of the Oregon/Washington Coastal Stock of harbor seals, the percentage of the stock presented in table 17 assumes that all takes that were calculated as a guild, would occur for only harbor seals. However, it is more likely that take would be split between all three species/stocks of pinnipeds. Therefore, the proportion of the stock taken is expected to be much lower than 52 percent.

The percentage of stock in table 17 also assumes that the total takes proposed for authorization represent unique individuals. This assumption likely overestimates the number of individual animals affected. The largest number of pinnipeds documented during ODFW surveys from 2021 through 2024 was 1,766 individuals, which were not differentiated by species. If this maximum number of individuals were present in the project area and consisted entirely of either Steller sea lions or harbor seals, the resulting take for either stock would be only approximately 4.9 percent and 7.8 percent, respectively. Therefore, the actual percentage of individual animals taken would be significantly less than one-third of the stock abundance for either species. This finding is further supported by the relatively short duration of the project (66 days) and the localized nature of the activities within a very small portion of the stocks' overall range. Given the short duration and small area of the Columbia River affected by the CI Project activities, it is highly unlikely that more than one-third of Steller sea lion and harbor seal stocks would occur in the area during active pile driving activities and be incidentally taken. The takes proposed for authorization are expected to involve repeated exposures of the same individuals as they transit through the area, rather than affecting a large number of unique animals. Therefore, NMFS finds that the amount of take proposed for authorization during CI Project activities represents less than one-third of each of the affected pinniped stocks.

Based on the analysis contained herein of the proposed activities (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds for each of the proposed IHAs that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of incidental take authorizations, NMFS consults internally whenever we propose to authorize take for ESA-listed species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from these activities. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for these actions.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue two IHAs to USACE for conducting construction at Miller Sands, Rice, and Cottonwood Islands in the LCR, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHAs can be found at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.*

Request for Public Comments

We request comment on our analyses, the proposed authorizations, and any other aspect of this notice of the two proposed IHAs for the proposed MSRI and CI Projects. We also request comment on the potential renewal of these proposed IHAs as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for these IHAs or subsequent renewal IHAs.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

• The request for renewal must include the following:

1. An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

2. A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

• Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: April 23, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

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National Oceanic and Atmospheric Administration

[RTID 0648–XF653]

New England Fishery Management Council; Public Meeting; Correction

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

ACTION: Notice; correction.

SUMMARY: The New England Fishery Management Council (Council) published a document in the **Federal Register** of April 13, 2026, concerning the language of holding Scoping Meetings vs a Listening Session. These changes are made.

DATES: These public meetings and the webinar will be held between Monday, April 27, 2026 and Monday, May 11, 2026. See supplementary information in the April 13, 2026 publication (91 FR 18835) for more details on specific dates and times.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of April 13, 2026 (91 FR 18835), in the first column change the word ''scoping'' to ''listening session.'' In the second column, change ''scoping summary'' to ''listening session summary'' and change ''Scoping Comments'' to ''Listening Session Comments.'' In the third column, change the word ''scoping'' to ''listening session.''

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

Dated: April 23, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–08139 Filed 4–24–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF704]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of hybrid meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Fishery Monitoring Advisory Committee (FMAC) will meet May 18, 2026.

DATES: The meeting will be held on Monday, May 18, 2026, from 9 a.m. to 1 p.m. Alaska Time.

ADDRESSES: The meeting will be a hybrid meeting. On Monday, May 18, attend in-person at North Pacific Fishery Management Council office, 1007 W 3rd Ave., Anchorage, Alaska, Suite 400 or join online through the link *https://meetings.npfmc.org/Meeting/Details/5134.*

Council address: North Pacific Fishery Management Council, 1007 W 3rd Ave., Anchorage, Suite 400, Alaska 99501–2252; telephone (907) 271–2809. Instructions for attending the meeting are given under **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: Sara Cleaver, Council staff; email: *scleaver@npfmc.org.* For technical support please contact Council administrative staff, email: *support@npfmc.org;* telephone (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Monday, May 18, 2026

The May 2026 FMAC agenda will include review of the 2025 Observer Annual Report; NMFS updates, including budget, and other business.

The agenda is subject to change, and the latest version will be posted at *https://meetings.npfmc.org/Meeting/Details/5134* prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smartphone; or by phone only. Connection information will be posted online at: *https://meetings.npfmc.org/Meeting/Details/5134.*

Public Comment

Public comment letters will be accepted and should be submitted electronically to *https://meetings.npfmc.org/Meeting/Details/5134.*

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

Dated: April 23, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–08165 Filed 4–24–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF659]

Fisheries of the Caribbean; Southeast Data, Assessment, and Review; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of webinar.

SUMMARY: The Southeast Data Assessment and Review (SEDAR) 103 assessment process of Caribbean Alternate Assessment Methods will consist of a Development Workshop, a series of Assessment Webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR 103 Data Webinar 4 will be held from 1 p.m. until 4 p.m. EST May 20, 2026.

ADDRESSES:

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405. *www.sedarweb.org.*

Meeting address: The SEDAR 103 Data Webinar 4 will be held via

webinar. The webinar is open to members of the public. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

FOR FURTHER INFORMATION CONTACT: Emily Ott, SEDAR Coordinator; (843) 302–8434. Email: *Emily.Ott@safmc.net*

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the National Marine Fisheries Service and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the SEDAR process. SEDAR is a participatory process for developing, evaluating and reviewing information used for fisheries management advice. This multi-step process for determining the status of fish stocks in the Southeast Region may include (1) a Data stage, and (2) an Assessment stage, and (3) a Review stage. Each stage produces a report summarizing decisions made during that stage. A final stock assessment report is produced at the end of a SEDAR process documenting data sets used, model configurations and the opinions from the independent peer review. Participants for SEDAR projects are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and National Marine Fisheries Service Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants may include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations; International experts; and staff of Councils, Commissions, and state and Federal agencies.

The items of discussion in the SEDAR 103 Data Webinar 4 are as follows: Review of socioeconomic data, fishery characterization and Pacific Islands. Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: April 23, 2026.

Rey Israel Marquez,

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

[FR Doc. 2026–08141 Filed 4–24–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; DOCX Submission Requirements

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comments.

SUMMARY: The United States Patent and Trademark Office (hereafter ''USPTO'' or ''Agency''), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0089 (DOCX Submission Requirements). The purpose of this notice is to allow 60 days for public comments preceding submission of the information collection to the Office of Management and Budget (OMB).

DATES: To ensure consideration, you must submit comments regarding this information collection on or before June 26, 2026.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email: InformationCollection@uspto.gov.* Include ''0651–0089 comment'' in the subject line of the message.
- *Federal eRulemaking Portal: https://www.regulations.gov.*
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Telephone:* Raul Tamayo, Senior Legal Advisor, 571–272–7728.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor at: United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; 571–272–7728; or *raul.tamayo@uspto.gov* with ''0651–0089 comment'' in the subject line. Additional information about this information collection is also available at *https://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The fee set forth in 37 CFR 1.16(u) took effect January 17, 2024, and is due for any application filed under 35 U.S.C. 111 for an original patent—except design, plant, or provisional applications—where the specification, claims, and/or abstract do not conform to the USPTO requirements for submission in the DOCX format. Therefore, the fee is due for nonprovisional utility applications filed under 35 U.S.C. 111, including continuing applications, that are not filed in the DOCX format. See *Setting and Adjusting Patent Fees During Fiscal Year 2020,* 85 FR 46932 (August 3, 2020).[1]

To provide a fair and reasonable transition to the DOCX format, the USPTO has, since April 2022, provided patent applicants with the option to submit a back-up applicant-generated PDF version of the application along with the DOCX file(s) when filing an application in Patent Center. See *Extension of the Option for Submission of a PDF With a Patent Application Filed in DOCX Format,* 88 FR 37036 (Jun. 6, 2023).[2] The USPTO also continues to offer DOCX training sessions for stakeholders. See *www.uspto.gov/about-us/events/patents-docx-filing.*

The items in this information collection relate solely to the impacts of the 37 CFR 1.16(u) non-DOCX filing surcharge fee on the filing of nonprovisional utility applications under 35 U.S.C. 111, including continuing applications. In particular, this information collection accounts for the 37 CFR 1.16(u) non-DOCX filing

[1] *https://www.govinfo.gov/content/pkg/FR-2020-08-03/pdf/2020-16559.pdf.*

[2] *https://www.govinfo.gov/content/pkg/FR-2023-06-06/pdf/2023-11910.pdf.*

surcharge fee itself, as well as an additional 30 minutes of time to accommodate (i) extra review that some respondents might undertake when filing in the DOCX format and (ii) submissions of the back-up applicant-generated PDF that some respondents will opt to submit.

The estimated volumes for the items in this information collection are based on the estimates for the corresponding nonprovisional utility applications filed under 35 U.S.C. 111, including continuing applications, that are covered under the existing OMB clearance 0651–0032 (Initial Patent Applications). Respondents for the items in this information collection will either take an extra 0.50 hours (30 minutes) to file their applications in DOCX format or they will pay the non-DOCX surcharge. They will not do both.

II. Method of Collection

DOCX submission of the applications in this collection must be undertaken electronically through the USPTO patent electronic filing system (Patent Center), the USPTO's online filing and viewing system for patent applications and related documents. For those respondents who choose to not file the applications in this collection in the DOCX format and pay the non-DOCX filing surcharge fee, the applications and fee may be submitted electronically by Patent Center, mail, or hand delivery.

III. Data

OMB Control Number: 0651–0089.
Forms: None.
Type of Review: Extension and revision of a currently approved information collection.
Affected Public: Private sector.
Respondent's Obligation: Required to obtain or retain benefits.
Frequency: On occasion.
Estimated Number of Annual Respondents: 364,999 respondents (including 27,156 respondents from filing fees).
Estimated Number of Annual Responses: 364,999 responses (including 27,156 responses from filing fees).
Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 30 minutes (0.50 hours) to complete. This includes the time to gather the necessary information, create the document, and submit the completed item(s) to the USPTO.
Estimated Total Annual Respondent Burden Hours: 168,922 hours.
Estimated Total Annual Respondent Hourly Cost Burden: $75,508,134.

TABLE 1—TOTAL REPORTING BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time for response (hours) (d)	Estimated burden (hour/year) (c) × (d) = (e)	Rate [3] ($/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
1	DOCX submission of Noncontinuing, Nonprovisional Utility Applications.	198,077	1	198,077	0.50 (30 minutes)	99,039	$447	$44,270,433
2	DOCX submission of Continuation/Divisional of an International Application.	24,066	1	24,066	0.50 (30 minutes)	12,033	447	5,378,751
3	DOCX submission of Utility Continuation/Divisional Applications.	105,518	1	105,518	0.50 (30 minutes)	52,759	447	23,583,273
4	DOCX submission of Utility Continuation-in-Part Applications.	10,182	1	10,182	0.50 (30 minutes)	5,091	447	2,275,677
	Totals	337,843	.....	337,843	.....	168,922	.....	75,508,134

Estimated Total Annual Respondent Non-hourly Cost Burden: $8,472,290. There are no capital start-up costs, maintenance costs, recordkeeping costs, or postage costs associated with this information collection. However, the USPTO estimates that the total annual non-hour cost burden for this information collection, in the form of filing fees, is $8,472,290.

Filing Fees

The fees for this information collection are listed in Table 2 below.

TABLE 2—FILING FEES

Item No.	Fee code	Item	Estimated annual responses (a)	Filing fee ($) (b)	Non-hourly cost burden (a) × (b) = (c)
1–4	1054	Non-DOCX Filing Surcharge Fee (undiscounted entity)	15,167	$430	$6,521,810
1–4	2054	Non-DOCX Filing Surcharge Fee (small entity)	10,691	172	1,838,852
1–4	3054	Non-DOCX Filing Surcharge Fee (micro entity)	1,298	86	111,628
		Totals	27,156	.....	8,472,290

[3] 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association, pg. F–41. The USPTO uses the average billing rate for intellectual property work in all firms, which is $447 per hour (*www.aipla.org/home/news-publications/economic-survey*).

Postage Costs

There are no direct postage costs associated with this information collection. The actual submission of patent applications, and any postage cost burden, is covered by OMB control number 0651–0032 (Initial Patent Applications).

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) 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;

(b) Evaluate the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) 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.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be advised that the entire comment—including PII—may be made publicly available at any time. While one may request in a comment to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2026–08101 Filed 4–24–26; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF EDUCATION

Notice Announcing Jacob K. Javits Gifted and Talented Students Education Program Competition

AGENCY: Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (ED) announces the opportunity to apply for competitive grants for the Fiscal Year (FY) 2026 for the Jacob K. Javits Gifted and Talented Students Education Program (Javits), Assistance Listing Number 84.206A.

DATES: Complete proposals must be submitted electronically through the *Grants.gov* ''APPLY'' function by 11:59:59 p.m. Eastern time June 23, 2026.

FOR FURTHER INFORMATION CONTACT: Mildred Horner-Smith. Telephone: (202) 987–1700. Email: *OESE.Javits@ed.gov.*

SUPPLEMENTARY INFORMATION: The Javits program supports evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to identify gifted and talented students and meet their special educational needs. The FY 2026 competition includes two absolute priorities, one competitive preference priority, selection criteria, and requirements. The absolute priorities are: (1) Developing new information that improves the capability of schools to identify and serve Gifted and Talented Students and Returning Education to the States; (2) Developing new information that improves the capability of schools to identify and serve Gifted and Talented Students. The competitive preference priority is: Meaningful Learning Opportunities for Students.

Eligible Applicants: To be considered for an award under this competition, an applicant must be a State educational agency, local educational agency, Bureau of Indian Education, institution of higher education, other public agency, or other private agency or organization.

Note: A faith-based organization is eligible to apply for and receive a grant under this program on the same basis as any other private organization, consistent with Appendix A to 34 CFR part 75.

Program Authority: Section 4644 of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 7294).

To Apply: The complete funding opportunity announcement and all information needed to apply, including the priority and program requirements, are available on ED's website at *https://www.ed.gov/grants-and-programs/grants-birth-grade-12/well-rounded-education-grants/jacob-k-javits-gifted-and-talented-students-education-program#Home* and on *Grants.gov* at *https://www.grants.gov/search-results-detail/362001.* The application notice and instructions on *Grants.gov* is the official document governing the grant competition.

Accessible Format: On request to the person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format.

Kirsten Baesler,

Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2026–08113 Filed 4–24–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0085]

Agency Information Collection Activities; Comment Request; Common Core of Data (CCD) School-Level Finance Survey (SLFS) 2025–2027

AGENCY: National Center for Education Statistics (NCES); Institute of Education Sciences (IES), Department of Education (ED)

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is requesting an extension without change of a currently approved information collection request (ICR).

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before May 27, 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: Requests for additional information or specific questions related to collection activities should be directed to Chris Greene, Senior Advisor, Institute of Education Sciences, 202–453–5926 or *chris.greene@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: Common Core of Data (CCD) School-Level Finance Survey (SLFS) 2025–2027.

OMB Control Number: 1850–0930.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 325.

Total Estimated Number of Annual Burden Hours: 6,535.

Abstract: The School-Level Finance Survey (SLFS) is an annual collection of school-level finance data published in the National Center for Education Statistics (NCES) Common Core of Data (CCD). The U.S. Census Bureau (Census), Economic Reimbursable Surveys Division, administers the SLFS data collection for NCES under interagency agreement in conjunction with the National Public Education Financial Survey (NPEFS) (OMB #1850–0067) and the Local Education Agency (School District) Finance Survey (F–33) (OMB #0607–0700). SLFS is a comprehensive source of school-level finance data for public education collected on a nationwide scale using uniform definitions, concepts, and procedures. The collection includes the salaries, benefits, and total current expenditures broken out by activity (function) for all publicly funded schools serving students in prekindergarten through 12th grade. In this notice, NCES is announcing its intention to extend the date of clearance for SLFS, without change, to the currently approved collection. Detailed information about the collection can be found at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202307-1850-003.*

Data will be collected from State Education Agencies (SEAs) for all 50 states and the District of Columbia. SEAs appoint state fiscal coordinators to work with NCES and the U.S. Census Bureau to provide accurate and comparable data across states and jurisdictions. SEAs typically collect finance data from school districts for their own uses. Many states produce a state-specific chart of accounts or accounting manual to assist school districts in classifying and reporting finance data and producing government-wide financial statements. Uniform definitions and concepts of revenues and expenditures are defined by the NCES handbook *Financial Accounting for Local and State School Systems.*

Data on school-level spending patterns is helpful for parents to make choices for the education of their child. Uniform and comparable data helps states measure the effectiveness of resource allocation. Collecting this data at the national level addresses the need for reliable and unbiased measures that can be utilized to compare how resources are distributed among schools within local districts. Education finance statistics provided by this collection allow for comparisons of how public elementary-secondary schools are spending their funds.

Prior Public Comments on This Proposed Action

A 60-day notice was published in the **Federal Register** on July 18, 2025 (90 FR 33933). Three comments were received. None prompted NCES to change the proposed collection. Individual comments and NCES's response can be found in Section A.8 of Supporting Statement Part A. This and other documentation can be found on *www.reginfo.gov.*

Ross Santy,

Chief Data Officer,Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–08150 Filed 4–24–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–13–000]

Commission Information Collection Activities (FERC–73) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting its information collection FERC Form No. 73: Oil Pipeline Service Life Data to the Office of Management and Budget (OMB) for review of the information collection requirements. No comments were received on the 60-day notice that was published on February 17, 2026.

DATES: Comments on the collections of information are due May 27, 2026.

ADDRESSES: Send written comments on FERC–73 to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202603-1902-006.* You can also visit *https://www.reginfo.gov/public/do/PRAMain* and use the drop-down under ''Currently under Review'' to select the ''Federal Energy Regulatory Commission'' where you can see the open opportunities to provide comments. Comments should be sent within 30 days of publication of this notice.

Please submit a copy of your comments to the Commission via email to *DataClearance@FERC.gov.* You must specify the Docket No. (IC26–13–000) and the FERC Information Collection number (FERC–73) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

All other delivery methods: Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Title: FERC Form No. 73, Oil Pipeline Service Life Data.

OMB Control No.: 1902–0019.

Type of Request: Three-year extension of the FERC Form No. 73 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission collects FERC Form No. 73 information as part of its authority under the Interstate Commerce Act, 49 U.S.C. 60501, *et al.* FERC Form No. 73 contains necessary information for the review of oil pipeline companies' proposed depreciation rates, as regulated entities are required to provide service life data illustrating the remaining physical life of an oil pipeline's properties. This is used to calculate the company's cost of service and its transportation rates to access customers. The Commission implements these filing reviews under 18 CFR 357.3, and 18 CFR part 347.

Section 357.3 and Part 347 require an oil pipeline company to submit information under FERC Form No. 73 when: (1) requesting approval for new or changed depreciation rates of an oil pipeline; or (2) being directed by the Commission to file the service life data during an investigation of its book depreciation rates. FERC received no comments on the 60-day **Federal Register** Notice.

Type of Respondent: Oil pipeline companies.

Estimate of Annual Burden: [1] The Commission estimates the annual public reporting burden for the information collection as below:

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response [2]	Total annual burden & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Oil Pipelines Undergoing Investigation or Review.	15	1	15	40 hrs.; $4,080	600 hrs.; $61,200	$4,080

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: April 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–08169 Filed 4–24–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2392–041]

Ampersand Gilman Hydro LP; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new license to continue to operate and maintain the Gilman Hydroelectric Project No. 2392. The existing 4.95-megawatt (MW) project is located on the Connecticut River and straddles the Village of Gilman, within the Town of Lunenburg, Essex County, Vermont, and the Town of Dalton, Coos County, New Hampshire. The project does not occupy any federal lands. Commission staff has prepared an Environmental Assessment (EA) for the project.

The EA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov/*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field (*i.e.,* P–2392), to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or at (866) 208–3676 (toll-free), or (202) 502–8659 (TTY).

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed with the Commission by 5:00 p.m. Eastern Time on Friday, May 22, 2026.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2392–041.

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.*

For further information, contact Ousmane Sidibe at (202) 502–6245 or at *Ousmane.sidibe@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: April 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–08167 Filed 4–24–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–16–000]

Commission Information Collection Activities (FERC–725B). Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

[1] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 CFR 1320.3.

[2] The Commission staff estimates the average cost in salary and benefits for the average respondent based on the Commission's 2026 average cost for salary plus benefits at $102/hour.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–725B, (Mandatory Reliability Standards, Critical Infrastructure Protection (CIP). There are no changes to the reporting requirements with this information collection. No comments were received on the 60-day notice that ended on April 20, 2026.

DATES: Comments on the collection of information are due May 27, 2026.

ADDRESSES: Send written comments on FERC–725B to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202604–1902–005*. You can also visit *https://www.reginfo.gov/public/do/PRAMain* and use the drop-down under ''Currently under Review'' to select the ''Federal Energy Regulatory Commission'' where you can see the open opportunities to provide comments. Comments should be sent within 30 days of publication of this notice.

Please submit a copy of your comments to the Commission via email to *DataClearance@FERC.gov.* You must specify Docket No. (IC26–16–000) and the FERC Information Collection number (FERC–725B) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *All other delivery methods:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.* Once there, you can also sign up for automatic notification of activity in this docket.

FOR FURTHER INFORMATION CONTACT: Kayla Williams, (202) 502–6468. *DataClearance@FERC.gov.*

SUPPLEMENTARY INFORMATION:

Title: FERC–725B (Mandatory Reliability Standards, Critical Infrastructure Protection (CIP)).

OMB Control No.: 1902–0248.

Type of Request: Three-year extension of the FERC–725B information collection requirements with no changes to the reporting requirements.

Abstract: On August 8, 2005, Congress enacted the Energy Policy Act of 2005.[1] The Energy Policy Act of 2005 added a new section 215 to the FPA,[2] which requires a Commission-certified Electric Reliability Organization to develop mandatory and enforceable Reliability Standards,[3] including requirements for cybersecurity protection, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the Electric Reliability Organization subject to Commission oversight, or the Commission can independently enforce Reliability Standards.

On February 3, 2006, the Commission issued Order No. 672,[4] implementing FPA section 215. The Commission subsequently certified NERC as the Electric Reliability Organization. The Reliability Standards developed by NERC become mandatory and enforceable after Commission approval and apply to users, owners, and operators of the Bulk-Power System, as set forth in each Reliability Standard.[5] The CIP Reliability Standards require entities to comply with specific requirements to safeguard critical cyber assets. These standards are result-based and do not specify a technology or method to achieve compliance, instead leaving it up to the entity to decide how best to comply.

On January 18, 2008, the Commission issued Order No. 706,[6] approving the initial eight CIP Reliability Standards, CIP version 1 Standards, submitted by NERC. Subsequently, the Commission has approved multiple versions of the CIP Reliability Standards submitted by NERC, partly to address the evolving nature of cyber-related threats to the Bulk-Power System. On November 22, 2013, the Commission issued Order No. 791,[7] approving CIP version 5 Standards, the last major revision to the CIP Reliability Standards. The CIP version 5 Standards implement a tiered approach to categorize assets, identifying them as high, medium, or low risk to the operation of the Bulk Electric System (BES)[8] if compromised. High impact systems include large control centers. Medium impact systems include smaller control centers, ultra-high voltage transmission, and large substations and generating facilities. The remainder of the BES Cyber Systems[9] are categorized as low impact systems. Most requirements in the CIP Reliability Standards apply to high and medium impact systems; however, a technical controls requirement in Reliability standard CIP–003, described below, applies only to low impact systems. Since 2013, the Commission has approved new and modified CIP Reliability Standards that address specific issues such as supply chain risk management, cyber incident reporting,

[1] Energy Policy Act of 2005, Public Law 109–58, sec. 1261 *et seq.,* 119 Stat. 594 (2005).

[2] 16 U.S.C. 824o.

[3] FPA section 215 defines Reliability Standard as a requirement, approved by the Commission, to provide for reliable operation of existing bulk-power system facilities, including cybersecurity protection, and the design of planned additions or modifications to such facilities to the extent necessary to provide for reliable operation of the Bulk-Power System. However, the term does not include any requirement to enlarge such facilities or to construct new transmission capacity or generation capacity. *Id.* at 824o(a)(3).

[4] *Rules Concerning Certification of the Elec. Reliability Org.; and Procedures for the Establishment, Approval, and Enf't of Elec. Reliability Standards,* Order No. 672, 71 FR 8661 (Feb. 17, 2006), 114 FERC ¶ 61,104, *order on reh'g,* Order No. 672–A, 71 FR 19814 (Apr. 28, 2006), 114 FERC ¶ 61,328 (2006).

[5] NERC uses the term ''registered entity'' to identify users, owners, and operators of the Bulk-Power System responsible for performing specified reliability functions with respect to NERC Reliability Standards. *See, e.g., Version 4 Critical Infrastructure Protection Reliability Standards,* Order No. 761, 77 FR 24594 (Apr. 25, 2012), 139 FERC ¶ 61,058, at P 46, *order denying clarification and reh'g,* 140 FERC ¶ 61,109 (2012). Within the NERC Reliability Standards are various subsets of entities responsible for performing various specified reliability functions. We collectively refer to these as ''entities.''

[6] Order No. 706, 122 FERC ¶ 61,040 at P 1.

[7] *Version 5 Critical Infrastructure Protection Reliability Standards,* Order No. 791, 78 FR 72755 (Dec. 13, 2013), 145 FERC ¶ 61,160 (2013), *order on reh'g,* Order No. 791–A, 146 FERC ¶ 61,188 (2014).

[8] In general, NERC defines BES to include all Transmission Elements operated at 100 kV or higher and Real Power and Reactive Power resources connected at 100 kV or higher. This does not include facilities used in the local distribution of electric energy. *See* NERC, *Bulk Electric System Definition Reference Document,* Version 3, at page iii (August 2018). In Order No. 693, the Commission found that NERC's definition of BES is narrower than the statutory definition of Bulk-Power System. The Commission decided to rely on the NERC definition of BES to provide certainty regarding the applicability of Reliability Standards to specific entities. *See Mandatory Reliability Standards for the Bulk-Power System,* Order No. 693, 72 FR 16415 (Apr. 4, 2007), 118 FERC ¶ 61,218, at PP 75, 79, 491, *order on reh'g,* Order No. 693–A, 72 FR 49717 (July 25, 2007), 120 FERC ¶ 61,053 (2007).

[9] NERC defines BES Cyber System as ''[o]ne or more BES Cyber Assets logically grouped by a responsible entity to perform one or more reliability tasks for a functional entity.'' NERC, Glossary of Terms Used in NERC Reliability Standards, at 5 (2020), *https://www.nerc.com/files/glossary_of_terms.pdf* (NERC Glossary of Terms). NERC defines BES Cyber Asset as

> A Cyber Asset that if rendered unavailable, degraded, or misused would, within 15 minutes of its required operation, mis-operation, or non-operation, adversely impact one or more Facilities, systems, or equipment, which, if destroyed, degraded, or otherwise rendered unavailable when needed, would affect the reliable operation of the Bulk Electric System. Redundancy of affected Facilities, systems, and equipment shall not be considered when determining adverse impact. Each BES Cyber Asset is included in one or more BES Cyber Systems.

ID. at 4.

communications between control centers, and the physical security of critical transmission facilities.[10]

The CIP Reliability Standards currently consist of 12 standards specifying a set of requirements that entities must follow to ensure the cyber and physical security of the Bulk-Power System. There are 12 currently effective cybersecurity standards and one cybersecurity standard that has been approved by the Commission and was enforceable as of July 1, 2022. There is also one physical security standard.

- CIP–002–5.1a Bulk Electric System Cyber System Categorization: requires entities to identify and categorize BES Cyber Assets for the application of cyber security requirements commensurate with the adverse impact that loss, compromise, or misuse of those BES Cyber Systems could have on the reliable operation of the BES.
- CIP–003–10 Security Management Controls: requires entities to specify consistent and sustainable security management controls that establish responsibility and accountability to protect BES Cyber Systems against compromise that could lead to mis-operation or instability in the BES.
- CIP–004–8 Personnel and Training requires entities to minimize the risk against compromise that could lead to mis-operation or instability in the BES from individuals accessing BES Cyber Systems by requiring an appropriate level of personnel risk assessment, training, and security awareness in support of protecting BES Cyber Systems.
- CIP–005–8 Electronic Security Perimeter(s): requires entities to manage electronic access to BES Cyber Systems by specifying a controlled Electronic Security Perimeter in support of protecting BES Cyber Systems against compromise that could lead to mis-operation or instability in the BES.
- CIP–006–7.1 Physical Security of Bulk Electric System Cyber Systems: requires entities to manage physical access to BES Cyber Systems by specifying a physical security plan in support of protecting BES Cyber Systems against compromise that could lead to mis-operation or instability in the BES.
- CIP–007–7.1 System Security Management: requires entities to manage system security by specifying select technical, operational, and procedural requirements in support of protecting BES Cyber Systems against compromise that could lead to mis-operation or instability in the BES.
- CIP–008–7.1 Incident Reporting and Response Planning: requires entities to mitigate the risk to the reliable operation of the BES as the result of a cybersecurity incident by specifying incident response requirements.
- CIP–009–7.1 Recovery Plans for Bulk Electric System Cyber Systems: requires entities to recover reliability functions performed by BES Cyber Systems by specifying recovery plan requirements in support of the continued stability, operability, and reliability of the BES.
- CIP–010–5 Configuration Change Management and Vulnerability Assessments: requires entities to prevent and detect unauthorized changes to BES Cyber Systems by specifying configuration change management and vulnerability assessment requirements in support of protecting BES Cyber Systems from compromise that could lead to mis-operation or instability in the BES.
- CIP–011–4.1 Information Protection: requires entities to prevent unauthorized access to BES Cyber System Information by specifying information protection requirements in support of protecting BES Cyber Systems against compromise that could lead to mis-operation or instability in the BES.
- CIP–012–2 Communications between Control Centers: requires entities to protect the confidentiality and integrity of Real-time Assessment and Real-time monitoring data transmitted between Control Centers.
- CIP–013–3 Supply Chain Risk Management: requires entities to mitigate cybersecurity risks to the reliable operation of the BES by implementing security controls for supply chain risk management of BES Cyber Systems.
- CIP–014–3 Set out to identify and protect Transmission stations and Transmission substations, and their associated primary control centers, that if rendered inoperable or damaged as a result of a physical attack could result in instability, uncontrolled separation, or Cascading within an Interconnection.
- CIP–015–1 purpose is to improve the probability of detecting anomalous or unauthorized network activity in order to facilitate improved response and recovery from an attack.

The CIP Reliability Standards, viewed as a whole, implement a defense-in-depth approach to protecting the security of BES Cyber Systems at all impact levels.[11] The CIP Reliability Standards are objective-based and allow entities to choose compliance approaches best tailored to their systems.[12]

FERC–725B—(Mandatory Reliability Standards for Critical Infrastructure Protection [CIP] Reliability Standards) After Adding Filers From Cybersecurity Incentives Investment Activity

[Submitted as a separate IC within FERC–725B]

	Number and type of respondent[13]	Annual number of responses per respondent	Total number of responses	Average burden per response (hours)[14] & cost per response	Total annual burden (hours) & total annual cost[15] ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
CIP–003–10	1,579	156.15	246,560.85	1.56 hrs.; $120.59	384,634.93 hrs.; $29,732,280.09.
CIP–002–7, CIP–004–8, CIP–005–8, CIP–006–7.1, CIP–007–7.1, CIP–008–7.1, CIP–009–7.1, CIP–010–5, CIP–011–4.1.	400	1	400	600 hrs.; $46,380	240,000 hrs.; $18,552,000.
CIP–013–3	400	1	400	30 hrs.; $2,319	12,000 hrs.; $927,600.
CIP–014–3	321	1	321	2 hrs.; $154.6	642 hrs.; $49,626.60.
CIP–012–2	724	1	724	83 hrs.; $6,415.90	60,092 hrs.; $4,645,111.60.
CIP–15–1	400	6	2,400	56.67 hrs.; $4,380.59	136,008 hrs.; $10,513,418.40.

[10] *See, e.g.,* Order No. 791, 78 FR 72755; *Revised Critical Infrastructure Protection Reliability Standards,* Order No. 822, 81 FR 4177 (Jan. 26, 2016), 154 FERC ¶ 61,037, *reh'g denied,* Order No. 822–A, 156 FERC ¶ 61,052 (2016); *Revised Critical Infrastructure Protection Reliability Standard CIP–003–7—Cyber Security—Security Management Controls,* Order No. 843, 163 FERC ¶ 61,032 (2018).

[11] Order No. 822, 154 FERC ¶ 61,037 at 32.

[12] Order No. 706, 122 FERC ¶ 61,040 at 72.

[13] The number of respondents is based on the NERC Compliance Registry as of June 22, 2025. Currently there are 1,508 unique NERC Registered, subtracting 16 Canadians Entities yields 1492 U.S. entities.

[15] The estimates for cost per hour are $77.30/hour (averaged based on the following occupations):

FERC–725B—(MANDATORY RELIABILITY STANDARDS FOR CRITICAL INFRASTRUCTURE PROTECTION [CIP] RELIABILITY STANDARDS) AFTER ADDING FILERS FROM CYBERSECURITY INCENTIVES INVESTMENT ACTIVITY—Continued

[Submitted as a separate IC within FERC–725B]

	Number and type of respondent [13]	Annual number of responses per respondent	Total number of responses	Average burden per response (hours) [14] & cost per response	Total annual burden (hours) & total annual cost [15] ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
Total Burden of FERC–725B			250,805		833,376.93 hrs.; $64,420,036.689.

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: April 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–08168 Filed 4–24–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–4–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Availability of the Environmental Assessment for the Proposed North Padre Island Lateral Abandonment Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the North Padre Island Lateral Abandonment Project, proposed by Transcontinental Gas Pipe Line Company, LLC (Transco), in the above-referenced docket.[1] Transco requests authorization to abandon approximately 50 miles of 24-inch-diameter interstate natural gas transmission pipeline and associated facilities in Brooks, Jim Wells, Kenedy, and Kleberg Counties, Texas. According to Transco, the Project would eliminate costs and risks associated with maintenance of these facilities.

Any person wishing to comment on the EA may do so. To ensure consideration of your comments on the proposal prior to making a decision on the Project, it is important that the Commission receive your comments on or before 5:00pm Eastern Time on May 22, 2026. Instructions for filing comments are provided on pages 2 and 3.

FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act of 1938 (NGA) and the lead federal agency for preparation of the EA. The EA assesses the potential environmental effects of the North Padre Island Lateral Abandonment Project in accordance with the requirements of the National Environmental Policy Act (NEPA) [2] and the Commission's implementing regulations.[3] The principal purposes of the EA are to: identify and assess the potential effects on the natural and human environment; describe and evaluate reasonable alternatives; identify and recommend mitigation measures; and facilitate public involvement in the environmental review process. The EA concludes that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP26–4). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Section 7(b) of the NGA specifies that no natural gas company shall abandon any portion of its facilities subject to the Commission's jurisdiction without the Commission first finding that the abandonment will not negatively affect the present or future public convenience and necessity. The Commission bases its decisions on both economic issues, including need, and environmental effects.

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1765189170.

[2] National Environmental Policy Act of 1969, as amended (Pub. L. [Pub. L.] 91–190. 42 U.S.C. 4321–4347, as amended by Pub. L. 94–52, July 3, 1975; Pub. L. 94–83, August 9, 1975; Pub. L. 97–258, 4(b), September 13, 1982; Pub. L. 118–5, June 3, 2023; Pub. L. 119–21, July 4, 2025).

[3] 18 Code of Federal Regulations (CFR) 380.

(*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP26–4–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.* Additional information about the project is available from the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

(Authority: 18 CFR 2.1)

Dated: April 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–08170 Filed 4–24–26; 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 Accounting Request filings:

Docket Numbers: AC26–30–000.
Applicants: Arizona Public Service Company.
Description: Arizona Public Service Company submits supplement to final accounting entries re purchase of two interests in the Palo Verde Nuclear Generating Station Unit 2.
Filed Date: 4/21/26.
Accession Number: 20260421–5237.
Comment Date: 5 p.m. ET 5/12/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER25–2512–002.
Applicants: Faraday Solar B LLC.
Description: Notice of Non-Material Change in Status of Faraday Solar B LLC.
Filed Date: 4/21/26.
Accession Number: 20260421–5250.
Comment Date: 5 p.m. ET 5/12/26.

Docket Numbers: ER25–2566–001.
Applicants: Versant Power.
Description: Compliance filing: Order No. 676–K Additional Compliance Filing (ER25–2566–) to be effective 2/27/2026.
Filed Date: 4/22/26.
Accession Number: 20260422–5072.
Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: ER25–2842–002.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: Tariff Amendment: 2026–04–22 CapX—Fargo 4—LRTP—TCEA—281 Amend to be effective 6/13/2025.
Filed Date: 4/21/26.
Accession Number: 20260421–5230.
Comment Date: 5 p.m. ET 5/12/26.

Docket Numbers: ER26–1473–001.
Applicants: Evergy Kansas Central, Inc.
Description: Tariff Amendment: McPherson FERC Order 898 Filing—Amended to be effective 1/1/2025.
Filed Date: 4/22/26.
Accession Number: 20260422–5141.
Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: ER26–2276–000.
Applicants: Duke Energy Florida, LLC.
Description: Tariff Amendment: Notice of Cancellation of SA Nos. 497 and 498 to be effective 6/21/2026.
Filed Date: 4/21/26.
Accession Number: 20260421–5236.
Comment Date: 5 p.m. ET 5/12/26.

Docket Numbers: ER26–2277–000.
Applicants: DTE Michigan Power, LLC.
Description: 205(d) Rate Filing: Notice of Succession to be effective 4/21/2026.
Filed Date: 4/22/26.
Accession Number: 20260422–5000.
Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: ER26–2278–000.
Applicants: Mid-Atlantic Offshore Development, LLC.
Description: Motion for Waiver of Standards of Conduct and Expedited Consideration of Mid-Atlantic Offshore Development, LLC.
Filed Date: 4/7/26.
Accession Number: 20260407–5223.
Comment Date: 5 p.m. ET 4/28/26.

Docket Numbers: ER26–2280–000.
Applicants: Blackford Solar Energy, LLC.
Description: Initial Rate Filing: Certificate of Concurrence to Shared Facilities Agreement to be effective 4/23/2026.
Filed Date: 4/22/26.
Accession Number: 20260422–5051.
Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: ER26–2281–000.
Applicants: Public Service Company of New Mexico.
Description: 205(d) Rate Filing: Third Revised TCIA to be effective 3/28/2026.
Filed Date: 4/22/26.
Accession Number: 20260422–5098.
Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: ER26–2282–000.
Applicants: Tucson Electric Power Company.
Description: 205(d) Rate Filing: Service Agreement No. 638 to be effective 3/23/2026.
Filed Date: 4/22/26.
Accession Number: 20260422–5108.
Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: ER26–2283–000.
Applicants: Arizona Public Service Company.
Description: 205(d) Rate Filing: RS No. 217, Exhibit B.COL Revision 8 to be effective 6/22/2026.

Filed Date: 4/22/26.

Accession Number: 20260422–5139.

Comment Date: 5 p.m. ET 5/13/26.

Docket Numbers: ER26–2284–000.

Applicants: Public Service Company of Colorado.

Description: 205(d) Rate Filing: 2026–04–22 HLYCRS—O&M—430—0.4.0 to be effective 4/23/2026.

Filed Date: 4/22/26.

Accession Number: 20260422–5148.

Comment Date: 5 p.m. ET 5/13/26.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES26–32–000.

Applicants: PJM Settlement, Inc.

Description: Supplement to Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of PJM Settlement, Inc.

Filed Date: 4/21/26.

Accession Number: 20260421–5243.

Comment Date: 5 p.m. ET 5/1/26.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF26–733–000.

Applicants: Indiantown MVR WWT, LLC.

Description: Form 556 of Indiantown MVR WWT, LLC.

Filed Date: 3/27/26.

Accession Number: 20260327–5463.

Comment Date: 5 p.m. ET 5/13/26.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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 22, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–08171 Filed 4–24–26; 8:45 am]

BILLING CODE 6717–01–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 12, 2026.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *David W. Rathje, Kelly S. Rathje Brandon, the Jonathan 2012 Irrevocable Trust, with Kelly S. Rathje Brandon and David W. Rathje, as co-trustees, the Lauren 2012 Irrevocable Trust, with Kelly S. Rathje Brandon and David W. Rathje, as co-trustees, David J. Rathje, and Rachel O. Rathje, all of Decatur, Illinois; and Roxane Rathje, Chattanooga, Tennessee;* a group acting in concert, to retain voting shares of First Illinois Corporation, and thereby indirectly retain voting shares of HPB Holdings, Inc. and Hickory Point Bank and Trust, all of Decatur, Illinois.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–08161 Filed 4–24–26; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of

the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than May 27, 2026.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *Independent Bank Corporation, Grand Rapids, Michigan;* to merge with HCB Financial Corp, and thereby indirectly acquire Highpoint Community Bank, both of Hastings, Michigan.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–08162 Filed 4–24–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Patient Safety Organizations: Voluntary Relinquishment for symplr PSO

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of Delisting.

SUMMARY: The Patient Safety and Quality Improvement Final Rule (Patient Safety Rule) authorizes AHRQ, on behalf of the Secretary of HHS, to list as a patient safety organization (PSO) an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' by the Secretary if it is found to no longer meet the requirements of the Patient Safety and Quality Improvement Act of 2005 (Patient Safety Act) and Patient Safety Rule, such as when a PSO chooses to voluntarily relinquish its status as a PSO for any reason or when a PSO's listing expires. AHRQ accepted a notification of proposed voluntary relinquishment from the symplr PSO, PSO number P0262, of its status as a PSO and has delisted the PSO accordingly.

DATES: The delisting was effective at 12:00 Midnight ET (2400) on April 8,2026.

ADDRESSES: The directories for both listed and delisted PSOs are ongoing and reviewed weekly by AHRQ. Both directories can be accessed electronically at the following HHS website: *https://www.pso.ahrq.gov/listed.*

FOR FURTHER INFORMATION CONTACT: Cathryn Bach, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, MS 06N100B, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Patient Safety Act, 42 U.S.C. 299b-21 to 299b-26, and the related Patient Safety Rule, 42 CFR part 3, published in the **Federal Register** on November 21, 2008 (73 FR 70732–70814), establish a framework by which individuals and entities that meet the definition of provider in the Patient Safety Rule may voluntarily report information to PSOs listed by AHRQ, on a privileged and confidential basis, for the aggregation and analysis of patient safety work product.

The Patient Safety Act authorizes the listing of PSOs, which are entities or component organizations whose mission and primary activity are to conduct activities to improve patient safety and the quality of health care delivery.

HHS issued the Patient Safety Rule to implement the Patient Safety Act. AHRQ administers the provisions of the Patient Safety Act and Patient Safety Rule relating to the listing and operation of PSOs. The Patient Safety Rule authorizes AHRQ to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. Section 3.108(d) of the Patient Safety Rule requires AHRQ to provide public notice when it removes an organization from the list of PSOs.

AHRQ has accepted a notification of proposed voluntary relinquishment from the symplr PSO to voluntarily relinquish its status as a PSO. Accordingly, the symplr PSO, P0262, was delisted effective at 12:00 Midnight ET (2400) on April 8, 2026.

More information on PSOs can be obtained through AHRQ's PSO website at *http://www.pso.ahrq.gov.*

Roger D. Klein,

Director.

[FR Doc. 2026–08136 Filed 4–24–26; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10450]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by June 26, 2026.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. Electronically. You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. By *regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier: _____ OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved Information Collection; *Title of Information Collection:* Consumer Assessment of Healthcare Providers and Systems (CAHPS) Survey for Merit-based Incentive Payment Systems (MIPS); *Use:* This is a request to revise the information collection for the CAHPS for MIPS Survey. The CAHPS for MIPS survey is used in the Quality Payment Program (QPP) to collect data on fee-for-service Medicare beneficiaries' experiences of care with eligible clinicians participating in MIPS and is designed to gather only the necessary data that CMS needs for assessing physician quality performance, and related public reporting on physician performance, and should complement other data collection efforts. The survey consists of the core Agency for Healthcare Research and Quality (AHRQ) CAHPS Clinician & Group Survey, version 3.0, plus additional survey questions to meet CMS's information and program needs. The survey information is used for quality reporting, the compare tool on the Medicare.gov website, and annual statistical experience reports describing MIPS data for all MIPS eligible clinicians.

This 2026 information collection request addresses the requirements related to the statutorily required quality measurement. The CAHPS for MIPS survey results in burden to three different types of entities: groups, virtual groups, and subgroups; vendors; and beneficiaries associated with administering the survey. Virtual groups are subject to the same requirements as groups and subgroups; therefore, we will refer only to ''groups'' as an inclusive term for all entities unless otherwise noted.

The revision consists of a change to the vendor participation form to collect cost information from survey vendors. The collection of this cost information was proposed in the CY 2025 PFS final rule (89 FR 62010) and (89 FR 62123). The revision also includes changes to the vendor participation form to collect information related to the addition of web to the existing mail-phone administration protocol. The addition of web as the first mode of administration was proposed in the CY 2026 PFS final rule (90 FR 49266) and (90 FR 49760). The changes to the vendor participation form consist of:

- 2 new items to collect information on cost.
- 1 new item to collect information related to web administration of the survey.
- 12 items revised to collect information related to web administration of the survey.

The cost information is readily available to survey vendors, as a result adding it to the vendor participation form does not affect burden. The web survey requires vendors to collect additional information to complete the vendor participation form. We estimate an additional hour of burden for a total of 11 hours per application, an increase to the 10 hours per application first established in the CY 2018 Quality Payment Program final rule (82 FR 30216). We also assume this change would not affect survey vendor participation. *Form Number:* CMS–10450 (OMB control number: 0938–1222); Frequency: Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions and Individuals and Households; *Number of Respondents:* 26,976; *Total Annual Responses:* 26,976; *Total Annual Hours:* 6,139 (For policy questions regarding this collection contact Julie Johnson at 410–786–1507.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–08160 Filed 4–24–26; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10945]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by May 27, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment.

Information Collection

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Administrative Procedures for Chronic and Post-Acute Care Quality Programs; *Use:* This is a request for a new information collection for certain procedural requirements associated with the Centers for Medicare & Medicaid Services' (CMS') quality reporting programs (QRPs) and value-based purchasing (VBP) programs. CMS' QRPs and VBP programs promote higher quality, more efficient healthcare for Medicare beneficiaries by collecting and reporting on quality-of-care metrics. This information is made available to consumers, both to empower Medicare beneficiaries and inform decision-making, as well as to incentivize providers to make continued quality improvements.

Specifically, CMS has implemented QRPs for multiple settings, including for the home health (HH), hospice, inpatient rehabilitation facility (IRF), long-term acute care hospital (LTCH), and skilled nursing facility (SNF) settings, to achieve its overarching priorities and initiatives. Any Hospice, HH Agency (HHA), IRF, LTCH, or SNF—collectively referred to as providers—that does not meet the reporting requirements for their respective program may be subject to a payment reduction in its annual payment update (APU).

CMS has also implemented value-based purchasing (VBP) programs to provide incentive payments to providers who deliver high quality care to patients, as measured by their performance on specific quality metrics.

These QRPs and SNF VBP Program include quality measures calculated using data collected through claims, staffing data, standardized assessment tools, patient surveys, and the Centers for Disease Control and Prevention's (CDC) National Healthcare Safety Network (NHSN). SNFs participating in the SNF QRP and VBP Program are also required to participate in a MDS data validation process.

Quality measures calculated using data collected through claims are referred to as claims-based measures. Claims data are reported to Medicare for payment purposes, and there is no additional burden required from providers. Quality measures calculated from staffing data use the data submitted by SNFs to the Payroll-based Journal as required by Section 6106 of the Affordable Care Act (ACA), and there is no additional burden required from providers.

These QRPs, as pay-for-reporting programs, strive to have a streamlined measure set that provides meaningful measurement and differentiates providers by quality of care while limiting burden to the fullest extent possible. CMS provides confidential feedback reports that providers may use to assess their performance and operationalize quality improvement activities throughout the quality reporting period. These reports include the data that CMS has collected from the provider and the provider's claims, and some also include information about how the provider's data compares relative to the performance of other providers.

CMS also uses SNF quality reporting information to set payment adjustments for the SNF VBP program. For example, the SNF VBP Interim (Partial-Year) Workbook and Full-Year Workbooks allow SNFs to assess their current performance in each measure. The SNF VBP Performance Score Report allows SNFs to assess how the SNF VBP Program scored their current measure performance and determine the SNF VBP Program's incentive payment adjustments for the coming fiscal year. *Form Number:* CMS–10945 (OMB control number: 0938–NEW); *Frequency:* Annually; *Affected Public:* Private Sector—Not-for-profit institutions and Business or other for-profits and State, Local or Tribal Governments; *Number of Respondents:* 33,340; *Total Annual Responses:* 72; *Total Annual Hours:* 18. (For policy questions regarding this collection contact Heidi Magladry at (410) 786–6034.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–08156 Filed 4–24–26; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0610]

Proposed Information Collection Activity; National Communication System for Runaway and Homeless Youth, Currently Operated by the National Runaway Safeline Data Collection

AGENCY: Family and Youth Services Bureau, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Family and Youth Services Bureau's (FYSB) Runaway and Homeless Youth Division has a legislative requirement to fund a National Communication System, which is currently operated by the National Runaway Safeline (NRS). The NRS provides information, referral services, crisis intervention, and prevention resources to vulnerable youth at risk of running away and/or becoming homeless and their families or legal guardians at no cost. When necessary,

the NRS refers runaway and homeless youth to shelters, counseling, medical assistance, and other vital services. The NRS collects information from all contacts with youth and adults connecting with the NRS (*i.e.,* parents, family members, legal guardians, service providers) on a voluntary basis to inform crisis services and develop an annual report on the information collected during calls, chats, emails, and forum posts from young people who reached out to the NRS's crisis services. This information collection is approved under Office of Management and Budget (OMB)#: 0970–0610. FYSB plans to submit a request to OMB to extend approval of these activities beyond the current expiration date of May 31, 2026.

DATES: Comments due June 26, 2026.

ADDRESSES: In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The NRS is required to have a system for collecting and analyzing data to report on calls, emails, chat, texts, and online messages received as well as other information, such as prevention resources, referrals, demographics, and visitors to the NRS website. The NRS must submit to FYSB monthly and semi-annual reports that include the following:

- Number of calls received, answered, and missed.
- Number of chats, emails, and texts received; number of chats, emails, and texts answered; and number of chats, emails, and texts that were missed and did not receive a response, in which the users are youth in crisis, runaway youth, and youth experiencing homelessness.
- Number of parents, legal guardians, and service providers contacting the NRS and the type of resources, interventions, and technical support/assistance requested and provided.
- Number and type of prevention materials disseminated to communities, especially to underserved populations.
- Number and type of unique visitors to the NRS' website.
- Information on referrals provided and where youth were referred for services.
- Information on the callers' or users' demographics and where they were located when contacting the NRS.
- Information on the prevention materials developed and disseminated by the NRS.
- Information and analysis of the latest trends and their impact on runaway prevention.

The NRS will continue to use two online forms, one form to collect relevant information disclosed during calls, emails, and forum posts and a second online form to collect information from chats. All data will be provided to FYSB in the aggregate and no personally identifiable data are collected.

The information collected will allow FYSB to better understand the types of services needed by youth contacting the NRS, as well as to identify outreach and prevention strategies to increase the visibility of the NRS services among youth experiencing housing instability, homelessness, youth who run away, and youth in crisis. Additionally, the findings from this data collection will be included in a required report to Congress to provide accurate information on the status of youth in crisis and runaway and homeless youth nationwide.

Respondents: Youth and adults who contact the NRS during calls, chats, emails, and forum posts.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Youth in Crisis Form	47,175	1	.23	10,850	3,617
NRS Live Chat Form	29,679	1	.65	19,291	6,430
Estimated Total Annual Burden Hours					10,047

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Section 331 of the Runaway and Homeless Youth Act authorize the award of grants for the National Communication System for Runaway and Homeless Youth (34 U.S.C. 11231).

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–08107 Filed 4–24–26; 8:45 am]

BILLING CODE 4182–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–0621]

Advisory Committee; Anesthetic and Analgesic Drug Products Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of Federal advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Anesthetic and Analgesic Drug Products Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public

interest to renew the Anesthetic and Analgesic Drug Products Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the May 1, 2028, expiration date.

DATES: Authority for the Anesthetic and Analgesic Drug Products Advisory Committee will expire on May 1, 2026, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Advisory Committee Oversight and Management Staff, Office of the Chief Scientist, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3215, Silver Spring, MD 20993–0002, (301) 796–8220, *ACOMSSubmissions@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 21 CFR 14.40(b) and 41 CFR 102–3.65, and following approval by the Department of Health and Human Services and review by the General Services Administration, FDA is announcing the renewal of the Anesthetic and Analgesic Drug Products Advisory Committee (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products including analgesics, *e.g.,* abuse-deterrent opioids, novel analgesics, issues related to opioid abuse, and drug products for use in anesthesiology, and makes appropriate recommendations to the Commissioner.

The Committee shall consist of a core of at least six voting members including the Chair. Subject to legal and regulatory requirements, members and the Chair are selected by and serve at the discretion of the Commissioner or designee. Each member, including the Chair, will be selected from among authorities knowledgeable in the fields of anesthesiology, analgesics (*e.g.,* abuse deterrent opioids, novel analgesics, and issues related to opioid abuse) epidemiology or statistics, and related specialties.

Members will be invited to serve for terms of up to four years, or for less time in the discretion of the Commissioner or designee. Non-Federal members of this committee will serve as Special Government Employees or representatives. Federal members will serve as Regular Government Employees or Ex-Officios.

In addition to the voting members, the Commissioner or designee may identify consumer and/or industry representatives to join the Committee (or serve as alternate representatives) as non-voting representative member(s), via a process consistent with legal and regulatory requirements. Individuals currently employed at FDA-regulated companies, such as pharmaceutical and medical device manufacturers, shall not be selected to serve as members of the Committee unless this Committee is expected to address issues for which inclusion of an industry representative is required by statute. If this Committee includes an industry representative, the Commissioner or designee will determine whether to invite them to participate in meetings on a case-by-case basis, according to applicable legal and regulatory requirements.

The Commissioner or designee shall have the authority to select members of other scientific and technical FDA advisory committees to serve temporarily as voting members and to designate Special Government Employees to serve temporarily as voting members when: (1) expertise is required that is not available among current voting standing members of the Committee (when additional voting members are added to the Committee to provide needed expertise, a quorum will be based on the combined total of regular and added members), or (2) to comprise a quorum when, because of unforeseen circumstances, a quorum is or will be lacking.

A quorum for the Committee is a majority of the current voting members present at the time, provided that FDA may specify a quorum that is less than a majority of the current voting members because of the size of the Committee and the variety in the types of issues that it will consider, or other reason determined appropriate in accordance with legal and regulatory requirements. 21 CFR 14.22(d).

Members appointed to an advisory committee serve for the duration of the committee, or until their terms expire, they resign, or they are removed from membership by the Commissioner or designee. Committee members' terms may be ended prior to their date of expiration, for reasons determined to be good cause. Good cause includes excessive absenteeism from committee meetings, a demonstrated bias that interferes with the ability to render objective advice, failure to abide by established procedures, or violation of other applicable rules and regulations.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/advisory-committees/human-drug-advisory-committees/anesthetic-and-analgesic-drug-products-advisory-committee* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

Renewal Requirements and Justification: The Commissioner has determined that renewal of the AADPAC is in the public interest. This determination is based on the Committee's essential role in providing independent expert advice on complex scientific and regulatory matters related to anesthesiology, analgesics, and related specialties, the continued need for specialized expertise in this therapeutic area, and the Committee's demonstrated value in supporting FDA's regulatory mission. The following information supports this determination in accordance with applicable legal and regulatory requirements.

Public Interest Determination

Pursuant to 41 CFR 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 CFR 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. Annual budget.

The overall budget for this committee is $126,950.

a. Federal personnel on a full-time equivalent (FTE) basis.

The estimated person years of Federal staff support required is 0.25.

b. Other Federal internal costs.

The anticipated total value in dollars of other internal costs, such as costs

associated with IT and supplies for meetings, is $21,700.

c. Proposed payments to members.

The estimated annual payment to members is $8,473.

d. Proposed number of members.

The anticipated number of members is 6.

e. Reimbursable costs.

The estimated annual reimbursable costs, including travel and related expenses for members, is $45,902.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year.

N/A.

3. Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership.

Ensuring Necessary Expertise: Members must have background, education, and experience commensurate with the committee's function of advising FDA on the existing and relevant evidence of benefits and risks of marketed and investigational human drug products including analgesics, *e.g.,* abuse-deterrent opioids, novel analgesics, issues related to opioid abuse, and drug products for use in anesthesiology. Scientific and technical competence is critical. Nominees should be acknowledged experts with demonstrated skills in critical evaluation of data and effective communication. As outlined in the committee charter, the membership should include authorities knowledgeable in the fields of anesthesiology, analgesics (*e.g.,* abuse deterrent opioids, novel analgesics, and issues related to opioid abuse), epidemiology or statistics, and related specialties, as well as needed consumer and industry representation. FDA also follows the requirements in section 505(n)(3) regarding membership of drug product advisory committees. (21 U.S.C. 355(n)(3)). Ensuring Fair Balance: Appointments are made without discrimination. The committee is reviewed in totality for balance, characterized by inclusion of necessary knowledge, insight, and scientific perspective from the relevant community or expertise area. Nominations are sought from all geographic locations within the United States and its territories, and from diverse sources including professional and scientific societies, academia, government agencies, industry and trade associations, consumer and patient organizations, and current Agency staff.

4. List of all other Federal advisory committees of the agency FDA maintains the following Federal advisory committees:

- Antimicrobial Drugs Advisory Committee
- Blood Products Advisory Committee
- Cardiovascular and Renal Drugs Advisory Committee
- Cellular, Tissue and Gene Therapies Advisory Committee
- Dermatologic and Ophthalmic Drugs Advisory Committee
- Device Good Manufacturing Practice Advisory Committee
- Digital Health Advisory Committee
- Drug Safety and Risk Management Advisory Committee
- Endocrinologic and Metabolic Drugs Advisory Committee
- Genetic and Metabolic Disease Advisory Committee
- Medical Devices Advisory Committee
- National Mammography Quality Assurance Advisory Committee (Administratively Inactive)
- Nonprescription Drugs Advisory Committee
- Obstetrics, Reproductive and Urologic Drugs Advisory Committee
- Oncologic Drugs Advisory Committee
- Patient Engagement Advisory Committee
- Pediatrics Advisory Committee
- Peripheral and Central Nervous System Advisory Committee
- Pharmacy Compounding Advisory Committee
- Psychopharmacologic Drugs Advisory Committee
- Pulmonary-Allergy Drugs Advisory Committee
- Risk Communication Advisory Committee (Administratively Inactive)
- Science Board to the Food and Drug Administration
- Technical Electronic Product Radiation Safety Standards Committee
- Tobacco Products Scientific Advisory Committee

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source.

The Anesthetic and Analgesic Drug Products Advisory Committee is the only FDA advisory committee that provides specialized expertise in anesthesiology, addiction medicine, and analgesics (*e.g.,* abuse deterrent opioids, novel analgesics, and issues related to opioid abuse). The complexity of technical, clinical, and regulatory considerations in this therapeutic area exceeds the expertise of other advisory committees, necessitating the continuation of this dedicated committee.

6. If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

Patients benefit from this committee's review and evaluation of anesthetics and analgesic drugs. For example, in 2025, the committee met jointly with the Drug Safety and Risk Management Advisory Committee and discussed the findings of the completed extended-release/long-acting opioid analgesic (ER/LA OA) post marketing requirements (PMRs) 3033–1 and 3033–2. These PMRs were prospective (3033–1) and retrospective (3033–2) epidemiologic studies that examined the serious risks and predictors of misuse, abuse, addiction, and fatal and non-fatal opioid overdose in patients with long-term use of opioid analgesics for management of chronic pain, including patients prescribed ER/LA OAs. The Committees discussed their interpretation of the findings from these PMRs on the incidence and prevalence of misuse, abuse, Opioid Use Disorder (OUD), and fatal and nonfatal overdose in patients using OAs long-term, their thoughts on the most important findings, as well as any novel findings they believed FDA should communicate to healthcare providers, patients, and other members of the public.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business.

The Committee plays a critical role in enabling FDA to meet the requirements of section 505(n)(1) and (s)(1) of the Federal Food, Drug, and Cosmetic Act by providing expert scientific advice and recommendations. The Anesthetic and Analgesic Drug Products Advisory Committee is the only FDA advisory committee that provides specialized expertise in anesthesiology, addiction medicine, and analgesics. Without the Anesthetic and Analgesic Drug Products Advisory Committee, FDA's ability to obtain external input on issues related to the approval and regulation of anesthetics, addiction medicine and analgesics would be significantly limited.

In conclusion, this public interest determination documents that renewing the Committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government

This notice is issued under the Federal Advisory Committee Act as amended (5 U.S.C. 1001 *et seq.*). For general information related to FDA advisory committees, please visit us at

http://www.fda.gov/AdvisoryCommittees/default.htm.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–08125 Filed 4–24–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–3962]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments—United States (U.S.) 2026–2027 Formula for COVID–19 Vaccine Composition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products Advisory Committee (the Committee). The general function of the Committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on May 28, 2026, from 8:30 a.m. to 4:30 p.m. Eastern Time.

ADDRESSES: All meeting participants will be heard, viewed, captioned, and recorded for this advisory committee meeting via an online teleconferencing and/or video conferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

The online web conference meeting will be available at the following link on the day of the meeting at: *https://youtube.com/live/3wU0NWzXvZY.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2026–N–3962. The docket will close on May 27, 2026. 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 27, 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.

Comments received on or before May 21, 2026, will be provided to the Committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2026–N–3962 for ''Vaccines and Related Biological Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments—United States (U.S.) 2026–2027 Formula for COVID–19 Vaccine Composition.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the 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: Cicely Reese; Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 1232, Silver Spring, MD 20993–0002, 301–796–9025, email: *CBERVRBPAC@fda.hhs.gov,* or FDA Advisory

Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link or call the advisory committee information line to learn about possible modifications before the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing and/or video conferencing platform. On May 28, 2026, the Committee will meet in open session to discuss and make recommendations on the selection of the 2026–2027 Formula for COVID–19 vaccines for use in the United States.

FDA intends to make background material available to the public no later than two (2) business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference and/or video conference meeting will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee meeting link.

The meeting will include slide presentations with audio and video components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. All electronic and written submissions to the Docket (see **ADDRESSES**) on or before May 21, 2026, will be provided to the Committee. Oral presentations from the public will be scheduled between approximately 1:00 p.m. and 2:00 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, along with the names, email addresses, and direct contact phone numbers of proposed participants, and an indication of the approximate time requested to make their presentation on or before 12 p.m. Eastern Time on May 18, 2026. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by 6 p.m. Eastern Time on May 20, 2026.

For press inquiries, please contact the HHS Press Room at *www.hhs.gov/press-room/index.html* or 202–690–6343. FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Cicely Reese at *CBERVRBPAC@fda.hhs.gov* (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*). This meeting notice also serves as notice that, pursuant to 21 CFR 10.19, the requirements in 21 CFR 14.22(b), (f), and (g) relating to the location of advisory committee meetings are hereby waived to allow for this meeting to take place using an online meeting platform. This waiver is in the interest of allowing greater transparency and opportunities for public participation, in addition to convenience for advisory committee members, speakers, and guest speakers. The conditions for issuance of a waiver under 21 CFR 10.19 are met.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–08122 Filed 4–24–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Deafness and Other Communication Disorders Advisory Council.

The meeting will be open to the public as indicated below, 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 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 Deafness and Other Communication Disorders Advisory Council.

Date: May 14, 2026.

Open: 9:30 a.m. to 12:50 p.m.

Agenda: Staff reports on divisional, programmatical, and special activities.

Address: National Institutes of Health, Neuroscience Center, Rooms 1135, 1145, and 1155, 6001 Executive Boulevard, Rockville, MD 20852.

Meeting Format: In Person and Virtual Meeting.

Closed: 1:45 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Neuroscience Center, Rooms 1135, 1145, and 1155, 6001 Executive Boulevard, Rockville, MD 20852.

Meeting Format: In Person and Virtual Meeting.

Contact Person: Rebecca Wagenaar-Miller, Ph.D., Director, Division of Extramural Activities, NIDCD/NIH, 6001 Executive Boulevard, Bethesda, MD 20892, (301) 496–8693, *rebecca.wagenaar-miller@nih.gov.*

Information is also available on the Institute's/Center's home page: *https://www.nidcd.nih.gov/about/advisory-council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research

Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: April 22, 2026,

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–08117 Filed 4–24–26; 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; Member Conflict: Sensory Systems and Interoception.

Date: May 28, 2026.

Time: 12:00 p.m. to 3:00 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: Sudhirkumar U. Yanpallewar, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 435–5000, *yanpalls@mail.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Muscle and Exercise Physiology Study Section.

Date: June 3, 2026.

Time: 8:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Carmen Bertoni, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 805B, Bethesda, MD 20892, (301) 867–5309, *bertonic2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Skeletal Connective Tissue Biology (SCTB).

Date: June 4, 2026.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 451–4838, *mak2@mail.nih.gov.*

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Drug Discovery and Molecular Pharmacology C Study Section.

Date: June 8, 2026.

Time: 8:30 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: Alireza S. Alavi, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4108, *ali.alavi@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Health Informatics in Patient Care Services.

Date: June 10, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Debasmita Patra, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1006E, Bethesda, MD 20817, (301) 827–5187, *debasmita.patra@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: Cancer Research.

Date: June 10–11, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Michael Edward Lindquist, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, National Cancer Institute, NIH Bethesda, MD 20892, (240) 276–5735, *mike.lindquist@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 22, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–08115 Filed 4–24–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors *Eunice Kennedy Shriver* National Institute of Child Health and Human Development.

The meeting will be open to the public as indicated below, 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 meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications conducted by the *Eunice Kennedy Shriver* National Institute of Child Health & Human Development, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors *Eunice Kennedy Shriver* National Institute of Child Health and Human Development.

Date: May 29, 2026.

Open: 10:00 a.m. to 12:00 p.m.

Agenda: Director's Report, Scientific Director's Report on the status of the NICHD Division of Intramural Research and current organizational structure and update on the Office of Education.

Address: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes Health, 31 Center Drive, Room 2A03N, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Closed: 12:00 p.m. to 2:45 p.m.

Agenda: Confidential Discussions; Review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: Eunice Kennedy Shriver National Institute of Child Health and Human

Development, National Institutes Health, 31 Center Drive, Room 2A03N, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Chris J. McBain, Ph.D. Scientific Director, *Eunice Kennedy Shriver* National Institute of Child Health and Human Development, National Institutes of Health, 31 Center Drive, Room 2A03N Bethesda, MD 20892 (301) 594–5984 *mcbainc@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *https://www.nichd.nih.gov/about/advisory/bsc,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 23, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–08142 Filed 4–24–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[25xd5141GM, DGM000000.000000, DN18000000]

Proposed Appointment to the National Indian Gaming Commission

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: The Indian Gaming Regulatory Act provides for a three-person National Indian Gaming Commission. One member, the Chair, is appointed by the President with the advice and consent of the Senate. Two associate members are appointed by the Secretary of the Interior. The Secretary is required to provide public notice of a proposed appointment of an associate member, and allow a comment period. Notice is hereby given of the proposed appointment of William (Billy) Henry Kirkland III as an associate member of the National Indian Gaming Commission for a term of three years.

DATES: Comments must be received on or before May 27, 2026.

ADDRESSES: Send comments to the Office of the Solicitor, Department of the Interior, 1849 C Street NW, Mail Stop 6341, Washington, DC 20240, and mark the envelope with ''NIGC Appointment Comment.''

FOR FURTHER INFORMATION CONTACT: Mr. Holmes Whalen, Deputy Solicitor for Indian Affairs, Office of the Solicitor, Department of the Interior, 1849 C Street NW, Mail Stop 6341, Washington, DC 20240; telephone: 202–208–4423.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.,* established the National Indian Gaming Commission (Commission), composed of three fulltime members. Commission members serve for a term of three years. The Chair is appointed by the President with the advice and consent of the Senate. The two associate members are appointed by the Secretary of the Interior. Before appointing an associate member to the Commission, the Secretary is required to ''publish in the **Federal Register** the name and other information the Secretary deems pertinent regarding a nominee for membership on the Commission and . . . allow a period of not less than thirty days for receipt of public comments.'' *See* 25 U.S.C. 2704(b)(2)(B).

The Secretary proposes appointing William (Billy) Henry Kirkland III as an associate member of the Commission for a term of three years. Mr. Kirland is well qualified to be a member of the Commission by virtue of his extensive background and experience in a broad spectrum of Native American issues.

Mr. Kirkland is an enrolled member of the Navajo Nation. He currently serves as the Assistant Secretary—Indian Affairs at the United States Department of the Interior. He was confirmed by the United States Senate on October 7, 2025.

Prior to his appointment, Mr. Kirkland delivered high-impact services to Fortune 500 companies, political candidates, and advocacy campaigns, driving strategic results for businesses and organizations across the country. His leadership experience includes managing professional teams, developing sophisticated campaign strategies, and achieving significant legislative and public relations outcomes.

Mr. Kirkland's career in public service includes serving in the Executive Office of the President as special assistant to the President and deputy director of Intergovernmental Affairs. In this role, he led tribal engagement efforts for the White House, revitalized the White House Council on Native American Affairs Policy Agenda, and coordinated the first-ever Oval Office recognition of Navajo Code Talkers. His work advanced collaboration among federal, tribal, state, and local leaders, strengthening government-to-government relationships nationwide.

Mr. Kirkland holds a bachelor's degree from the University of Georgia. He has been recognized with several distinguished honors, including the University of Georgia's Top 40 Under 40 Award, designation as an Eagle Scout, and appointment to the White House Commission on Presidential Scholars.

Mr. Kirkland does not have any financial interests that would make him ineligible to serve on the Commission under 25 U.S.C. 2704(b)(5)(B) or (C).

Any person wishing to submit comments on the proposed appointment of William Kirkland may submit written comments to the address listed above. Comments must be received by May 27, 2026.

Authority: 25 U.S.C. 2704(b)(2)(B)

Doug Burgum,

Secretary of the Interior.

[FR Doc. 2026–08132 Filed 4–24–26; 8:45 am]

BILLING CODE 4310–10–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222; LLAK980200 L14100000.HM0000 234]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Alaska Reindeer Grazing Requirements

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Land Management (BLM) proposes to reinstate with changes an expired information collection.

DATES: Interested persons are invited to submit comments on or before May 27, 2026.

ADDRESSES: Written comments and recommendations for this information collection request (ICR) 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: To request additional information about this ICR, contact Aliza DuComb, by email at *aducomb@blm.gov,* or by telephone at (907) 621–4645 or Ann Erickson, by email at *aerickson@bml.gov,* or by telephone at (907) 271–

1985. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on new, proposed, revised and continuing collections of information. This helps the BLM assess impacts of its information collection requirements and minimize the public's reporting burden. It also helps the public understand BLM information collection requirements and ensure requested data are provided in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on September 6, 2024 (89 FR 72888). The BLM received one comment in response to this notice. The comment, along with the BLM's response, is summarized and included in the ICR submitted to the Office of Management and Budget (OMB).

As part of our continuing effort to reduce paperwork and respondent burdens, we are again inviting the public and other Federal agencies to comment on the proposed ICR described below. The BLM is especially interested in public comment addressing the following:

(1) 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) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency could minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BLM request that OMB reinstate with changes OMB Control Number 1004–0182 which was inadvertently allowed to expire in September 2004. The BLM collects certain information from Alaska Natives interested in reindeer grazing activities on public lands that BLM administers in the State of Alaska. This information allows BLM to determine the compatibility of reindeer grazing on public lands with resource management guidelines developed in land use plans and multiple-use objectives described in 43 CFR part 4300.

The changes to this OMB Control Number include discontinuing the form AK 4132–1, *Reindeer Permit Application,* because that form lacks utility and incorporating the following information collections that were not previously accounted for under this OMB control number:

- Reindeer Grazing Permit Annual Report (43 CFR 4300.45);
- Assign permit to another party (43 CFR 4300.59 and 4300.60); and
- Permit to cross reindeer over public lands (43 CFR 4300.80).

The BLM requests OMB reinstate OMB Control Number 1004–0182 with the above changes.

Title of Collection: Alaska Reindeer Grazing Requirements (43 CFR part 4300).

OMB Control Number: 1004–0182.

Form Numbers: AK 4201–1, *Grazing Lease or Permit Application* (OMB No. 1004–0182) and Form 4120–7, *Application for Range Improvement Permit* (OMB No. 1004–0019).

Type of Review: Reinstatement with change of a previously approved collection.

Respondents/Affected Public: Alaska Natives interested in reindeer grazing activities on public lands that BLM administers in the State of Alaska.

Total Estimated Number of Annual Respondents: 6.

Total Estimated Number of Annual Responses: 14.

Estimated Completion Time per Response: Varies from 1 hour to 30 minutes depending on activity.

Total Estimated Number of Annual Burden Hours: 11.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion and annual.

Total Estimated Annual Non-hour Burden Cost: $12.

The authority for this action is the PRA of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2026–08152 Filed 4–24–26; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2026–0430]

Notice on Outer Continental Shelf Oil and Gas Lease Sales

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: List of restricted joint bidders.

SUMMARY: Pursuant to the Energy Policy and Conservation Act of 1975 and the Bureau of Ocean Energy Management's (BOEM) regulatory restrictions on joint bidding, BOEM is publishing this list of restricted joint bidders. Each entity within one of the following groups is restricted from bidding with any entity in any of the other groups listed below at Outer Continental Shelf oil and gas lease sales held during the bidding period of May 1, 2026, through October 31, 2026.

DATES: This list of restricted joint bidders covers the bidding period of May 1, 2026, through October 31, 2026, and succeeds all prior published lists.

SUPPLEMENTARY INFORMATION:

Group I

BP America Production Company
BP Exploration & Production Inc.
BP Products North America, Inc.

Group II

Chevron Corporation
Chevron U.S.A. Inc.
Unocal Corporation
Union Oil Company of California
Noble Energy, Inc.
Hess Corporation
Chevron Midcontinent, L.P.

Group III

ENI Petroleum US LLC
Eni Marketing Inc.
Eni BB Petroleum Inc.

Eni US Operating Co. Inc.
Eni Petroleum Co. Inc.
Eni Next LLC
Eni USA Gas Marketing LLC
Eni GoM LLC
Versalis Americas Inc.
Eni Trading & Shipping Inc.

Group IV

Equinor ASA
Equinor Gulf of Mexico LLC
Equinor USA E&P Inc.

Group V

Exxon Mobil Corporation
ExxonMobil Upstream Company

Group VI

Shell USA, Inc.
Shell Offshore Inc.
SWEPI LP
Shell Frontier Oil & Gas Inc.
SOI Finance Inc.
Shell Gulf of Mexico Inc.

Group VII

TotalEnergies E&P USA, Inc.
TotalEnergies SE

Even if an entity does not appear on the above list, BOEM may disqualify and reject certain joint or single bids submitted by an entity if that entity is chargeable for the prior production period with an average daily production in excess of 1.6 million barrels of crude oil, natural gas, and natural gas liquids. *See* 30 CFR 556.512.

Authority: 42 U.S.C. 6213; and 30 CFR 556.511–556.515.

Matthew N. Giacona,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2026–08149 Filed 4–24–26; 8:45 am]

BILLING CODE 4340–98–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0NEW]

Agency Information Collection Activities: Proposed New Information Collection Activity; Comment Request: Proposed Study Entitled ''Pilot Study Examining Interpersonal Violence Experienced by Young Adults''

AGENCY: National Institute of Justice, U.S. Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, National Institute of Justice, is 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: The Department of Justice encourages public comment and will accept input until May 27, 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 Erica Howell, Social Science Research Analyst, Office on Violence and Victimization Prevention, by email at *erica.howell@usdoj.gov* or telephone at (202) 598–9431.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on October 28, 2024, 89 FR 85557, allowing a 60-day comment period. 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 National Institute of Justice, 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.
—Minimize the burden of collecting information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. Type of Information Collection: New collection.

2. The Title of the Form/Collection: ''National Survey of Young Adults.''

3. The agency form number, if any, and the applicable component of the Department sponsoring the collection: The applicable component within the U.S. Department of Justice is the National Institute of Justice.

4. Affected public who will be asked or required to respond, as well as a brief abstract:

In fiscal year (FY) 2023, the National Institute of Justice (NIJ) awarded Westat, a professional research services organization, along with their partners at New York University and the University of Cincinnati, to implement the ''Pilot Study Examining Interpersonal Violence Experienced By Young Adults'' (January 1, 2024–June 30, 2027).

The Pilot Study Examining Interpersonal Violence Experienced By Young Adults will recruit a national probability sample of approximately 5,000 young adults with a goal of having a total of 150–300 individuals who respond to the survey. The survey will be administered in the summer of the recruitment year, 2026, and respondents must have either graduated from high school or be no longer in high school. Respondents must be at least 18 years old to be eligible for recruitment.

The goals of this study are to pilot test a survey instrument and recruitment methods to examine interpersonal violence (IV) among college-aged persons (ages 18–24) in order to better understand the risks for, experiences with, and consequences of IV among young adults. Of particular interest are the differences between the victimization and perpetration of those who do and do not attend college. The survey will be designed to examine a range of IV committed by partners, family members, acquaintances, and strangers, including nonconsensual sexual contact, intimate partner violence, and stalking. At a stage of the lifespan when we are most vulnerable to interpersonal violence this study could address gaps in knowledge about the experiences of young adults not engaged in post-secondary education and the differences in experiences between groups.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: The pilot study's estimated range of burden for respondents is expected to be between 8 and 14 minutes for completion. Based on instrument testing results, an average of 12 minutes per respondent is expected to be spent. The following factors were considered when creating the burden estimate: The estimated total number of respondents. NIJ estimates that approximately 168 respondents will fully complete the questionnaire, yielding a modified response rate of 55%.

6. An estimate of the total public burden associated with the pilot data collection: The estimated public burden associated with this collection is 567 hours, which includes the time it takes

each of the expected respondents to open all mailing materials and complete the questionnaire. It is estimated that each of the 168 respondents will take 12 minutes, on average, to complete the questionnaire. See the table below for calculations.

Activity	Number of respondents	Time per response (minutes)	Total burden (hours)	Hourly rate *	Monetized value of respondent time
Initial letter	5,000	2	166.67	$7.25	$1,208.36
Reminder Postcard	5,000	0.5	41.67	7.25	302.11
Second Reminder	4,899	2	163.3	7.25	1,183.93
Final reminder	4,849	2	161.63	7.25	1,171.82
Completed Survey	168	12	33.6	7.25	243.60
Total Burden			566.84		4,109.82

*The federal minimum wage as of April 2026 is $7.25 per the U.S. Department of Labor *https://www.dol.gov/agencies/whd/minimum-wage/state.*

If additional information is required, contact Darwin Arceo, Department Clearance Officer,

United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, Washington, DC 20530.

Dated: April 23, 2026.

Darwin Arceo,

Department Clearance Officer For PRA, U.S. Department of Justice.

[FR Doc. 2026–08121 Filed 4–24–26; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0008]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection: Title—Immigrant and Employee Rights Section Charge Form

AGENCY: Civil Rights Division, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Civil Rights Division, Department of Justice (DOJ) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until May 27, 2026.

FOR FURTHER INFORMATION CONTACT: If you have 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: Sara-Daisy Dygert, U.S. Department of Justice, 150 M Street, Washington DC 20530 at email: *sara-daisy.dygert@usdoj.gov* or phone (202–532–5270).

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on February 23, 2026, 91 FR 8532, allowing a 60-day comment period. 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 agency, 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.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an Information Collection Review (ICR) cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* IER Charge Form.

3. *The agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* IER–1 DOJ Component: Civil Rights Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected Public: General Public.

Abstract: The Immigrant and Employee Rights Section (IER) enforces the anti-discrimination provision (Sec. 274B) of the Immigration and Nationality Act (INA), 8 U.S.C. 1324b. The statute prohibits: (1) citizenship or immigration status discrimination in hiring, firing, or recruitment or referral for a fee, (2) national origin discrimination in hiring, firing, or recruitment or referral for a fee, (3) unfair documentary practices during the employment eligibility verification process (Form I–9 and E-Verify), and (4) retaliation or intimidation for asserting

rights or privileges covered by the statute. IER, within the Department's Civil Rights Division, investigates and, where reasonable cause is found, litigates charges alleging discrimination. The public may submit charges of discrimination through IER's charge form. If the Department lacks jurisdiction over a particular charge but believes another agency has jurisdiction over the claim, IER may forward the charge to the applicable Federal, state, or local agency for any action deemed appropriate. IER is updating the interface of its charge form so it is easier for the public to complete and is also more functional on mobile devices. There are no major substantive changes to the IER Charge Form as part of this process.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* It is estimated that 918 individuals will complete an IER Charge Form annually; each response will be completed in approximately 30 minutes.

7. *Estimated Time per Respondent:* 30 minutes per IER Charge Form.

8. *Frequency:* Annually.

9. *Total Estimated Annual Time Burden:* 459 hours associated with individuals completing IER Charge Forms annually.

10. *Total Estimated Annual Other Costs Burden:* $0.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: April 23, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–08131 Filed 4–24–26; 8:45 am]

BILLING CODE 4410–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Maryland State Plan; Level of Federal Enforcement: Private Sector Employment on Federal Properties

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This document gives notice of OSHA's approval of a clarification to the Maryland State Plan to specify that private-sector employment on land that the United States or any unit of the United States leases or otherwise holds in the State is not included in its State Plan.

DATES: This clarification approval is effective April 27, 2026.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Francis Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov. For general and technical information:* Arlene Williams, Acting Director, OSHA Directorate of Cooperative and State Programs, U.S. Department of Labor; telephone: (202) 693–2200; email: *williams.arlene@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 18 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 667 (OSH Act), provides that states that wish to assume responsibility for developing and enforcing their own occupational safety and health standards may do so by submitting and obtaining federal approval of a State Plan. State Plan approval occurs in stages that include initial approval under Section 18(c) of the Act and, ultimately, final approval under Section 18(e).

The Maryland State Plan was initially approved under Section 18(c) of the OSH Act on July 5, 1973. 38 FR 17834. The State Plan later received final approval on July 18, 1985. 50 FR 29210. The Maryland State Plan is administered by the Maryland Department of Labor, Division of Labor and Industry, Maryland Occupational Safety and Health (MOSH). As a result of the Maryland State Plan's final approval, federal OSHA relinquished its enforcement authority regarding occupational safety and health issues covered by the Maryland State Plan.

The Maryland State Plan covers most private-sector and all state and local government workers. The Maryland State Plan does not cover: federal government employers, including the United States Postal Service (USPS); contract workers and contractor-operated facilities engaged in USPS mail operations; employment at military bases; maritime employment, including shipyard employment, longshoring, and marine terminals; all working conditions of aircraft cabin crewmembers onboard aircraft in operation; and any hazard, industry, geographical area, operation or facility over which the State Plan is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan. In addition, federal OSHA retains enforcement of the anti-retaliation provision of the OSH Act, Section 11(c), 29 U.S.C. 660(c), with respect to the private sector. The Maryland State Plan concurrently investigates private-sector and state and local government workplace retaliation cases under a provision analogous to Section 11(c). These exceptions to the Maryland State Plan's occupational safety and health coverage are listed on OSHA's website at *https://www.osha.gov/stateplans/md.*

By this notice and changes on OSHA's website, the parties are clarifying that federal OSHA will cover private sector employment in Maryland on land or property owned or leased by the federal government where federal employees are regularly present for the purpose of performing their official duties; at federal government-owned contractor-operated sites; or on federal property under construction. Both MOSH and federal OSHA believe this is the best way to ensure prompt and effective protection of such private sector workers. OSHA is updating its federal website for MOSH (*https://www.osha.gov/stateplans/md*) to reflect this clarification and provide notice.

Authority and Signature

David Keeling, Assistant Secretary for the Occupational Safety and Health Administration, U.S. Department of Labor, authorized the preparation of this notice. OSHA is issuing this notice under the authority specified by Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Secretary of Labor's Order No. 07–2025 (90 FR 27878) and 29 CFR parts 1902 and 1953.

Signed in Washington, DC, on April 16, 2026.

David Keeling,

Assistant Secretary for the Occupational Safety and Health Administration (OSHA).

[FR Doc. 2026–08105 Filed 4–24–26; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–055, NRC–2025–2161]

Duke Energy Carolinas, LLC; Belews Creek, North Carolina Site, Early Site Permit, Notice of Intent To Conduct Scoping Process and Prepare Environmental Impact Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; request for comment.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, the U.S. Nuclear Regulatory Commission (NRC) announces its intent

to prepare an environmental impact statement (EIS) to evaluate the potential environmental impacts associated with Duke Energy Carolinas, LLC (DEC) application for an Early Site Permit (ESP) for the Belews Creek, NC, site in Sauratown Township, Stokes County, North Carolina, and Belews Creek Township, Forsyth County, North Carolina. The NRC is initiating a 30-day public scoping period to gather input on the scope of the EIS. The U.S. Army Corps of Engineers is a cooperating agency, while the NRC will be the lead Federal agency.

DATES: The public may submit comments on the scope of the EIS by June 8, 2026. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Further information regarding the proposed applications can be found in Section V of this notice, ''Virtual Project Information and Engagement.''

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to *https://regulations.gov* and search for Docket ID NRC–2025–2161. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual listed in the ''For Further Information Contact'' section of this document.
- *Email:* Comments may be submitted to the NRC electronically using the email address *BelewsCreekEnvironmental@nrc.gov.*
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–5–A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: William Burris, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1621; email: *William.Burris@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–2161 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal rulemaking website:* Go to *https://regulations.gov* and search for Docket ID NRC–2025–2161.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if it is available in ADAMS) is provided the first time that it is referenced.
- *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.
- *NRC Public Project Website:* Information regarding the project and engagement opportunities, is available at *https://www.nrc.gov/reactors/new-reactors/advanced/who-were-working-with/applicant-projects/dukeenergy.*
- The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2025–2161 in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

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. Discussion

By letter dated December 30, 2025, (ADAMS Package Accession No. ML25364A004), DEC submitted to the NRC in accordance with part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), Subpart A, ''Early Site Permits (ESP),'' an application for an ESP to approve the Belews Creek, NC, site for future construction of multiple nuclear reactors. DEC has not selected a reactor technology to be built at the project site and used a plant parameter envelope approach. This submission initiated the NRC's proposed action of determining whether to grant the ESP.

In accordance with 10 CFR 51.50(a), DEC submitted an environmental report (ER) as part of the ESP application. The ER was prepared pursuant to 10 CFR part 51 and is publicly available in ADAMS under Accession No. ML25364A006. The ER will also be available for viewing at *https://www.nrc.gov/reactors/new-reactors/advanced/who-were-working-with/applicant-projects/dukeenergy.*

The ER includes a discussion of the purpose of the project and alternatives.

The NRC staff determined that DEC submitted an application in accordance with 10 CFR part 52, and that the application is acceptable for docketing under Docket No. 52–055. The NRC sent a letter of acceptance and docketing to DEC on February 8, 2026, (ADAMS Accession No. ML26016A624). A notice of acceptance for docketing of the application and notice of hearing were published in the **Federal Register** on February 9, 2025, (91 FR 5787). These notices are available on the Federal rulemaking website (*https://www.regulations.gov*) by searching for Docket ID NRC–2025–2161.

The NRC is the lead Federal agency for the NEPA process for the proposed action. The NRC may invite any Federal, State, Tribal, or local agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal to become cooperating agencies in the preparation of the EIS for the proposed

action. As such, the U.S Corps of Engineers is a cooperating agency.

The Council for Environmental Quality Identification for this EIS is EISX–429–00–000–1773367293.

III. Request for Comment

This notice informs the public of the NRC's intent to conduct environmental scoping and prepare an EIS for the NRC's review of the ESP application for Belews Creek, NC, site and to provide the public an opportunity to participate in the environmental scoping process, in accordance with 10 CFR 51.29, ''Scoping-environmental impact statement and supplement to environmental impact statement,'' and 10 CFR 51.116, ''Notice of intent.''

The regulations in 36 CFR 800.8, ''Coordination with the National Environmental Policy Act,'' allow agencies to use their NEPA process to fulfill the requirements of Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 300101, *et seq.*) (NHPA). Therefore, pursuant to 36 CFR 800.8(c), the NRC intends to use its process and documentation required for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA, in lieu of the procedures set forth at 36 CFR 800.3 through 800.6.

The NRC intends to gather the information necessary to prepare an EIS related to the ESP application for the Belews Creek, NC, site. The NRC is required by 10 CFR 51.20(b) to prepare an EIS in connection with the issuance of an ESP for a power reactor. This notice is being published in accordance with NEPA and the NRC's regulations at 10 CFR part 51.

The NRC will evaluate the environmental impacts of construction, operation and decommissioning of a nuclear power facility at the Belews Creek, NC, site, and alternatives thereto.

As part of its environmental review, the NRC will first conduct a scoping process and, as soon as practicable thereafter, will prepare a draft EIS for public comment. Participation in this scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the draft EIS will be used to accomplish the following:

a. Define the proposed action that is to be the subject of the EIS;

b. Determine the scope of the EIS and identify the significant issues to be analyzed in depth;

c. Identify and eliminate from detailed study those issues that are peripheral or are not significant or that have been covered by prior environmental review;

d. Identify any environmental assessments and other ElSs that are being or will be prepared that are related to, but are not part of, the scope of the EIS under consideration;

e. Identify other environmental review and consultation requirements related to the proposed action;

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the NRC's tentative planning and decision-making schedule;

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the EIS to the NRC and any cooperating agencies; and

h. Describe how the EIS will be prepared, including any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

a. The applicant, Duke Energy Carolina, LLC;

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved or that is authorized to develop and enforce relevant environmental standards;

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;

d. Any affected Indian Tribe;

e. Any person who requests or has requested an opportunity to participate in the scoping process; and

f. Any person who has petitioned or intends to petition for leave to intervene under 10 CFR 2.309.

IV. Virtual Project Information and Engagement

The NRC is announcing that it will maintain project information and engagement opportunities for the DEC Belews Creek ESP application located at the NRC project website at *https://www.nrc.gov/reactors/new-reactors/advanced/who-were-working-with/applicant-projects/dukeenergy.* Project information and stakeholder engagement will include: (1) an overview by the NRC of the environmental review process, the proposed scope of the DEC Belews Creek project, and the proposed environmental review schedule; and (2) information regarding the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on environmental issues or the proposed scope of the EIS.

Participation in the scoping process for the Belews Creek ESP EIS does not entitle participants to become parties to the proceeding to which the EIS relates. Matters related to participation in any hearing are outside the scope of matters to be discussed as part of the EIS process.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: April 23, 2026.

For the Nuclear Regulatory Commission.

Daniel Barnhurst,

Chief, Environmental Project Management Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2026–08155 Filed 4–24–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–20; NRC–2025–0841]

U.S. Department of Energy; Three Mile Island Unit 2 Independent Spent Fuel Storage Installation; License Amendment

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) reviewed an application from the U.S. Department of Energy (DOE or the licensee) for an amendment to Special Nuclear Materials (SNM) License No. SNM–2508, for the Three Mile Island Unit 2 (TMI–2) independent spent fuel storage installation (ISFSI). The TMI–2 ISFSI is located at the Idaho National Laboratory within the perimeter of the Idaho Nuclear Technology and Engineering Center site in Scoville, Butte County, Idaho. The amendment revises certain license conditions and technical specifications (TS) by changing the description of the DOE official, who is responsible for the operation and nuclear safety of the TMI–2 ISFSI and for ensuring its compliance with NRC requirements, changing reference to a regulation and removing outdated language, adjusting references to relevant organizational components of DOE, and otherwise making clerical changes.

DATES: The license amendment was issued and effective on March 27, 2026.

ADDRESSES: Please refer to Docket ID NRC–2025–0841 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

• *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0841. Address

questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual listed in the ''For Further Information Contact'' section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* 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 (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kristina Banovac, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7116; email: *Kristina.Banovac@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated November 21, 2024, DOE submitted to the NRC an application to amend the license and TS for the TMI–2 ISFSI, located in Scoville, Butte County, Idaho. Special Nuclear Materials License No. SNM–2508 authorizes the licensee to receive, possess, store, and transfer canisters containing core debris and damaged spent nuclear fuel from the TMI–2 reactor, in addition to other authorized uses. The proposed amendment revises the license and TS so that they explicitly designate the Manager for the Idaho Cleanup Project (ICP) as the DOE official who is responsible for the operation and nuclear safety of the TMI–2 ISFSI and for ensuring its compliance with NRC license conditions and regulatory requirements. Additionally, the amendment includes an editorial change to TS 5.5.1.b regarding section 72.48 of title 10 of the *Code of Federal Regulations* (10 CFR) to remove outdated language. The amendment includes title changes to refer to DOE ICP instead of DOE Idaho Operations Office, and clerical changes throughout the document such as changes to spacing.

In an email dated January 8, 2026, the NRC notified DOE that the application was acceptable to begin a detailed review. The NRC's Office of Nuclear Materials Safety and Safeguards docketed this application under Docket No. 72–20. In accordance with 10 CFR 72.16(e), the NRC published a notice of docketing in the **Federal Register** on February 19, 2026.

The NRC prepared a safety evaluation report (SER) to document its review and evaluation of the amendment request. As further explained in the SER, the NRC has determined that the license amendment is administrative in nature and satisfies the criterion of 10 CFR 51.22(c)(10) for categorical exclusion from the requirement to prepare an environmental assessment or an environmental impact statement. This action qualifies for categorical exclusion under 10 CFR 51.22(c)(10) because it is an amendment to a materials license issued under 10 CFR chapter I which merely changes the position titles of relevant officials of the licensee and makes certain editorial, corrective, and minor revisions, as described previously. Consequently, neither an environmental assessment nor an environmental impact statement is required.

Upon completing its review, the NRC staff determined the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. The NRC has made appropriate findings as required by the Act and the NRC's regulations in 10 CFR part 72, which are set forth in the license amendment. The license amendment, Amendment No. 6 to License No. SNM–2508, was issued and effective on March 27, 2026.

In accordance with 10 CFR 72.46(b)(2), the NRC has determined that Amendment No. 6 does not present a genuine issue as to whether the health and safety of the public will be significantly affected. Therefore, the publication of a notice of proposed action and an opportunity for hearing or a notice of hearing is not warranted. Notice is hereby given of the right of interested persons to request a hearing on whether the action should be rescinded or modified.

II. Availability of Documents

The documents identified in this notice are available to interested persons through ADAMS.

Document description	ADAMS accession No.
DOE Letter—License Amendment Request to Update the Licensee Designation of Authority Title for the Three Mile Island, Unit 2, Independent Spent Fuel Storage Installation, Docket 72–20, Materials License No. SNM–2508 (CLN240550), dated November 21, 2024.	ML24326A350 (Package)
NRC Email—Acceptance of Department of Energy, Idaho Cleanup Project License Amendment Request to Update the Licensee Designation of Authority Title for the Three Mile Island Unit 2 Independent Spent Fuel Storage Installation, dated January 8, 2026.	ML26008A286
Federal Register notice, ''U.S. Department of Energy Idaho Operations Office; Three Mile Island Unit 2 Independent Spent Fuel Storage Installation; License Amendment Application,'' published February 19, 2026.	91 FR 8025
Amendment No. 6 to Renewed Special Nuclear Materials License No. SNM–2508, dated March 27, 2026	ML26082A207 ML26082A208
SNM–2508 Technical Specifications, dated March 27, 2026	ML26082A209
NRC Safety Evaluation Report, dated March 27, 2026	ML26082A210

Authority: 42 U.S.C. 2011 *et seq.*

Dated: April 22, 2026.

For the Nuclear Regulatory Commission.

Yoira Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2026–08102 Filed 4–24–26; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

[Docket ID: OPM–2026–0134]

Privacy Act of 1974; System of Records

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Office of Personnel Management (OPM) proposes to add a routine use to the systems of records listed in this notice to implement requirements from Executive Order 14249, *Protecting America's Bank Account Against Fraud, Waste, and Abuse,* and OMB Memorandum M–25–32, *Preventing Improper Payments and Protecting Privacy Through Do Not Pay.*

DATES: Submit comments on or before May 27, 2026. These new routine uses will be effective May 28, 2026.

ADDRESSES: You may submit written comments using the Federal eRulemaking Portal at *https://www.regulations.gov.* All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *https://www.regulations.gov* without change, including any personal identifiers.

FOR FURTHER INFORMATION CONTACT: OPM Privacy and Risk Management Office: *privacy@opm.gov.* Office of Personnel Management, 1900 E Street NW, Washington, DC 20415–0001.

SUPPLEMENTARY INFORMATION: On March 25, 2025, President Trump issued Executive Order (E.O.) 14249, *Protecting America's Bank Account Against Fraud, Waste, and Abuse,* which instructs agencies, including OPM, to ''review and modify, as applicable, their relevant system of records notices under the Privacy Act of 1974 to include a ''routine use'' that allows for the disclosure of records to the Department of the Treasury for the purposes of identifying, preventing, or recouping fraud and improper payments, to the extent permissible by law.''

In support of this effort, the Office of Management and Budget (OMB) issued Memorandum M–25–32, *Preventing Improper Payments and Protecting Privacy Through Do Not Pay,* which requires agencies to review and update their system of records notices, as relevant and necessary, to include a routine use permitting disclosure of records to the Department of the Treasury, including the Do Not Pay Working System, to support payment and award eligibility review and improper payment prevention and recovery activities. The memorandum further directs agencies to use Treasury's Do Not Pay capabilities, consistent with applicable privacy protections, to verify eligibility, detect fraud, and prevent and recoup improper payments.

To ensure compliance with E.O. 14249 and OMB Memorandum M–25–32, OPM conducted a review of its system of records notices and identified those requiring modification. Accordingly, OPM is proposing to add a routine use to each relevant system of records listed in this notice to permit disclosure of records to the Department of the Treasury for these purposes.

In accordance with 5 U.S.C. 552a(r), OPM provided this notice to modify the system of records to the Office of Management and Budget and to Congress. These modifications will also be included in OPM's inventory of record systems.

Signing Statement

The Director of OPM, Scott Kupor, reviewed and approved this document and has authorized the undersigned to electronically sign and submit this document to the Office of the Federal Register for publication.

U.S. Office of Personnel Management.

Jerson Matias,

Federal Register Liaison.

SYSTEM NAME AND NUMBER:

The following system of records are being modified:

SORN No.	SORN name	**Federal Register** citations
OPM CENTRAL–1	Civil Service Retirement and Insurance Records	73 FR 15013,* 80 FR 74815.
OPM CENTRAL–14	Debarment or Suspension Records for Federal Employee Health Benefits.	60 FR 63075,* 80 FR 74815.
OPM CENTRAL–23	FEHB Program Enrollment	86 FR 6377.
OPM CENTRAL–26	FEDVIP, FLTCIP, and FSAFEDS Records	87 FR 36889.
OPM Internal–5	Pay, Leave, and Travel Records	64 FR 61949,* 80 FR 74815.
OPM Internal–15	OPM Child Care Tuition Assistance Records	65 FR 30643, 80 FR 74815.
OPM Internal–18	CyberCorps: Scholarship For Service (SFS)	79 FR 42064,* 74 FR 42336, 80 FR 74815.
OPM Internal–23	Financial Management Records	88 FR 16282.

SECURITY CLASSIFICATION:

The **Federal Register** publications cited in the above chart identify whether any impacted records are classified.

SYSTEM LOCATION:

The **Federal Register** publications cited in the above chart identify the location for each system of records impacted by this notice.

SYSTEM MANAGER(S):

The **Federal Register** publications cited in the above chart identify the system manager(s) for each system of records impacted by this notice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

All existing routine uses will remain in place and will not be affected. The following routine use will be added to the system of records listed in the above chart:

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.

HISTORY

See the above chart for all relevant citations.

[FR Doc. 2026–08114 Filed 4–24–26; 8:45 am]

BILLING CODE 6325–46–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–218 and K2026–216]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

None. *See* Section III for summary proceedings.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2026–218 and K2026–216; *Filing Title:* USPS Request to Add Mid-Market Standardized Distinct Product, PM–GA Contract 968, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* April 22, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,

Legal Assistant.

[FR Doc. 2026–08123 Filed 4–24–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, April 30, 2026.

PLACE: The meeting will be held via remote means and at the Commission's headquarters, 100 F Street, NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

Authority: 5 U.S.C. 552b.

Dated: April 23, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–08147 Filed 4–23–26; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105288; File No. SR–ISE–2026–17]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Description and Contents of ISE Trade Outline Products

April 22, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 9, 2026, Nasdaq ISE, LLC (the ''Exchange'' or ''ISE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to (a) amend Options 3, Section 23(c), which sets forth the description of the Nasdaq ISE Open/Close Trade Profile, or ''Trade Outline,'' in the ISE rulebook to (i) rename the product ''ISE Trade Outline,'' (ii) include Market Makers as an origin type, and (iii) restate the categories of information provided in the ISE Trade Outline End of Day (''End of Day'') and (b) revise Options 7, Section 10 to conform to the new name for the ISE Trade Outline product.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rulefilings,* and at the principal office of the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend ISE's market data feed descriptions at Options 3, Section 23, to conform the formatting of the information provided in ISE's Trade Outline with that of the comparable trade outline products in other Nasdaq options markets and to amend the title of the product in Options 7, Section 10 to conform to the foregoing change. Changes to Options 3, Section 23 include: (i) re-naming the product ''ISE Trade Outline,'' (ii) adding Market Makers as a trade origin type, and (iii) augmenting the categories of information provided in the ISE Open/Close Trade Outline End of Day. The sole changes to Options 7, Section 10 are to conform the product name as ''ISE Trade Outline.'' There is no fee change contemplated in connection with this amendment.

Currently, Trade Outline provides aggregate quantity and volume information for trades on the Exchange for all series [5] during a trading session. Information is provided in four categories: (i) total exchange volume for Intra-Day information and total exchange and industry volume for End of Day information for each reported series; (ii) open interest for the series; (iii) aggregate quantity of trades and aggregate trade volume effected to open a position,[6] characterized by origin type; and (iv) aggregate quantity of trades and aggregate trade volume effected to close a position,[7] characterized by origin type.[8] Intra-Day information is updated at 10-minute intervals over the course of the trading day. End of Day information is available the next business day. Historical information is available upon request.

Market Maker Origin Type

Currently, the origin types reportable in Trade Outline are Priority Customer,[9] Broker-Dealer,[10] Firm Proprietary,[11] and Professional Customer.[12] ISE proposes to add Market Maker [13] as a reportable origin type, in line with the language in Options 3, Section 23(c) of the Nasdaq Stock Market LLC (''Nasdaq''), Nasdaq MRX, LLC (''MRX''), Nasdaq PHLX, LLC (''PHLX''), and Nasdaq Texas, LLC (''Nasdaq Texas,'' and, collectively with Nasdaq, MRX, PHLX, and ISE, ''Nasdaq Markets'').[14] This addition will enhance

[5] Every options series trades as a distinct symbol; the terms ''series'' and ''symbol'' are therefore synonyms.

[6] This includes the aggregate number of ''opening purchase transactions,'' defined as an Exchange Transaction that will create or increase a long position in an options contract, *see* Options 1, Section 1(a)(28), and the aggregate number of ''opening writing transactions,'' defined as an Exchange Transaction that will create or increase a short position in an options contract. *See* Options 1, Section 1(a)(29).

[7] This includes the aggregate number of ''closing purchase transactions'' in the affected series, defined as an Exchange Transaction that will reduce or eliminate a short position in an options contract, *see* Options 1, Section 1(a)(9), and the aggregate number of ''closing writing transactions,'' defined as an Exchange Transaction that will reduce or eliminate a long position in an options contract. *See* Options 1, Section 1(a)(10).

[8] Options 3, Section 23(c)(1).

[9] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Options 1, Section 1(a)(38).

[10] A ''Broker-Dealer'' order is an order submitted by a member for a broker-dealer account that is not its own proprietary account. *See* Options 7, Section 1(c).

[11] A ''Firm Proprietary'' order is an order submitted by a member for its own proprietary account. *See* Options 7, Section 1(c).

[12] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer. *See* Options 7, Section 1(c).

[13] ''Market Maker'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* Options 1, Section 1(a)(22). The term ''Competitive Market Maker'' means a member that is approved to exercise trading privileges associated with CMM Rights. *See* Options 1, Section 1(a)(12). The term ''Primary Market Maker'' means a member that is approved to exercise trading privileges associated with PMM Rights. *See* Options 1 § 1(a)(37). This definition is aligned to the definition of ''market maker'' in the Act as ''any specialist permitted to act as a dealer, any dealer acting in the capacity of block positioner, and any dealer who, with respect to a security, holds himself out (by entering quotations in an inter-dealer communications system or otherwise) as being willing to buy and sell such security for his own account on a regular or continuous basis.'' 15 U.S.C. 78(c)(a)(38).

[14] Nasdaq GEMX, LLC, does not currently include ''Market Makers'' in its trade outline product, and expects to make a filing substantially similar to this one in the near future.

See also Cboe DataShop, *Cboe Open-Close Volume Summary,* available at *https://datashop.cboe.com/cboe-options-open-close-*

Continued

the current Trade Outline product by providing additional insights into market activity by participants and harmonizing ISE Trade Outline to MRX's similar trade outline product. Currently, transactions conducted by a Market Maker are not reported in Trade Outline, and the trades they engage in are only captured from the side of the counterparty.[15] Adding Market Makers as a reportable category will ensure that ISE Trade Outline presents a complete picture of market activity and will provide customers with a more detailed view of market sentiment. Furthermore, it will facilitate and improve the ingestion of information by users who subscribe to multiple trade outline products, because the same categories of trade source will be available across the market of available products.

This proposed amendment will provide the same types of data to purchasers of ISE Trade Outline as purchasers of MRX's, Nasdaq Texas's, and other SROs' trade outline products currently receive. The total amount of information disseminated will increase because of the addition of Market Maker data, providing customers with a complete picture of market sentiment and enhanced insights into market volume and activity.

End of Day Information

Currently, the End of Day product includes ''opening buy, closing buy, opening sell and closing sell information, which shall include option first trade price, underlying close, option close, and moneyness,'' in addition to the information provided as part of the intra-day product. This proposal amends the text to read ''opening buy, closing buy, opening sell and closing sell information, which shall include option first trade price, *option high trade price, option low trade price, and option last trade price*'' (emphasis added), instead. This is designed to align End of Day with the MRX end of day trade outline product, and the wording is thus consistent between the two.[16] However, just as MRX also provides the underlying close and moneyness information as part of the additional informational fields for its end of day information,[17] ISE will also continue to include these fields in End of Day, despite the text being updated in Options 3, Section 23.

The substitution of ''underlying close, option close, and moneyness'' with ''option high trade price, option low trade price, and option last trade price'' ensures that consumers of equivalent products across Nasdaq Markets receive data of the same type for each series on the different exchanges' end of day trade outline products and that the rule filings across Nasdaq Markets are consistent.[18] Currently, End of Day provides total industry volume, moneyness, open interest, underlying close, and option close, while MRX's (and Nasdaq Texas's) trade outline end of day product includes option first trade price, option high trade price, option low trade price, and options last trade price, in addition to total industry volume, moneyness, open interest, and underlying close.[19] MRX does not provide ''option close,'' but instead reports ''options last trade price,'' an approach that the Exchange intends to take as well. The information reported in each is identical—the price of the last trade made prior to the end of the market day in the series—but the Exchange believes that the phrase ''options last trade price'' is a more useful and accurate descriptor of the information than option close, and the simplification of using a unified term across products will benefit investors seeking to understand any differences between the two. This proposal would increase the specificity of data available to End of Day purchasers, aligning the granularity to that already available from MRX, Nasdaq Texas, and others.

Trade Outline Name

The shift in name for Trade Outline from ''ISE Open/Close Trade Profile'' to ''ISE Trade Outline'' reflects an alignment between the products being provided across Nasdaq Markets. While a name change is a non-substantive update, this new name better reflects the products being provided, as they contain far more information about options trades than simply information about a series open and close, as the old name implies. Furthermore, trade outline is the name given to the comparable product across other Nasdaq Markets. This standardization of nomenclature across the different platforms will assist customers in understanding the comparability of the information provided by the different markets and better characterizes the data provided.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[20] in general, and furthers the objectives of Section 6(b)(5) of the Act,[21] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by providing the same categories of information to purchasers of Trade Outline data from different markets.

Adding ''Market Makers'' as a category of trade origin in Options 3, Section 23 is consistent with the Act as the new term will provide a more detailed perspective of the market by adding the trade volume produced by Market Makers, which provides insight to market sentiment by allowing the Exchange to report the origin with specificity, which will increase the usefulness of U.S. options market data to investors. Currently, trades by Market Makers do not get reported as part of Trade Outline products, and customers will benefit from the greater insight into market sentiment by all participants. The proposal promotes transparency through more detailed dissemination of aggregate quantity and volume information for trades on the Exchange for all series during a trading session and would benefit investors by promoting better informed trading throughout the trading day and at the end of the day. The proposed amendment is also well-understood in the market and will align the ISE Trade Outline product to that of other SROs who also include ''Market Maker'' as a reportable category, thus providing the same information to purchasers of the various comparable products.[22]

volume-summary; and NYSE, *NYSE Options Open-Close Volume Summary,* available at *https://www.nyse.com/data-products/catalog/open-close-volume-summary,* for examples of other exchanges that also report ''market maker'' as an origin type in their trade outline product.

[15] As the information reported in Trade Outline is done so on an aggregated basis, the absence of this category of data can lead to an imbalance between aggregated purchases and sales of a series, and adding it to Trade Outline will provide the complete picture of market activity. Furthermore, any customers who prefer the current presentation will be able to disregard the information provided for Market Makers and exclude it from any volume calculations they conduct.

[16] *See* Securities Exchange Act Release No. 100789 (August 21, 2024), 89 FR 68680 (August 27, 2024) (SR–MRX– 2024–31).

[17] *See* Nasdaq Data Link, *Nasdaq MRX Options—Trade Outline (MOTO) EOD,* available at *https://data.nasdaq.com/databases/MOTOD;* Securities Exchange Act Release No. 100789 (August 21, 2024), 89 FR 68680 (August 27, 2024) (SR–MRX–2024–31).

[18] *See supra* n. 14.

[19] Nasdaq Data, *Nasdaq Options Trade Outline,* available at *https://www.nasdaq.com/solutions/data/options/trade-outline.*

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

[22] *See, e.g.,* Cboe DataShop, *Cboe Open-Close Volume Summary,* available at *https://datashop.cboe.com/cboe-options-open-close-volume-summary;* NYSE, *NYSE Options Open-Close Volume Summary,* available at *https://*

Aligning the text of the information provided with the End of Day file, in Options 3, Section 23, with the text of MRX's comparable rule is consistent with the Act as the new terms provide a more detailed description of the information that will be more useful to investors and will conform to the fields of information that are already available from other Nasdaq exchanges. This proposal provides transparency on par with MRX (and other Nasdaq Markets) by providing additional information in the same category that MRX already provides, which will also increase the usefulness of U.S. option market data to investors. These categories are also understood in the market and will align the ISE Trade Outline product to that of MRX's thus providing the same information to purchasers of the various trade outline products.

Finally, the revised name of ISE Trade Outline provides a better indicator to customers, including investors and the market as a whole, of what the product contains, and is directly comparable to products from other Nasdaq Markets that use the same nomenclature. The standardization of product names will make it easier for customers, investors, and the whole market to understand the similarity of products and reduce the cognitive load of trying to discern the (non-existent) difference in information provided between a product called ''trade outline'' and one called ''open/close trade profile.'' This is a purely ministerial change, yet will provide greater clarity to market participants.

The Exchange believes that the proposed amendment would promote better informed trading by more precisely disseminating information regarding investor sentiment. Furthermore, the proposal will foster investor protection by providing more detailed information to investors. Adding comparable information from another exchange to the current mix of trade outline products that report Market Makers as a category of trade origins, adding additional information to the End of Day, and re-naming the product, all in line with other trade outline products, will help investors become better informed about overall market sentiment and therefore better able to protect their interests.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The addition of Market Makers as a category for trade origin enables the Exchange to provide additional information to customers [23] and to be more precise in its classification of data. Furthermore, revising the categories of data provided in the End of Day product simply aligns the information ISE provides to that what MRX already delivers to the market,[24] and will not burden competition. The changes to Options 7, Section 10 are mere ministerial amendments to reflect the change to the name of the Trade Outline products and will not burden—or even impact—competition.

Nothing in this proposal burdens inter-market competition (the competition among self-regulatory organizations) because the amendment does not impose any burden on the ability of other exchanges to compete. In fact, it will align the information available from the ISE Trade Outline product more closely with the information available from the other exchanges that currently offer competing products and ensure consistency within the ISE rulebook.

Nothing in the proposal burdens intra-market competition (the competition among consumers of exchange data) because ISE Trade Outline will continue to be available to any market participant, including both members and non-members, as it currently is, on a non-discriminatory basis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [25] and Rule 19b-4(f)(6) thereunder.[26] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [27] and Rule 19b-4(f)(6)(iii) thereunder.[28]

A proposed rule change filed under Rule 19b-4(f)(6) [29] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[30] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may update Options 3, Section 23 immediately, in order to align the product offering with industry standards. The Exchange states that the text of the amendment is designed to replicate that of another exchange,[31] and so the Exchange does not believe that the proposed rule change raises any novel issues. For these reasons, and because the proposed rule change does not raise any new or novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[32]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B) [33] of the Act to determine whether the proposed rule change should be approved or disapproved.

www.nyse.com/data-products/catalog/open-close-volume-summary; MRX Options 3, Section 23(c).

[23] While it is additional information for Trade Outline, it will be the same type of information currently reported in comparable products by other SROs.

[24] This change will not lead to ISE providing any less information than is currently in End of Day.

[25] 15 U.S.C. 78s(b)(3)(A)(iii).

[26] 17 CFR 240.19b–4(f)(6).

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[29] 17 CFR 240.19b–4(f)(6).

[30] 17 CFR 240.19b–4(f)(6)(iii).

[31] *See supra* n. 24 and accompanying text.

[32] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* U.S.C. 78c(f).

[33] 15 U.S.C. 78s(b)(2)(B).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–ISE–2026–17 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–ISE–2026–17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–ISE–2026–17 and should be submitted on or before May 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–08110 Filed 4–24–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0756]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 147(f)(1)(iii) Written Representation as to Purchaser Residency

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 147 (17 CFR 230.147) provides a safe harbor pursuant to which an offering will be deemed to be in compliance with Section 3(a)(11) of the Securities Act of 1933 (''Securities Act''), which provides an exemption from the Securities Act's registration requirements for intrastate offerings. Rule 147 is intended to facilitate intrastate and regional securities offerings. Among other things, Rule 147(f)(1)(iii) requires issuers relying on the rule to ''obtain a written representation from each purchaser as to his or her residence.'' The written representation required under Rule 147(f)(1)(iii) is intended to help ensure that the issuer's offering is, in fact, an intrastate offering. Approximately 700 respondents provide the information required by Rule 147(f)(1)(iii) annually at an estimated 2.75 hours per response and $150 per response for a total annual reporting burden of 1,925 hours (2.75 hours per response × 700 responses annually) and a total annual cost burden of $105,000 ($150 per response × 700 responses annually).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by June 26, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: April 23, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–08158 Filed 4–24–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105291; File No. SR–NASDAQ–2026–033]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Certain Initial Listing Requirements for Acquisition Companies

April 22, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 15, 2026, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase the initial listing requirements for companies whose business plan is to complete one or more acquisitions, as described in Listing Rule IM–5101–2.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the

[34] 17 CFR 200.30–3(a)(12), (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to increase the initial listing requirements for companies whose business plan is to complete one or more acquisitions, as described in Listing Rule IM–5101–2 (an ''Acquisition Company'').

An Acquisition Company is a special purpose company formed for the purpose of completing an initial public offering and engaging in a merger or acquisition (a business combination) with one or more unidentified companies within a specific period of time.[3] The securities sold by the Acquisition Companies in its initial public offering (''IPO'') are typically units, consisting of one share of common stock and one or more warrants (or a fraction of a warrant) to purchase common stock, that are separable at some point after the IPO. Due to their different structure, Acquisition Companies do not have any prior financial history, at the time of their listing, like operating companies.

Historically, Acquisition Companies chose to list on the Nasdaq Capital Market instead of the Nasdaq Global Market, in part, because it had lower fees[4] and lower initial distribution requirements.[5] More recently, certain Acquisition Companies have sought to list on the Nasdaq Global Market. In particular, Nasdaq notes an SEC statement about accounting treatment by Acquisition Companies[6] and subsequent and more recent accounting comments to Acquisition Companies have resulted in some Acquisition Companies adopting different accounting practices and, as a result, having insufficient equity to qualify for initial listing on the Nasdaq Capital Market. Based on Nasdaq's experience listing Acquisition Companies on the Global and Capital Market tiers, Nasdaq proposes to modify Listing Rules 5405 and 5505 to increase the listing requirements for Acquisition Companies.

Nasdaq Global Market

Currently, an Acquisition Company may list on the Nasdaq Global Market if it satisfies the requirements in the Rule 5400 Series in addition to all requirements described in Listing Rule IM–5101–2. Generally, Acquisition Companies list on the Nasdaq Global Market under the Market Value Standard in Listing Rule 5405(b)(3) because Acquisition Companies' financial structure, including the redeemable nature of the shares issued in the IPO, results in insufficient stockholders' equity to list under the Global Market's alternative standards.[7]

Based on Nasdaq's experience with listing Acquisition Companies on the Global Market, Nasdaq proposes to modify Listing Rule 5405(b)(3)(A) to increase the minimum Market Value of Listed Securities that an Acquisition Company must have to at least $100 million.[8] This increased Market Value of Listed Securities requirement for the listing of an Acquisition Company on the Global Market is the same as the current Market Value of Listed Securities requirement under the Alternative Initial Listing Requirements for Acquisition Companies listing pursuant to Listing Rule 5406 on the Nasdaq Global Market. This proposal is also consistent with the approach of the NYSE.[9] However, unlike Acquisition Companies listing under Rule 5406 or the NYSE requirements, which can list with 300 shareholders, an Acquisition Company listing under Rule 5405(b)(3)(A) would continue to be required to have 400 shareholders.

Nasdaq Capital Market

Currently, an Acquisition Company may list on the Nasdaq Capital Market if it satisfies the requirements in the Rule 5500 Series in addition to all requirements described in Listing Rule IM–5101–2. Generally, Acquisition Companies list on the Nasdaq Capital Market under Rule 5505(b)(2) (the Market Value of Listed Securities Standard) because Acquisition Companies cannot qualify for listing on the Capital Market under Listing Rule 5505(b)(1) (the Equity Standard) or Listing Rule 5505(b)(3) (the Net Income Standard) because, by design, they do not have any substantive operations before listing and therefore cannot satisfy the operating history and net income from continuing operations requirements, respectively, of these listing standards.

Based on Nasdaq's experience with listing Acquisition Companies, Nasdaq now proposes to modify the Market Value of Listed Securities Standard to exclude an Acquisition Company from being able to list under that rule and to adopt new Listing Rule 5505(b)(4) to set forth requirements for Acquisition Companies listing on the Capital Market. Specifically, proposed Listing Rule 5505(b)(4) will require:

- Market Value of Listed Securities of $75 million (current publicly traded Companies must meet this requirement and the $4 bid price requirement for 90 consecutive trading days prior to applying for listing if qualifying to list only under the Market Value Standard);
- Market Value of Unrestricted Publicly Held Shares of at least $20 million (for a Company listing in connection with an initial public

[3] Pursuant to Listing Rule IM–5101–2 an Acquisition Company is required, among other things, to keep at least 90% of the proceeds from its IPO in an escrow account and, until the company has completed one or more business combinations having an aggregate fair market value of at least 80% of the value of the escrow account, must meet the requirements for initial listing following each business combination. If a shareholder vote on the business combination is held, public shareholders voting against a business combination must have the right to convert their shares of common stock into a pro rata share of the aggregate amount then in the escrow account (net of taxes payable and amounts distributed to management for working capital purposes) if the business combination is approved and consummated. If a shareholder vote on the business combination is not held, the company must provide all shareholders with the opportunity to redeem all their shares for cash equal to their pro rata share of the aggregate amount then in the deposit account.

[4] In 2021 Nasdaq amended the rules to make the listing fees and the timing of paying such fees for Acquisition Companies listing on the Nasdaq Capital and Global Markets the same. *See* Securities Exchange Act Release No. 92345 (July 7, 2021), 86 FR 36807 (July 13, 2021).

[5] Listing Rules 5505(a)(2) and 5505(a)(3) require a Company to have one million Unrestricted Publicly Held Shares and at least 300 Round Lot Holders in connection with the initial listing on the Nasdaq Capital Market. *See also* Listing Rules 5505(a) and (b), which generally require minimum bid price of at least $4 per share; at least three registered and active Market Makers; and Market Value of Unrestricted Publicly Held Shares of $15 million, Stockholders' equity of at least $4 million, and Market Value of Listed Securities of $50 million under the Market Value Standard.

[6] *Staff Statement on Accounting and Reporting Considerations for Warrants Issued by Special Purpose Acquisition Companies (SPACs),* by John Coates, Acting Director of the Division of Corporation Finance, and Paul Munter, Acting Chief Accountant (April 12, 2021), available at: *https://www.sec.gov/news/public-statement/accounting-reporting-warrants-issued-spacs.*

[7] Listing Rules 5405(b)(1) (the Income Standard) and (b)(2) (the Equity Standard) require stockholders' equity of $15 million and $30 million, respectively. Acquisition Companies also cannot qualify under Listing Rule 5405(b)(4) (the Total Assets/Total Revenue Standard) because this standard requires, among other things, total revenue of $75 million each for the most recently completed fiscal year or two of the three most recently completed fiscal years. Acquisition Companies, by design, do not have any substantive operations before listing and therefore cannot have meaningful amounts of revenue.

[8] All other Companies listing under Listing Rule 5405(b)(3)(A) will continue to be subject to the current Market Value of Listed Securities requirement of $75 million.

[9] *See* Section 102.06 of the NYSE Listed Company Manual.

offering, including through the issuance of American Depository Receipts, this requirement must be satisfied from the offering proceeds); and

- At least four registered and active Market Makers.

Nasdaq also proposes to amend Listing Rule 5505(a)(3) to require that an Acquisition Company listing on the Capital Market must have a minimum of 400 public shareholders.[10] These new requirements for listing of an Acquisition Company on the Capital Market are substantially similar to the current requirements for listing of an Acquisition Company on the Nasdaq Global Market. This proposal is also consistent with the requirements of NYSE American.[11]

The proposed rule change is immediately effective and will be operative for the listing of Acquisition Companies in 30 days. Acquisition Companies that list within that 30-day period can continue to qualify based on the prior rules.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Nasdaq believes that the proposal to modify Listing Rule 5405(b)(3)(A) to provide that an Acquisition Company must have a Market Value of Listed Securities of at least $100 million to list on the Global Market is consistent with the protection of investors because this proposed listing requirement raises the existing threshold and is equal to or higher than the requirements otherwise applicable to Acquisition Companies listing on the NYSE, Nasdaq Capital Market and NYSE American. In addition, a number of Acquisition Companies have listed on the Nasdaq Global Market under the Alternative Initial Listing Requirements for Acquisition Companies listing pursuant to Listing Rule 5406 and those companies were subject to an identical Market Value of Listed Securities requirement as now proposed by the Exchange.

Nasdaq also believes that the proposal to allow Acquisition Companies to list on the Nasdaq Capital Market under the existing Nasdaq Global Market requirements for listing set forth in proposed Listing Rule 5505(b)(4) for Acquisition Companies listing on the Nasdaq Capital Market will protect investors because it raises the existing requirements. Nasdaq also notes that Acquisition Companies have been listing on the Global Market and NYSE American for a number of years subject to initial requirements nearly identical to those included in this proposal and that the Commission previously found these initial listing standards to be consistent with the requirements of the Act.

Further, Nasdaq believes that the proposed rule change is designed to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market because the proposed standards would permit Nasdaq to list securities of Acquisition Companies that meet specified criteria, including market value, distribution, and price requirements, which should help ensure that the securities have sufficient public float, investor base, and liquidity to promote fair and orderly markets. In addition, Acquisition Companies would have to meet other existing investor protection criteria, such as the escrow account requirement, public shareholder approval requirement, public shareholder redemption rights, and public shareholder liquidation preferences, which should further the ability of investors to protect and monitor their investment pending a business combination. Finally, Acquisition Companies that list securities on Nasdaq would have to comply with all Nasdaq corporate governance requirements applicable to operating companies.

While the proposed changes to the listing requirements for Acquisition Companies set a standard that is different from the requirements applicable to operating companies, Nasdaq does not believe that this difference is unfairly discriminatory because, as described above, Acquisition Companies differ structurally from operating companies. As an investment in an Acquisition Company prior to its business combination represents a right to a pro rata share of the Acquisition Company's assets held in trust and the investor in an Acquisition Company is relying on the company's management to select an appropriate target. As such, investments in Acquisition Companies represent different risks than other investments and the Exchange therefore does not believe it is unfairly discriminatory to apply different initial listing requirements to Acquisition Companies than to other listing applicants.

Nasdaq also notes that Acquisition Companies listing under the proposed rule will be subject to the existing requirements in Listing Rule IM–5101–2 which requires that until the Company completes a business combination within 36 months of the effectiveness of its IPO registration statement, or such shorter period that the company specifies in its registration statement (the Company must complete one or more business combinations having an aggregate fair market value of at least 80% of the value of the deposit account at the time of the agreement to enter into the initial combination) the Acquisition Company must notify Nasdaq on the appropriate form about each proposed business combination. Following each business combination, the combined Company must meet the requirements for initial listing. If the Company does not meet the requirements for initial listing immediately following a business combination or does not comply with one of the requirements in Listing Rule IM–5101–2, Nasdaq will delist the Company's securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Nasdaq does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change will be available to all Acquisition Companies listing on Nasdaq and because the Commission previously found similar initial listing standards to be consistent with the requirements of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on

[10] All other Companies listing on the Capital Market will continue to be subject to the minimum 300 Round Lot Holders requirement.

[11] *See* Sections 101(d), 102 and 119 of the NYSE American Listed Company Manual.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[14] and subparagraph (f)(6) of Rule 19b–4 thereunder.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NASDAQ–2026–033 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NASDAQ–2026–033. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2026–033 and should be submitted on or before May 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–08112 Filed 4–24–26; 8:45 am]

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[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0757]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 147A(f)(1)(iii) Written Representation as to Purchaser Residency

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 147A (17 CFR 230.147A) provides an exemption from registration under Section 5 of the Securities Act of 1933 for certain intrastate offerings. Rule 147A is intended to facilitate intrastate and regional securities offerings. Among other things, Rule 147A(f)(1)(iii) requires issuers relying on the rule to ''obtain a written representation from each purchaser as to his or her residence.'' The written representation required under Rule 147A(f)(1)(iii) is intended to help ensure that the issuer's offering is, in fact, an intrastate offering. Approximately 700 respondents provide the information required by Rule 147A(f)(1)(iii) annually at an estimated 2.75 hours per response and $150 per response for a total annual reporting burden of 1,925 hours (2.75 hours per response × 700 responses annually) and a total annual cost burden of $105,000 ($150 per response × 700 responses annually).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by June 26, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: April 23, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–08157 Filed 4–24–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0357]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Regulation S—Rules Governing Offers and Sales Made Outside the United States Without Registration Under the Securities Act of 1933

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Regulation S (17 CFR 230.901 through 230.905) sets forth rules applicable to offers and sales of securities made outside the United States without registration under the Securities Act of

1933 (15 U.S.C. 77a *et seq.*) (''Securities Act''). Regulation S addresses the extraterritorial application of the registration requirements of the Securities Act. The information required by Regulation S is mandatory, and although the information required by Regulation S is not publicly filed with the Commission, there are no assurances of confidentiality provided with respect to such information. We estimate that the information collections in Regulation S, on average, take approximately 5 hours per response to comply with and that there are approximately 1,103 foreign private issuers that rely on Regulation S once per year, for a total of approximately 1,103 responses annually to the information collection requirements in Regulation S. We estimate that 75% of the 5 hours per response is carried internally by the respondent for annual reporting burden of 4,136 hours ((0.75 × 5 total hours per response) × 1,103 responses). We estimate that 25% of the 5 hours per response is carried externally by outside professionals retained by the respondent at an estimated rate of $600 per hour for a total annual cost burden of $827,250 ((0.25 × 5 total hours per response) × $600 per hour × 1,103 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202601-3235-001* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by May 28, 2026.

Dated: April 23, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–08159 Filed 4–24–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105289; File No. SR–CBOE–2026–038]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Rule Regarding Trading Permit Holders and Associated Persons of a Trading Permit Holder Who Are or Become Subject to a Statutory Disqualification

April 22, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 16, 2026 Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its rule regarding Trading Permit Holders and associated persons of a Trading Permit Holder who are or become subject to a statutory disqualification. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/options/regulation/rule_filings/bzx/* [sic]), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend Exchange Rule 3.13, the Exchange's eligibility proceedings section regarding statutory disqualifications, to conform (with certain exceptions) to rules of the Financial Industry Regulatory Authority, Inc. (''FINRA'') [3] and to industry standard rules.[4] The Exchange's proposal also includes the proposed Statutory Disqualification Circular (''SD Circular'') that outlines the applicable eligibility procedures. The amended rules would incorporate by reference the procedures in the SD Circular. As further detailed in the SD Circular, the need for a Trading Permit Holder (''TPH'') to file an application with the Exchange for approval, notwithstanding the disqualification would depend on (i) the type of disqualification; (ii) the date of disqualification; and (iii) whether the firm or individual is seeking admission, readmission or continuation in the securities industry.

By way of background, Section 3(a)(39) of the Act defines the term ''statutory disqualification'' and the circumstances that can cause a person (either a Member, or a person associated with a Member) to be subject to a statutory disqualification.[5] Absent relief, a statutory disqualification would preclude a TPH or person associated with a TPH from certain activities, including membership in a self-regulatory organization (''SRO'').

There is, however, a well-established process through which a TPH (or a person associated with a broker-dealer) may continue to operate in the securities industry (and either become a TPH of, or continue as a TPH of, one or more SROs) despite being subject to a statutory disqualification.[6]

In particular, SEC Rule 19h–1 [7] describes several ways an SRO may seek relief for a member (or prospective

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 59586 (March 17, 2009), 74 FR 12166 (March 23, 2009) (SR–FINRA–2008–045); Securities Exchange Act Release No. 59722 (April 7, 2009), (SR–FINRA–2009–022).

[4] *See, e.g.,* NYSE Rules 9520–9550 or IEX Rule Series 9.520.

[5] 15 U.S.C. 78c(a)(39).

[6] *See* FINRA Regulatory Notice 09–19 (''Amendments to FINRA Rule 9520 Series to Establish Procedures Applicable to Firms and Associated Persons Subject to Certain Statutory Disqualifications'').

[7] 17 CFR 240.19h–1.

member) that is subject to a statutory disqualification, including whether an SRO must file a notice with the Commission in order to allow the disqualified firm to become or continue as a member with the SRO (a ''19h–1 Notice'').

The existing Rule 3.13(b) and (c) provides that either (i) a TPH shall submit an application to the exchange within 10 days of becoming subject to a statutory disqualification or, (ii) alternatively, if the Exchange becomes aware that a TPH or associated person of a TPH is subject to a statutory disqualification, then, in either event, the Exchange shall then appoint a panel of three TPHs to conduct a hearing concerning the matter. The existing Rule 3.13(d), (e), (f), (g), and (h) provisions specify the procedural elements of the hearing itself and the process for a final decision.

Currently, FINRA processes statutory disqualification applications on behalf of the Exchange.[8] Notably, having different rules has led to outcomes where FINRA is not required to process an application and/or an applicable 19h–1 Notice under its rules, but the Exchange (or FINRA acting on the Exchange's behalf) is required under its existing Rule 3.13. As such, the Exchange proposes to, in large part, conform to FINRA Rule Series 9520 Eligibility Proceedings in order to prevent different outcomes when FINRA is reviewing potential statutory disqualifications on behalf of the Exchange. The Exchange also notes that its existing Rule 3.13 is an outlier when compared to industry standards, as other exchanges have adopted rules similar to FINRA's. This may lead to inconsistent results when a firm is a member of multiple exchanges and/or FINRA.[9]

To aid in further conformity between the Exchange and FINRA, the Exchange further proposes that it shall also rely on the no-action letter issued to FINRA in 2009 that provides interpretive guidance regarding (i) the effect of certain time-limited bars or license revocations, (ii) the effect of bars by State securities commissions that are based solely upon a disciplinary action taken by an SRO, (iii) the notice requirements for willful violations of the Municipal Securities Rulemaking Board and aiding and abetting violations, and (iv) enforcement action to the Commission under Exchange Action 15A(g)(2) or Rule 19h–1(a) if an SRO does not file a notice with the Commission for any person subject to a statutory disqualification under Section 3(a)(39) that an SRO is proposing to admit or continue in membership or association with a member under specific circumstances.[10] Due to FINRA's No-Action Letter, there have been instances where review of the same circumstances had resulted in different outcomes regarding when a notice is required pursuant to Rule 19h–1.[11] Specifically, the No-Action Letter makes clear certain instances where they will grant no-action relief if FINRA does not file a 19h–1 Notice with the Commission. For example, the Commission explicitly grants no-action relief if FINRA does not file a 19h–1 Notice if the subject person is subject to a statutory disqualification solely due to a finding of a willful violation of the CEA or the rules or regulations thereunder, provided that the sanctions are no longer in effect. The FINRA No-Action Letter ultimately requires fewer 19h–1 Notices to be filed.

The Exchanges notes that other exchanges, such as The Nasdaq Stock Market LLC (''Nasdaq''), Investors Exchange (IEX) and New York Stock Exchange (''NYSE''), have already adopted similar changes to more materially align their rules with FINRA's.

Proposed Rule 3.13 would govern eligibility proceedings for persons subject to statutory disqualifications. Proposed Rule 3.13(a) would add certain definitions relating to eligibility proceedings that are not currently part of the Exchange's rules, including ''Application,'' ''disqualified TPH,'' ''disqualified person,'' ''sponsoring TPH,'' and ''Exchange staff.'' The Exchange notes that this is substantially similar to FINRA's Rule 9521, with the following exceptions: (i) ''member'' has been replaced with ''TPH;'' (ii) references to FINRA By-Laws have been replaced with references to the Exchange Act and Exchange rules (where applicable); (iii) a new term of Exchange staff has been added to account for the relationship between the Exchange and FINRA, where the Exchange has a regulatory services agreement in place with FINRA and FINRA may act within the bounds of the agreed upon services; (iv) the definition of a disqualified TPH differs; and (v) proposed Rule 3.13(a)(1) does not include reference to FINRA By-Laws.

The Exchange proposes to define ''disqualified TPH'' as a TPH that is or becomes subject to a disqualification under Section 3(a)(39) of the Exchange Act. This differs from the definition in FINRA Rule 9521(b)(2), which includes various other industry participants in addition to existing members in the definition. The Exchange limited its definition to TPHs, as the Exchange has jurisdiction over TPHs.[12]

Further, while the Exchange differs from FINRA in that it does not include reference to FINRA By-Laws or Exchange Rules under proposed Rule 3.13(a)(1), the Exchange believes this language better suits the intended purpose of this section. Specifically, proposed Rule 3.13 specifies procedures to be followed in the event of a statutory disqualification as defined in Section 3(a)(39) of the Exchange Act. FINRA's equivalent Rule 9521 states that the Rule 9520 Series sets forth procedures for a person to become or remain associated with a member, notwithstanding the existence of a statutory disqualification as defined in Article III, Section 4 of the FINRA By-Laws and for a current member or person associated with a member to obtain relief from the eligibility or qualification requirements of the FINRA By-Laws and FINRA rules. Such actions hereinafter are referred to as 'eligibility proceedings.'' While the Exchange only references statutory disqualification events in its equivalent rule, for its purposes, it believes it is more fitting as

[8] FINRA processes these applications on behalf of the Exchange pursuant to a Regulatory Services Agreement (''RSA'') between the Exchange and FINRA.

[9] *See, e.g.,* NYSE Rule 9520, IEX Rule 9.520 and Nasdaq Rule 9520.

[10] *See* Financial Industry Regulatory Authority, Inc., SEC No-Action Letter, 2009 SEC No-Act. (March 17, 2009) (''FINRA No-Action Letter'').

[11] For example, the FINRA No-Action Letter grants FINRA relief from notice requirements regarding a member's continued association with a disqualified person when the statutory disqualification is based on willful violations of the CEA. Because of the relief granted by the No Action Letter and pursuant to Regulatory Notice 09–19, FINRA would not require a member to file an application. However, the Exchange's current Rule 3.13 does not offer relief from application requirements for the firm to continue its association with an associated person, notwithstanding their disqualification. Relief is also not provided under the Exchange Act Rule 19h–1(a)(3)(iii), since the disqualifying event is a finding by the CFTC of a willful violation of the CEA and not a finding by the SEC or SRO of a willful violation of the Exchange Act, among others. As such, a notice pursuant to Rule 19h–1 for the Exchange is required, but is not required for FINRA.

[12] The Exchange notes the definition excludes TPH applicants (the Exchange understands FINRA's definition also does not apply to FINRA member applicants), because the Exchange would address a disqualification of a TPH applicant as part of the TPH application process, and the Exchange would not file a 19h–1 Notice with the Commission for a TPH applicant. The proposed rule language, like FINRA's, indicates the provisions that are applicable to a TPH applicant. If the Exchange approves the TPH application of an applicant that is or becomes subject to a disqualification, the firm would then be a TPH that could take advantage of the provisions of the proposed rule that apply to a disqualified TPH. The Exchange understands this is consistent with FINRA's process with respect to member applicants that are or become subject to a disqualification.

different procedures would be followed in the event a TPH, or TPH applicant, is ineligible for other reasons.[13]

Proposed Rule 3.13(b) is largely mirrored off of FINRA's Rule 9522; however, there were adjustments made to account for updating rule references, adjusting ''member'' to ''TPH'', and replacing the ''National Adjudicatory Council'' with the ''Appeals Committee.'' First, the proposed Rules 3.13(b)(1)[14] and 3.13(b)(2) would govern the initiation of an eligibility proceeding by the Exchange and the obligation for a TPH to file an application to initiate an eligibility proceeding if it or a TPH's associated person[15] has been subject to certain disqualifications.

Next, Rule 3.13(b)(3) sets out the process for a withdrawal of an application and Rule 3.13(b)(4) sets out prohibitions against ex parte communications when Exchange staff has initiated the eligibility proceedings. The Exchange notes that its rule text does differ from FINRA's; however, this is due to FINRA having a panel that reviews the matter prior to an appeal and thus, ex parte communication concerns arise before appeals. Under the Exchange's proposed rule, with Exchange staff making determinations, a firm will need to talk to the Exchange and FINRA while their application is pending. Thus, the Exchange proposes to note that the proposed ex parte communications provision shall become effective only when an appeal is initiated. Further, under the proposed Rule 3.13(b)(5), the Exchange could approve a written request for relief from the eligibility requirements under certain circumstances. Specifically, Rule 3.13(b)(5)(A) describes certain circumstances of which a matter may be approved by the Exchange staff without the filing of an application. This provision is the same as the corresponding provisions of FINRA, Nasdaq, and IEX, with one exception. Specifically, under proposed Rule 3.13(b)(5)(A)(iii), Exchange staff may approve a written request for relief without the filing of an application if a disqualified TPH or sponsoring TPH is a TPH or seeking to become a TPH is a member of both the Exchange and another SRO and the other SRO intends to file a Notice under Exchange Act Rule 19h–1 approving the membership continuance of the disqualified TPH or, in the case of a sponsoring TPH, the proposed association or continued associated of the disqualified person and Exchange staff concurs with that determination. This proposed provision is the same as that of Nasdaq, FINRA, and IEX, except it applies to those seeking to become a TPH in addition to TPHs, while the corresponding rules of Nasdaq, FINRA, and IEX apply solely to members of those SROs. However, other organizations have acknowledged this gap in their rules, noting it would be their practice to apply this provision to prospective members as well as members. Therefore, despite the differences in the rule text of these other organizations, the Exchange believes the outcome under its proposed rule would be the same as both IEX and Nasdaq from a practical perspective.[16]

Proposed Rule 3.13(b)(5)(B) covers matters that may be approved by[17] the Exchange staff after the filing of an application. Notably, under proposed Rule 3.13(b)(5)(B) the Exchange staff may approve an application with respect to disqualifications arising solely from findings or orders specified in Section 15(b)(4)(D), (E), or (H) of the Act or arising under Section 3(a)(39)(E) of the Act. Proposed Rule 3.13(b)(6) specifies the process for implementing an interim plan of heightened supervision during the application process for a disqualified person.

Proposed Rules 3.13(b)(7) and 3.13(b)(8) cover the process for determining that an application is substantially incomplete and the consequences for not remedying an application in a timely manner.[18] In the event an applicant fails to remedy an application under Rule 3.13(b)(8), Exchange staff will serve a written notice on the sponsoring TPH of its determination to reject the application and the sponsoring TPH must promptly terminate association with the disqualified person. Under FINRA's Rule 9522, there is reference to FINRA's application fee and that FINRA shall refund the application fee, less $1,000 which shall be retained by FINRA as a processing fee. The Exchange notes, however, that the Exchange has its own application fee program reflected it its fee schedule that is distinct from FINRA's. As a result, the Exchange proposes to not include this in its proposed rule.

As further explained, proposed Rule 3.13(c) largely mirrors FINRA Rule 9523, with technical changes to account for different defined terms and functions across the SROs. This proposed rule would allow the Exchange staff (handled by FINRA) to recommend a supervisory plan to which the disqualified TPH, sponsoring TPH, and/or disqualified person, as the case may be, may consent and by doing so, waive the right to appeal if the plan is accepted and right to claim bias or prejudgment, or prohibited ex parte communications. If such a supervisory plan were rejected, proposed Rule 3.13(d) would allow a request for review by the applicant to the Appeals Committee and would provide that a filing of an application for review would not stay the effectiveness of final action by the Exchange unless the Commission otherwise ordered.

Proposed Rule 3.13(c) is covered under two parts: (i) to cover all disqualification except those arising solely from findings or orders specified in Section 15(b)(4)(D),(E), or (H) of the Exchange Act and (ii) to cover disqualifications that arise solely from findings or orders specified in Section 15(b)(4)(D), (E) or (H). The Exchange notes that the latter (proposed Rule 3.13(c)(2)) is intended to cover events

[13] *See, e.g.,* Rule 3.5(b) specifying a permitted timeline for a TPH to come into compliance with its requirements under Rule 3.5. The Exchange understands FINRA similarly follows procedures set forth in other applicable rules (such as FINRA Rule 9555) in the event a FINRA member or member applicant is ineligible for other reasons.

[14] The Exchange notes that for instances in which Exchange staff will not issue written notice to TPHs or applicants for membership with respect to disqualifications arising solely from findings or orders specified in Section 15(b)(4)(D), (E), or (H) of the Exchange Act or arising under Section 3(a)(39)(E) of the Exchange Act (when a TPH or application for membership under Exchange Rules is not required to file an application pursuant to the SD Regulatory Circular), information regarding the disqualifying event and the resolution of any fines, sanctions, or undertakings related to the disqualification are recorded in WebCRD.

[15] Under proposed Rule 3.13(b)(1)(C), if a TPH fails to file the application or, where appropriate, the written request for relief, within the 10-day period, the registration of the disqualified person shall be revoked and the sponsoring TPH must promptly terminate association with the disqualified person.

[16] *See, e.g.,* Securities Exchange Act Release No. 101799 (November 29, 2024), 89 FR 96698 (December 5, 2024) (SR–IEX–2024–26), where IEX states ''In the course of reviewing this membership application, IEX identified that its rules do not specifically address this situation, which has not previously occurred with respect to IEX. Specifically, the Exchange believes that its rules regarding the process by which a prospective Member that is subject to a statutory disqualification can be approved for membership on IEX notwithstanding the statutory disqualification could be enhanced to provide additional clarity and more clearly align with the processes set forth in Rule 19h–1 for a membership applicant that is subject to a statutory disqualification.''

[17] The Exchange notes that approval of such an application allows for a TPH's continued participation on the Exchange.

[18] Proposed Rule 3.13(b)(7) applies to applications that are deemed substantially incomplete if they do not include information related to an interim plan of heightened supervision. Plans of heightened supervisions are issued solely for associated persons (and not TPHs), and thus this provision applies solely to associated persons.

where an application is required under the SD Circular, as under the proposed rule, events arising from findings or order specified in Section 15(b)(4)(D), (E) or (H) of the Exchange Act do not typically require an application unless otherwise specified in the SD Circular.

The text of the proposed rule change is similar to that in FINRA's counterpart rules, except for conforming and technical changes and except as follows. First, under proposed Rule 3.13(c), if the disqualified TPH, sponsoring TPH, and/or disqualified person executed a letter consenting to a supervisory plan, it would be submitted to the Exchange staff. Under FINRA's rule, the letter is submitted to FINRA Office of General Counsel, which submits it to the Chairman of the Statutory Disqualification Committee, acting on behalf of the NAC; the Chairman may accept or reject the plan or refer it to the NAC for action. The Exchange does not propose to utilize the NAC or the Statutory Disqualification Committee Chairman for this purpose. The Exchange believes that its staff can provide an appropriate review. The staff is performing this same function today when it reviews statutory disqualification decisions reached by FINRA subject to an RSA Agreement between the Exchange and FINRA. In addition, under FINRA's rule, the waiver of bias or prejudgment is with respect to the Department of Member Regulation, the FINRA General Counsel, the NAC and any member thereof, while under proposed Rule 3.13(c), the waiver would be with respect to the Exchange staff, the Exchange, the Appeals Committee, or any member of the Appeals Committee.

Next, under proposed Rule 3.13(d), if the Exchange staff rejects the plan, the TPH or applicant may request a review by the Appeals Committee.[19] This differs from FINRA's process, which provides for a hearing before the NAC and further consideration by the FINRA Board of Directors. Because the Exchange does not propose to utilize the NAC, the Exchange proposes instead that any appeal be heard by the Appeals Committee. FINRA Rule 9525 also allows for discretionary review by the FINRA Board and the Exchange does not propose to adopt a comparable rule. The Exchange believes that the Exchange staff's role in the process will provide sufficient oversight and independence.

The Exchange does not propose to adopt the text of FINRA Rule 9526, which provides for expedited proceedings by the FINRA Board of Governors in certain instances. The Exchange believes that its proposed rules for review can be carried out in a timely manner and would sufficiently protect investors. The Exchange historically has not provided an expedited statutory disqualification review.

Lastly, the Exchange also notes that it will adopt a definition of ''associated person'' in Rule 1.1, specifically as it pertains to statutory disqualifications. This rule will be similar to the definitions of associated persons implemented by other exchanges to specifically apply to the process of statutory disqualifications.[20] Currently, the Exchange's rule for associated person includes entities, meaning that an entity that is under common control of a TPH is considered a person associated with the TPH. As the proposed rule requires TPHs to submit an application for continuance as a TH if any person associated with the TPH becomes subject to a statutory disqualification, the Exchange's current rules require TPHs to file applications for affiliates under common control that would be subject to a statutory disqualification under securities law. In contrast, FINRA does not define ''Person Associated with a member'' or ''Associated Person of a Member'' as including affiliates under common control of the FINRA member.[21] Thus, a firm that is both an Exchange TPH and FINRA member, which has an affiliate under common control that would be subject to a statutory disqualification under securities laws, is required to file an application with the Exchange, but not with FINRA.

The Exchange proposes to adopt a similar definition to Nasdaq and IEX except that it shall (i) remove the reference to investment banking as that is not applicable for the Exchange's functions and (ii) remove subpoint (3) which specifies that for the purposes of another exchange rule of Nasdaq and IEX[22] (that is not the exchange's statutory disqualification rule), that it shall also include any other person listed in Schedule A of Form BD of a member. As the Exchange does not have this rule, the Exchange proposes not to include this subpoint (3) in its adopted definition of associated persons for the purpose of statutory disqualifications.

As noted above, other exchanges, such as Nasdaq, IEX and NYSE, have already adopted similar changes to more materially align its rules with FINRA's, and similar to the Exchange, have made some edits to align its proposed rules with existing exchange processes.[23]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[24] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[25] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[26] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers, because the rule applies uniformly to all TPHs and does not unfairly discriminate against any TPH or type of market participant. The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act,[27] which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's TPHs and persons associated with its TPHs with the Act, the rules and

[19] The Exchange's proposed Rule 3.13(d) closely aligns with NYSE Rule 9524 except for conforming and technical changes.

[20] *See* IEX Rule 1.160(y)(2) and Nasdaq General 3, Rule 1002(b)(2).

[21] FINRA Regulation, Inc. By-laws, Article I, paragraph (ee) defines the terms ''person associated with a member'' or ''associated person of a member'' in relevant part as: ''(2) a sole proprietor, partner, officer, director, or branch manager of a member, or other natural person occupying a similar status or performing similar functions, or a natural person engaged in the investment banking or securities business who is directly or indirectly controlling or controlled by a member, whether or not any such person is registered or exempt from registration with the Corporation under these By-Laws or the Rules of the Corporation; and (3) for purposes of Rule 8210, any other person listed in Schedule A of Form BD.''

[22] *See* IEX Rule 8.210 and Nasdaq General 5, Rule 8210.

[23] *See, e.g.,* Securities Exchange Act Release No. 61703 (March 12, 2010), 75 FR 13620 (March 22, 2010) (SR–NASDAQ–2010–023) and Securities Exchange Act Release No. 68678 (January 16, 2013), 78 FR 5213 (January 24, 2013) (SR–NYSE–2013–02).

[24] 15 U.S.C. 78f(b).

[25] 15 U.S.C. 78f(b)(5).

[26] *Id.*

[27] 15 U.S.C. 78f(b)(1).

regulations thereunder, and the rules of the Exchange.

In particular, the proposed rule change will better enable the Exchange to streamline the administration of its statutory disqualification program and better protect investors and the public interest, as it will eliminate the need for TPHs or associated persons of TPHs to submit Statutory Disqualification Applications for prior statutory qualifications that have been resolved. Similar to Nasdaq, IEX and NYSE, the Exchange proposes to harmonize its description of statutory disqualification to align its application of statutory disqualification to FINRA.[28] This proposal would avoid potentially different outcomes for members of both FINRA and the Exchange with respect to ineligibility for membership and association.

The proposed changes will provide greater harmonization between Exchange and FINRA rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for dual members. As previously noted, in many instances the proposed rule text is substantially similar to FINRA's current rule text, which already has been approved by the Commission, and in many other cases the differences between current FINRA rules and the proposed rules would be strictly technical in nature. Further, in other instances, such as the Exchange's proposed Rule 3.13(d), the Exchange's rule closely follows NYSE's Rule 9524.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather is designed to provide greater harmonization between Exchange and FINRA rules of similar purpose for investigations and disciplinary matters, resulting in less burdensome and more efficient regulatory compliance for dual members and facilitating FINRA's performance of its regulatory functions under the RSA.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

[28] *See supra* note 11.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [29] and Rule 19b–4(f)(6) thereunder.[30]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2026–038 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2026–038. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–CBOE–2026–038 and should be submitted on or before May 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–08111 Filed 4–24–26; 8:45 am]

BILLING CODE 8011–01–P

[29] 15 U.S.C. 78s(b)(3)(A).

[30] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105287; File No. SR–LCH SA–2026–003]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to the Extension of Eligible Collateral to U.S. Treasury

April 22, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4,[2] notice is hereby given that on April 14, 2026, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is proposing to extend the list of eligible collateral CDSClear Clearing Members [3] may post to satisfy margin requirements to include U.S. Treasury Notes (''Notes''), Bonds, Floating Rate Notes (''FRNs'') and Treasury Inflation

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] LCH SA will also expand eligibility to members of its RepoClear and DigitalAssetClear Clearing Services.

Protected Securities (''TIPS'') (the ''Proposed Rule Change'').[4]

The text of the Proposed Rule Change has been annexed as Exhibit 5 to File No. SR–LCH SA–2026–003.

The implementation of the Proposed Rule Change will be contingent on LCH SA's receipt of all necessary regulatory approvals.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA included statements concerning the purpose of and basis for the Risk Policies and discussed any comments it received on the Risk Policies. The text of these statements may be examined at the places specified in Item IV below. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

LCH SA is proposing to extend the list of eligible collateral CDSClear Clearing Members may post as margin to include Notes, Bonds, FRNs and TIPS. LCH SA is proposing to expand eligibility to further support the expansion of its CDSClear business, including by addressing Clearing Member collateral management needs. In addition to U.S. Treasury Bills (''T-bills''), Notes, Bonds, FRNs and TIPS are backed by the full faith and credit of the United States government and already accepted as eligible collateral by LCH SA's sister clearing house, LCH Limited, part of the LCH group of companies within the London Stock Exchange Group (''LSEG''). LCH SA already accepts T-bills as eligible margin collateral and is now proposing to extend the list of eligible U.S. Treasury securities for CDSClear Clearing Members to satisfy margin requirements. Extending the list of eligible U.S. Treasury securities aligns with Clearing Member feedback to expand the collateral pool of high-quality liquid assets and further supports the expansion of the CDSClear business in the United States.[5]

LCH SA accepts as non-cash collateral only highly liquid securities with low credit and market risk and establishes haircuts and concentration limits to manage collateral liquidation in the event of a Clearing Member default.[6] To complement its current pool of non-cash securities eligible as margin collateral, LCH SA is proposing to allow CDSClear Clearing Members to post Notes, Bonds, FRNs and TIPS with a minimum remaining time to maturity of three days and a maximum remaining time to maturity of 30 years. In addition, LCH SA is proposing to amend its concentration limit applicable at the International Securities Identification Number (''ISIN'') level for all eligible issuers with an Internal Credit Score (''ICS'') equal to between 1 and 4. LCH SA is also proposing amending the limit from 25% to 20% of the ISIN's outstanding amount as updated in the collateral risk framework section 5.8.4. LCH SA is proposing to amend the concentration limit to address a model validation recommendation from LCH SA's independent model validation team.

(1) Eligibility Criteria

LCH SA is proposing to require that to be eligible, such Notes, Bonds, FRNs and TIPS have at least a minimum amount outstanding of $500mn per issuance. Separately, LCH SA is proposing to establish a concentration limit by asset type, specifically for TIPS of $2bn at the individual Clearing Member level and at the Clearing Member Group level. LCH SA performed a liquidation analysis of Notes, Bonds, FRNs and TIPS using a hypothetical non-cash securities portfolio and found it appropriate to cap the total amount of TIPS eligible to be pledged for each Clearing Member and each Clearing Member Group. In case of default, LCH SA utilizes a number of counterparties to liquidate the non-cash securities collateral in order to manage the risk of the defaulting member. Note that when selling the securities, even if the underlying is not a € denominated bond, LCH requests a quote in € by its counterparties and therefore LCH will directly receive € cash. To test its default management capacity, the CCP performed a simulation of non-cash collateral liquidation for a conservatively defined hypothetical portfolios. The exercise demonstrated that the proposed concentration limit for TIPS per individual Clearing Member and per Clearing Member Group was appropriate as indicated by the fact that the liquidation cost inferred from bids received from the counterparties involved in the exercise were lower than the haircut amount established by the CCP.

In addition, to enhance LCH SA's risk framework, LCH SA is incorporating the possibility of applying a relative concentration limit as a percentage of the margin requirement at a Clearing Member level and applicable to the full set of U.S. securities. As would be described in the collateral risk framework, in new section 5.8.8, at go live this limit will be set to 100%—which means it is not intended to be binding because Clearing Members could meet 100% of their collateral requirement using the full set of U.S. securities—but such limit may be utilized by LCH SA to reduce its exposure to U.S. securities if liquidity or other risk considerations require LCH SA to do so. LCH SA maintains internal liquidity monitoring and escalation arrangements designed to support timely management of liquidity risks. In the event that LCH SA identifies an actual or potential liquidity shortfall, LCH SA may, consistent with its Rule Book and applicable procedures, consider a range of liquidity management actions under appropriate senior management oversight. The Collateral Risk Framework is being revised to clarify that the process pursuant to which LCH may determine to apply a limit other than 100% is set forth in the dedicated SLR Procedure relating to liquidity monitoring.

Among the tools that may be considered (as permitted under the relevant Rule Book[7] and Procedures) is the ability to modify collateral concentration limits following notification to impacted Clearing Members and, where applicable, publication of a notice.

To further mitigate concentration risk, LCH SA is proposing to establish a per issue (*i.e.,* per ISIN) concentration limit of 20% at the individual Clearing Member and Clearing Member Group level.

Further, LCH SA intends to allow both floating rate notes (*i.e.,* FRNs) and fixed rates (*i.e.,* other U.S. Treasuries). LCH SA will continue to exclude from eligibility zero coupon instruments (with the exception of T-bills),

[4] All capitalized terms not defined herein have the same meaning as in the Rule Book or Procedures, as applicable, in their version as available on LCH SA's website: *https://www.lch.com/resources/rulebooks/lch-sa.*

[5] The Margin Eligible Securities Collateral and Haircut Schedule contains information on all acceptable margin collateral and is available at *https://www.lseg.com/content/dam/post-trade/en_us/documents/lch/collateral-management/lch-sa/acceptable-collateral-haircuts-lch-sa.pdf.*

[6] General information regarding eligible non-cash securities collateral can be found here: *https://www.lseg.com/en/post-trade/clearing/collateral-management/sa-collateral-management/sa-acceptable-collateral/sa-acceptable-securities.*

[7] Instruction IV.4.1 Art 8 for Repoclear SA, Instruction IV.4.1 Art 8 for DigitalAssetClear, *CDS Clearing Procedure 3 section 3.9* for CDSClear + notice published on website.

''stripped'' bonds or perpetual bonds.[8] For further clarity [9], any securities subject to specific corporate events (*e.g.,* sinkable, puttable and callable) will also remain ineligible. These eligibility restrictions are not new and do not introduce new conditions as part of this Proposed Rule Change; they reflect existing eligibility limitations already set out in the Margin Eligible Securities Collateral and Haircut Schedule made available to Clearing Members.

(2) Proposed Haircuts

LCH SA will amend the Margin Eligible Securities Collateral and Haircut Schedule (the ''Haircut Schedule'') as part of the Proposed Rule Change. Specifically, LCH SA will add United States Treasury Notes/Bonds, United States Treasury Floating Rate Notes and United States Treasury Inflation Protected Securities to the list of eligible securities and apply the following haircuts by maturity bucket for the new collateral security types:

- 3 business days and < = 0,5 year | 0.50% | 0.75%
- > 0.5 and < = 1 year | 0.75% | 1.25%
- > 1 and < = 3 years | 1.50% | 2.50%
- > 3 and < = 5 years | 2.50% | 4.00%
- > 5 and < = 7 years | 3.50% | 4.75%
- > 7 and < = 10 years | 5.00% | 6.25%
- > 10 and < = 15 years | 7.50% | 9.25%
- > 15 and < = 30 years | 16.25% | 16.25%

For clarification, LCH SA has already established haircuts for each maturity bucket for Notes, Bonds and FRNs because the current haircut methodology in force leverages the U.S. zero coupon curve to define haircut levels for each specified maturity, including that for U.S. T-bills, which are currently eligible as margin collateral. With the inclusion of TIPS as an acceptable collateral type, LCH SA is proposing separate haircuts per maturity bucket, as they would be calibrated on the basis of a dedicated real interest rate curve. Therefore, the proposed haircuts for ''Inflation Protected Securities'' will be applied as represented in the second percentage column of the list above.

(3) Revisions to List of Acceptable Securities Collateral and Haircut Schedule

As part of the Proposed Rule Change, LCH SA is proposing to amend its website listing eligible collateral concentration limits. As previously noted, LCH SA is proposing a concentration limit of $2bn for TIPS at the individual Clearing Member and Clearing Member Group levels. The website will therefore be amended to incorporate the $2bn concentration limit at Clearing Member level and separately at a group level across all Clearing Members.

In addition, as updated in the Collateral Risk Framework section 5.8.4, LCH SA is proposing to amend its concentration limit applicable at the ISIN level for all eligible issuers with an ICS at or between 1 and 4. LCH SA will also set the limit at 20% instead of 25% of the ISIN's outstanding amount. The amendment of the concentration limit is being proposed to address a model validation action raised by the independent model validation team. In addition, LCH SA will update the concentration limit of Spain from 10% to 20% to align with its updated ICS and the concentration limit of International Bank for Reconstruction and Development Bonds (''IBRDs'') from 10% to 15% as described in the Collateral Risk Framework section 5.8.7.[10] Finally, the text describing the application of the 15% of margin requirement concentration limit applicable to non-euro non-cash collateral is being revised to correct a typographical error and to clarify that the non-euro securities covered by this limit consist of government securities issued by Norway, Sweden, Denmark, Switzerland, Canada, Australia, and Japan.

Please note that LCH provides to its members the Outstanding Amount limit for each issuer in the Knowledge Center.

2. Statutory Basis

LCH SA believes that the Proposed Rule Change is consistent with the requirements of Section 17A of the Exchange Act [11] and the regulations thereunder, including the clearing agency standards under Exchange Act Rule 17ad–22.[12] Section 17A(b)(3)(F) of the Exchange Act [13] requires, among other things, that rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and to protect investors and the public interest.

LCH SA is proposing to extend the list of eligible collateral to include Notes, Bonds, FRNs and TIPS as described, primarily to expand eligibility to further support the expansion of its CDSClear business and thus supporting Clearing Member collateral management needs. The expansion of the list of additional U.S. government securities will provide CDSClear Clearing Members with more optionality regarding the types of non-cash collateral Members may post to satisfy margin requirements, thus facilitating the prompt and accurate clearance and settlement of CDSClear products cleared by LCH SA. In addition, LCH SA already accepts T-bills as eligible collateral and is now proposing to expand eligibility to include U.S. government securities with longer-dated maturities Treasury Notes and Treasury Bonds, or those with floating rates or with principal amounts periodically adjusted based on changes in the U.S. Consumer Price Index (inflation). Similar to T-bills, LCH SA will utilize its existing set of counterparties to safeguard the additional securities in its custody and to liquidate, should it need to raise liquidity to manage a clearing member default. Finally, Notes, Bonds, FRNs and TIPS are backed by the full faith and credit of the United States government and may be utilized to raise liquidity in the event of a clearing member default. LCH SA therefore believes the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Exchange Act.[14]

LCH SA also believes that the Proposed Rule Change is consistent with the requirements of Exchange Act Rule 17Ad–22(e)(5) [15]. Rule 17Ad–22(e)(5) provides, *inter alia,* that a covered clearing agency limit the assets it accepts as collateral to those with low credit, liquidity, and market risks, and set and enforce appropriately conservative haircuts and concentration limits if the covered clearing agency requires collateral to manage its or its participants' credit exposure; and require a review of the sufficiency of its collateral haircuts and concentration limits to be performed not less than annually.[16] LCH SA currently limits the non-cash collateral it accepts to satisfy margin requirements to government, supranational and agency securities with low credit, liquidity and market risks. The Proposed Rule Change will expand eligibility to additional U.S.

[8] For example, Separate Trading of Registered Interest and Principal of Securities provide investors with the option to hold and trade the individual interest and principal components of eligible Notes, Bonds and TIPS separately.

[10] *See* Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to Collateral Concentration Limits, Exchange Act Release No. 102905 (Apr. 22, 2025), 90 FR 17662 (Apr. 28, 2025).

[11] 15 U.S.C. 78q–1.

[12] 17 CFR 240.17ad–22.

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 17 CFR 240.17Ad–22(e)(5).

[16] *Id.*

government securities that also have low credit, liquidity and market risks. Likewise, LCH SA is proposing conservative haircuts aligned with the current Haircut Schedule for U.S. government securities. As part of the Proposed Rule Change, LCH SA will apply higher haircuts for TIPS to align with the liquidity profile of such securities and will establish a fixed dollar concentration at the individual Clearing Member and Clearing Member Group level. LCH SA will also review the established haircuts and concentration limits [17] of the additional U.S. government securities in its assessment of its non-cash collateral haircuts on an ongoing basis. Therefore, LCH SA believes that the Proposed Rule Change is consistent with Rule 17Ad–22(e)(5) [18].

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[19] LCH SA does not believe that the Proposed Rule Change would impose burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Proposed Rule Change would extend the list of eligible collateral CDSClear Clearing Members may post as margin to include Notes, Bonds, FRNs and TIPS. LCH SA is proposing to expand eligibility to further support the expansion of its CDSClear business, including by addressing Clearing Member collateral management needs. By extending the list of eligible collateral to include additional U.S. government securities to support CDSClear Clearing Member collateral management needs, LCH SA does not believe that the Proposed Rule Change would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the Proposed Rule Change and none have been received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) by order approve or disapprove such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–LCH SA–2026–003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–LCH SA–2026–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*). Copies of such filing will be available for inspection and copying at the principal office of LCH SA and on LCH SA's website at *http://www.lch.com/resources/rules-and-regulations/proposed-rule-changes-0.*

Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–LCH SA–2026–003 and should be submitted on or before May 18, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Asistant Secretary.

[FR Doc. 2026–08109 Filed 4–24–26; 8:45 am]

BILLING CODE 8011–01–P

[17] LCH SA reviews the sufficiency of its collateral haircuts monthly in accordance with its Collateral Risk Policy and Exchange Act rule 17Ad–22(e)(5). Collateral haircuts are subject to daily stress testing and any exceptions are escalated to LCH SA's ERCo. Changes to collateral haircuts require ERCo approval and material changes to haircuts are notified to the LCH SA RiskCo.

[18] *Id.*

[19] 15 U.S.C. 78q–1(b)(3)(I).

[20] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2026–0298]

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA.

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, Mail Stop 3253 Altmeyer, 6401 Security Blvd., Baltimore, MD 21235, Fax: 833–410–1631, Email address: *OR.Reports.Clearance@ssa.gov.*

Or you may submit your comments online through *https://www.reginfo.gov/public/do/PRAmain* by clicking on Currently under Review—Open for Public Comments and choosing to click on one of SSA's published items. Please reference Docket ID Number [SSA–2026–0298] in your submitted response.

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than June 26, 2026. Individuals can obtain copies of

the collection instruments by writing to the above email address.

1. Application for Widow's or Widower's Insurance Benefits—20 CFR 404.335 –404.338, & 404.603—0960–0004. Section 202(e) and 202(f) of the Social Security Act (Act) set forth the requirements for entitlement to widow(er)'s benefits, including the requirements to file an application. For SSA to make a formal determination for entitlement to widow(er)'s benefits, we use Form SSA–10 to determine whether an applicant meets the statutory and regulatory conditions for entitlement to widow(er)'s Title II benefits. SSA employees interview individuals applying for benefits either face-to-face or via telephone and enter the information on the paper form or into the Modernized Claims System (MCS). In addition, respondents may mail the completed paper form to SSA, or submit a completed fillable static PDF webform through our Upload Documents portal (OMB No. 0960–0830). The respondents are applicants for widow(er)'s benefits.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA–10 (Paper)	1,845	1	30	923	*$32.66	.....	***$30,145
SSA–10 (Upload Documents)	1,516	1	30	758	*32.66	.....	***24,756
SSA–10 (MCS/In-person Interview)	74,474	1	30	37,237	*32.66	**22	***2,108,007
SSA–10 (MCS/Telephone Interview)	490,129	1	30	245,065	*32.66	**48	***20,809,907
Totals	567,964	.....	.....	283,982	.....	.....	***22,972,815

* We based this figure on the average U.S. worker's hourly wages for all occupations, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics)

** We based this figure on the average FY 2026 wait times for field offices (22 minutes) and for teleservice centers (48 minutes which includes the average speed of answer of 7 minutes as well as the average 41-minute wait time for a call back from an SSA technician), based on SSA's current management information data. This figure reflects both data from our systems and the data posted on our public facing website (Social Security performance | SSA) on the date we drafted this document. As the figures fluctuate daily, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data on call back times to ensure we report updated figures when possible.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

2. Application for Lump Sum Death Payment—20 CFR 404.390–404.392—0960–0013. SSA uses Form SSA–8 to collect information needed to authorize payment of the lump sum death payment (LSDP) to a surviving individual (*e.g.,* widow, widower, or children of the deceased, etc.) as defined in section 202(i) of the Act. Respondents complete the application for this one-time payment through: (1) use of the paper form; (2) the internet modality through the Universal Benefits Application portal, (3) submission of a completed fillable static PDF webform through our Upload Documents portal (OMB No. 0960–0830), or (4) a personal interview with an SSA employee either via telephone, or in a field office. For all personal interviews (either telephone or in-person), we collect the information via our electronic Modernized Claim System (MCS) screens. When a respondent completes the paper Form SSA–8, they mail it back to SSA. The respondents are applicants for the LSDP.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars)*	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA–8—MCS Version (Technician Interview)	771,630	1	9	115,745	*$32.66	**35	***$18,481,086
SSA–8 –Paper Version	6,829	1	10	1,138	*32.66	.....	***37,167
Internet Version (Unified Benefits Application Portal)	6,864	1	6	686	32.66	.....	***22,405
Total	785,323	.....	.....	117,569	.....	.....	***18,540,658

** We based this figure on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

** We based this figure on the average combined FY 2026 wait times for field offices (22 minutes) and for teleservice centers (48 minutes which includes the average speed of answer of 7 minutes as well as the average 41-minute wait time for a call back from an SSA technician), based on SSA's current management information data. This figure reflects both data from our systems and the data posted on our public facing website (Social Security performance | SSA) on the date we drafted this document. As the figures fluctuate daily, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data on call back times to ensure we report updated figures when possible.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

3. Request for Withdrawal of Application—20 CFR 404.640—0960–0015. Form SSA–521, Request for Withdrawal of Application, allows claimants to specify which application they want to withdraw and the reason for the withdrawal. Form SSA–521 is our preferred instrument for a withdrawal request; however, any written request for withdrawal signed by the claimant or a proper applicant on the claimant's behalf will suffice. Individuals who wish to withdraw their applications for benefits complete Form SSA–521 or sign the completed form for each request to withdraw. SSA uses the information from Form SSA–521 to process the request for withdrawal. The respondents are applicants for Retirement, Survivors, Disability, and Health Insurance benefits.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–521 submitted before approving benefit application (pre-adjudication).	19,995	1	5	1,666	* $32.66	** $54,412
SSA–521 submitted after receiving benefits. (post-adjudication)	61,896	1	5	5,158	* 32.66	** 168,460
Totals	81,891			6,824		** 222,872

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*Occupational Employment and Wage Statistics*).
** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

4. Letter to Employer Requesting Information About Wages Earned by Beneficiary—20 CFR 404.1520, 404.1571–404.1576, 404.1584–404.1593, and 416.971–416.976—0960–0034. Social Security disability recipients receive payments based on their inability to engage in substantial gainful activity (SGA) because of physical or mental condition. If the recipients work, the SSA must evaluate and determine if they continue to meet the disability requirements of the law. When an individual is unable to provide earnings information and SSA does not have access to proof of earnings, we use Form SSA–L725 to request monthly earnings information from the recipient's employer. SSA employees send the paper form SSA–L725 to the employer to complete and use the earnings data we receive from the employers to determine whether the recipient is engaging in SGA, since work above SGA level can cause a cessation of disability payments. The respondents are businesses that employ Social Security disability recipients.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per Response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–L725	124,000	1	40	82,667	* $27.34	** $2,260,116

* We based this figure on the average Payroll and Timekeeping Clerks hourly wages, as reported by Bureau of Labor Statistics data (*Occupational Employment and Wage Statistics*).
** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

5. Letter to Employer Requesting Wage Information—20 CFR 416.203 & 416.1110—0960–0138. SSA must establish and verify wage information for Supplemental Security Income (SSI) applicants and recipients when determining SSI eligibility and payment amounts. SSA collects wage data from employers on Form SSA–L4201–BK to determine eligibility and proper payment amounts for SSI applicants and recipients. The respondents are employers of SSI applicants and recipients.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–L4201–BK	133,000	1	30	66,500	* $27.34	** $1,818,110

* We based this figure on the average Payroll and Timekeeping Clerks hourly salary, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics),
** This figure does not represent actual costs that we are imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

6. Continuation of Supplemental Security Income Payments for the Temporarily Institutionalized—Certification of Period and Need to Maintain Home—20 CFR 416.212(b)(1)—0960–0516. When SSI recipients: (1) enter a public institution; or (2) enter a private medical treatment facility with Medicaid paying more than 50 percent of expenses, SSA reduces recipients' SSI payments to a nominal sum. However, if this institutionalization is temporary (defined as a maximum of three months), SSA may waive the reduction. Before SSA can waive the SSI payment reduction, the agency must receive the following documentation: (1) A physician's certification stating the SSI recipient will only be institutionalized for a maximum of three months; and (2) statement from the recipient (or someone knowledgeable about the recipient's circumstances, such as a representative payee, family member, or friend), confirming the recipient needs SSI payments to maintain the living arrangements to which the individual will return post-institutionalization. To obtain this information, SSA employees contact the recipient (or a knowledgeable source) to collect the required physician's certification and the statement of need. SSA does not require any specific format for these items, so long as we obtain the necessary attestations; however, SSA allows the use of Form SSA–186 as a convenient way to notify SSA, request continued benefits, and obtain physician certification on one document. The respondents are SSI recipients or individuals with knowledge of their circumstances such as representative payees, family

members, or friends, as well as physicians or hospital staff members who treat the SSI recipient.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
Statement from other Respondents (SSA–186)	26,712	1	15	6,678	*$14.27	**48	***$400,245
Physician's Certifications (SSA–186)	26,712	1	15	6,678	*50.59		***337,840
Totals	53,424			13,356			***738,085

*We based these figures on the average disability payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits), and the average Healthcare Practitioners and Technical Occupations hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

**We based this figure on the average FY 2026 wait time for teleservice centers (48 minutes which includes the average speed of answer of 7 minutes as well as the average 41-minute wait time for a call back from an SSA technician), based on SSA's current management information data. This figure reflects both data from our systems and the data posted on our public facing website (Social Security performance | SSA) on the date we drafted this document. As the figures fluctuate daily, the wait times may be different on the website than they appear here. We continue to monitor our website and management information data on call back times to ensure we report updated figures when possible.

***This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

7. Certification of Low Birth Weight for SSI Eligibility—20 CFR 416.924, 416.926, and 416.931—0960–0720. Hospitals and claimants use Form SSA–3830 to provide medical information to local field offices (FO) and the Disability Determination Services (DDS) on behalf of infants with low birth weight. FOs use the form as a protective filing statement and the medical information to make presumptive disability findings, which allow expedited payment to eligible claimants. DDSs use the medical information to determine disability and continuing disability. The respondents are hospitals and claimants who have information identifying low birth weight babies and their medical conditions.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–3830	3,860	1	15	965	*$106.89	**$103,149

*We based this figure by averaging the average Pediatrician's hourly wage, as reported by Bureau of Labor Statistics data Occupational Employment and Wage Statistics).

**This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

8. Authorization for the Social Security Administration to Obtain Account Records from a Financial Institution and Request for Records (Medicare)—20 CFR 418.3420—0960–0729. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) established the Medicare Part D program for voluntary prescription drug coverage of premium, deductible, and copayment costs for individuals with limited income and resources. The MMA mandates that the Government provide subsidies for those individuals who qualify for the program, and who meet eligibility criteria for help with premium, deductible, or co-payment costs. SSA uses the SSA–4640, Authorization for the Social Security Administration to Obtain Account Records from a Financial Institution and Request for Records (Medicare), to determine if subsidy applicants or recipients qualify, or continue to qualify, for the subsidy. SSA uses Form SSA–4640 to: (1) obtain the individual's consent to verify balances of financial institution (FI) accounts; and (2) obtain verification of such balances from the FI. Respondents are Medicare Part D program subsidy applicants or claimants, and their financial institutions.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
Medicare Part D Subsidy Applicants	5,000	1	10	833	*$14.27	**$11,887
Financial Institutions	5,000	1	10	833	*45.04	**37,518
Totals	10,000			1,666		**49,405

*We based these figures on the average disability payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits), and the average Business and Financial operations occupations, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

**This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

9. Financial Disclosure for Civil Monetary Penalty (CMP) Debt—20 CFR 498—0960–0776. When SSA imposes a CMP on individuals for various fraudulent conduct related to SSA-administrated programs, those

individuals may request to pay the CMP through benefit withholding, or an installment agreement. To negotiate a monthly payment amount, fair to both the individual and the agency, SSA needs financial information from the individual. SSA uses Form SSA–640, to obtain the information necessary to determine a monthly installment repayment rate for individuals owing a CMP. The respondents are recipients of Social Security benefits and non-entitled individuals who must repay a CMP to the agency and choose to do so using an installment plan.

Type of Request: Revision of an OMB-approved information collection.

Method of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) ***
SSA–640	10	1	120	20	* $23.47	*** $469

* We based this figure on averaging both the average disability payments based on SSA's current FY 2026 data (Effect of COLA on Average Social Security Benefits), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (Occupational Employment and Wage Statistics).

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Mark Steffensen,

General Counsel, Chief of Law, Policy and Legislative Affairs, Social Security Administration.

[FR Doc. 2026–08138 Filed 4–24–26; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Operating Limitations at Chicago O'Hare International Airport, Order Establishing Scheduling Limits

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

ACTION: Notice of amendment to Order Establishing Scheduling Limits at Chicago O'Hare International Airport.

SUMMARY: This action amends the effective date for the Order Establishing Scheduling Limits at Chicago O'Hare International Airport (ORD) published on April 20, 2026. The Order was issued with an effective date of May 17, 2026, and an expiration date of October 24, 2026.

DATES: This action is effective immediately.

Order: The April 20, 2026, order establishing scheduling limits [1] is amended to take effect June 2, 2026. This change will give operators sufficient time to modify their schedules due to certain crew scheduling already assigned for the Summer 2026 scheduling season. All other aspects of the April 20, 2026, order remain unchanged, including the October 24, 2026, expiration date.

[1] Operating Limitations at Chicago O'Hare International Airport, Order Establishing Scheduling Limits, 91 FR 21071 (April 20, 2026).

Issued in Washington, DC, on April 23, 2026.

Bryan Bedford,

Administrator, Federal Aviation Administration.

[FR Doc. 2026–08163 Filed 4–23–26; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket No. DOT–OST–2026–1783]

Agency Information Collection Activities; Renewal of a Previously Approved Information Collection: Oil and Gas Industry Safety Data Program

AGENCY: Bureau of Transportation Statistics (BTS), Department of Transportation (DOT).

ACTION: 60-Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, BTS announces its plan to submit the information collection request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. BTS is requesting approval to renew an existing ICR 2138–0048, Industry Safety Data Program. The Oil and Gas Industry Safety Data (ISD) program is a component of BTS' SafeOCS data sharing framework, which provides a trusted, proactive means for the offshore oil and gas industry to report sensitive and proprietary safety information and to identify early warnings of potential safety issues not previously exposed from analysis of reportable accidents and incidents. The program is sponsored by the Department of the Interior and operated independently by BTS. Companies participating in the ISD program voluntarily submit safety data; there is no regulatory requirement to submit such data. The renewal of this ICR will enable BTS to continue collecting voluntary reports of near misses and other safety information, enabling analyses that provide the industry and other stakeholders with valuable information regarding precursors to safety risks and that contribute to research and development of intervention programs aimed at preventing accidents and fatalities on the Outer Continental Shelf (OCS).

DATES: Comments are encouraged and will be accepted until June 26, 2026.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments by only one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and follow the instructions for sending your comments electronically. Docket Number: [DOT–OST–2026–1783].
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, 5th Floor, Room W58–213, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to mail address above between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov,* and follow the online instructions for accessing the docket, or go to the street address listed above.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its

rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Allison Fischman, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, USDOT, RTS–35, E36–302, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, *allison.fischman@dot.gov.*

SUPPLEMENTARY INFORMATION: The objective of the ISD program is to increase data sharing to augment the offshore oil and gas industry's capability to identify safety risks and address them before an accident occurs. The ISD program includes a broad range of safety data and information from offshore oil and gas operators, including near-miss events and observations of unsafe conditions or actions, as well as incidents that result in safety consequences with potential learning value. BTS administers the ISD program and provides the repository for the data, analyzes and aggregates information given under this program, and publishes aggregated information on potential causal factors and trends or patterns.

Title: Oil and Gas Industry Safety Data (ISD) Program.

OMB Control Number: 2138–0048.

Type of Review: Renewal of information collection.

Respondents: Oil and gas industry companies involved in exploration, development, and production operations on the Outer Continental Shelf.

Estimated Number of Respondents: 60.

Estimated Time per Response: 1 hour.

Frequency: Quarterly.

Total Annual Burden Hours: 240 hours.

Abstract: The Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018, codified at 44 U.S.C. 3561–3583, can provide strong confidentiality protection for information acquired for statistical purposes under a pledge of confidentiality. CIPSEA guidance from the Office of Management and Budget advises that a non-statistical agency or unit that wishes to acquire information with CIPSEA protection may consider entering into an agreement with a Federal statistical agency or unit. BTS and the Department of the Interior have determined that it is in the public interest to collect and process ISD reports and any other data necessary to administer the ISD program under a pledge of confidentiality for statistical purposes only.

Working with subject matter experts, BTS aggregates and further analyzes these reports to identify potential causal factors and trends. All data reviewers are subject to nondisclosure requirements and training mandated by CIPSEA. The results of these aggregated analyses are distributed by BTS through public reports and data products. Periodic industry workshops may be scheduled by BTS, the industry, or the Department of the Interior to discuss the data analysis and trend results, as well as share ideas and process improvements for preventing recurrence.

Background: The ISD program is a voluntary confidential reporting program that collects and analyzes data to advance safety in oil and gas operations on the OCS. The program was developed under a partnership between the Department of the Interior and BTS in collaboration with the oil and gas industry, with the aim of improving the capture and sharing of essential information about accident precursors and other hazards associated with OCS oil and gas operations.

A related goal of the ISD program is to provide a mechanism whereby participating companies can submit safety data in whatever format they currently use, to reduce burden on the company. To realize the optimum benefits from an industrywide framework, all organizations associated with offshore oil and gas exploration and production activities (*e.g.,* operators, contractors, original equipment manufacturers, critical service providers) are encouraged to submit data voluntarily. Respondents submit safety data files by uploading them to a secure portal at *www.SafeOCS.gov* or by secure file transfer protocol. Data submitted includes a broad range of safety data and information from offshore oil and gas operators, including near-miss events and observations of unsafe conditions or actions, as well as incidents that result in safety consequences with potential learning value.

BTS conducted an ISD program pilot and shared results with the public in a report released in 2019. Subsequently, BTS worked with participating companies to develop a public data dashboard showing potential causal factors and trends, as well as participant data products allowing companies to benchmark performance against industrywide totals, segmented by operational characteristics. BTS is currently exploring the application of advanced data science techniques, including large language models and AI-informed analysis within a secure analytical environment, to advance the mission of SafeOCS in areas such as improved identification and communication of hazards associated with high-risk, complex operations; drawing unique insights regarding safety trends and potential hazards; and enhanced understanding of causal and contributing factors to safety incidents.

Data Confidentiality Provisions: This data collection provides parties in the oil and gas industry a trusted means to report sensitive or proprietary information related to safety and fosters trust in the confidential collection, handling, and storage of the raw data. SafeOCS, including the ISD program, operates under CIPSEA, which requires BTS to protect the identity of the reporter and treat reports confidentially. BTS also protects the confidentiality of submitted ISD information under the BTS confidentiality statute (49 U.S.C. 6307(b)).

Using BTS as the data steward for the ISD program is designed to promote the sharing of safety data and information while protecting sensitive identifying information. Data protected under CIPSEA may be used only for statistical purposes. This provision means that BTS can publish only summary statistics and data analysis results; incident microdata collected by SafeOCS may not be shared or used for any nonstatistical purpose, including any administrative, regulatory, law enforcement, adjudicative, or other purpose. Information submitted to BTS under this statute is protected from release to other government agencies, including the Department of the Interior, and from Freedom of Information Act (FOIA) requests.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) ways to enhance the quality, usefulness, and clarity of the collected information; and (2) ways to minimize the collection burden without reducing the quality of the information collected.

Allison Fischman,

Director, Office of Safety Data and Analysis, Bureau of Transportation Statistics, U.S. Department of Transportation.

[FR Doc. 2026–08119 Filed 4–24–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket No. DOT–OST–2026–1784]

Agency Information Collection Activities; Renewal of a Previously Approved Information Collection: Barrier Failure Reporting in Oil and Gas Operations on the Outer Continental Shelf

AGENCY: Bureau of Transportation Statistics (BTS), Department of Transportation (DOT).

ACTION: 60-Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, BTS announces its plan to submit the information collection request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. BTS is requesting approval to renew an existing ICR 2138–0046, Barrier Failure Reporting in Oil and Gas Operations on the Outer Continental Shelf (OCS). The renewal of this ICR will enable BTS to continue collecting equipment failure data to provide a comprehensive source of information about failure types and modes of critical safety barriers for offshore operations related to well control and production safety systems.

DATES: Comments are encouraged and will be accepted until June 26, 2026.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments by only one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and follow the instructions for sending your comments electronically. Docket Number: [DOT–OST–2026–1784].
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, 5th Floor, Room W58–213, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to mail address above between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov,* and follow the online instructions for accessing the docket, or go to the street address listed above.

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

FOR FURTHER INFORMATION CONTACT: Allison Fischman, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, USDOT, RTS–35, E36–302, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, *allison.fischman@dot.gov.*

SUPPLEMENTARY INFORMATION: This data collection effort addresses the collection of equipment failure data as referenced in Department of the Interior regulations at 30 CFR 250.730(c) and 30 CFR 250.803, which require the submission of failure reports for well control equipment and safety and pollution prevention equipment. BTS has entered into a memorandum of understanding with the Department of the Interior to facilitate the collection of this information for statistical purposes. This information collection is necessary to aid the Department of the Interior, the oil and gas industry, and other stakeholders in identifying barrier failure trends and causes of critical safety barrier failure events.

Title: Barrier Failure Reporting in Oil and Gas Operations on the Outer Continental Shelf.

OMB Control Number: 2138–0046.

Type of Review: Renewal of information collection.

Respondents: BTS has entered into a memorandum of understanding with the Department of the Interior to facilitate the collection of information from respondents identified in the Department of the Interior notices for OMB Control Number 1014–0028 and OMB Control Number 1014–0003. Responsibility for establishing the actual scope and burden for this collection resides with the Department of the Interior. This BTS information collection request does not create any additional burden for respondents. For the purposes of this collection, BTS has identified the Department of the Interior as the sole respondent.

Estimated Number of Respondents: For the purposes of this collection, BTS has identified the Department of the Interior as the sole respondent reporting to BTS at the annual frequency of one.

Estimated Time per Response: 1 hour.

Frequency: Annual.

Total Annual Burden Hours: 1 hour.

Abstract: The Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018, codified at 44 U.S.C. 3561–3583, can provide strong confidentiality protection for information acquired for statistical purposes under a pledge of confidentiality. CIPSEA guidance from the Office of Management and Budget advises that a non-statistical agency or unit that wishes to acquire information with CIPSEA protection may consider entering into an agreement with a Federal statistical agency or unit. BTS and the Department of the Interior have determined that it is in the public interest to collect and process the barrier-related failure reports required by 30 CFR 250.730(c) and 30 CFR 250.803, or any other data deemed necessary to administer the Department of the Interior's safety program pertaining to barrier failures under a pledge of confidentiality for statistical purposes only.

BTS has agreed through a memorandum of understanding with the Department of the Interior, signed August 18, 2016, and available at *https://www.bsee.gov/sites/bsee.gov/files/bsee-bts-mou-08-18-2016.pdf,* to undertake this information collection in order to ensure the confidentiality of submissions under CIPSEA. Since this information collection is limited to the establishment of BTS as an authorized repository for the previously approved information collection (OMB Control Number 1014–0028, expiration for well control equipment is 05/31/2027 and OMB Control Number 1014–0003, expiration for safety and pollution prevention equipment is 12/31/2028), this information collection request does not create any additional burden for respondents.

Background: Department of the Interior regulations require, in part, the reporting of barrier-related failure event and analysis information for well control equipment (30 CFR 250.730(c)) and safety and pollution prevention equipment (30 CFR 250.803). Both regulations require submission of failure information to a designated third party (see sections 250.730(c)(4) and 250.803(d)), if one has been designated by the regulator. The Department of the Interior designated BTS for collection of this information, as documented in the memorandum of understanding referenced above and through an announcement issued October 26, 2016 (*https://www.bsee.gov/newsroom/latest-*

news/statements-and-releases/press-releases/bsee-expands-safeocs-program). BTS implements this collection as part of the SafeOCS program, a confidential reporting program independently administered by BTS that collects and analyzes data to advance safety in energy operations on the OCS.

Both BTS and the Department of the Interior agree that reports on equipment failures are considered a type of precursor safety information and can be included in SafeOCS to provide a means of identifying industrywide data trends on barrier failures or potential for barrier failures. This data collection provides parties in the oil and gas industry a trusted means to report sensitive or proprietary information related to equipment failures and fosters trust in the confidential collection, handling, and storage of the raw data. Using BTS as the designated third party for submission of equipment failure information is designed to promote the sharing of safety data and information while protecting sensitive identifying information which could reduce the incentive to share all of the facts that pertain to safety related to an incident.

BTS uses the data collected to grow and maintain a comprehensive source of barrier-related failure data for statistical purposes. BTS will continue to collect failure notices, failure analysis reports, and design change/modified procedures reports as described in 30 CFR 250.730(c) and 30 CFR 250.803 submitted by industry operators; grow and maintain an analytical database using the reported data and other pertinent information; and protect the confidentiality of notices and reports in accordance with the BTS confidential statute (49 U.S.C. 6307(b)) and CIPSEA. With input from subject matter experts, BTS will continue to process and analyze information on equipment failures and publish results of such analyses in public reports and data products, available at *www.SafeOCS.gov.* These publications and products will provide the industry, the regulator, other OCS stakeholders, and the public with essential information about failure types and modes of critical safety barriers for offshore operations related to well control and production safety systems, contributing to research and development of intervention programs aimed at preventing safety incidents on the OCS.

Respondents submit equipment failure information through *www.SafeOCS.gov* by filling out a form and submitting pertinent supplemental information as described in 30 CFR 250.730(c), 30 CFR 250.803, and cited industry standards. Respondents are asked to provide information such as: (1) name and contact information; (2) time and location of the failure event; (3) a short description of the failure event and operating conditions that existed at the time of the event; (4) details of the specific equipment involved; (5) contributing factors to the event; (6) results of an investigation or safety analysis report; (7) any design or procedural changes as a result of the reported equipment failure; and (8) any other information that might be useful in determining ways to prevent such failures from occurring.

Companies may also share well control equipment failure data under 30 CFR 250.730(c) with BTS through their participation in RAPID–S53, a joint industry project (JIP) for reliability and performance information sponsored by the International Association of Drilling Contractors and the International Association of Oil & Gas Producers. A company participating in RAPID–S53 can grant the JIP permission to share the company's submitted data with BTS. With this permission, the data is then shared with BTS through a system-to-system connection, relieving the company of the burden of uploading the same data to the SafeOCS web portal.

Data Confidentiality Provisions: The confidentiality of barrier failure information submitted to BTS is protected under the BTS confidentiality statute (49 U.S.C. 6307(b)) and CIPSEA. In accordance with these confidentiality statutes, only statistical (aggregated) and non-identifying data will be made publicly available by BTS through its reports. Except for compliance notices to the Department of the Interior described below, BTS will not release to the Department of the Interior or any other public or private entity any information that might reveal the identity of individuals or organizations mentioned in failure notices or reports without explicit consent of the respondent and any other affected entities.

To provide proof of an operator's compliance with the reporting regulation, without sharing the details of the reported equipment failure, the following information is shared with the Department of the Interior via an automated email following receipt of an event notification: submittal date, company, and event reference number. No other information is shared.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) ways to enhance the quality, usefulness, and clarity of the collected information; and (2) ways to minimize the collection burden without reducing the quality of the information collected.

Allison Fischman,

Director, Office of Safety Data and Analysis, Bureau of Transportation Statistics, U.S. Department of Transportation.

[FR Doc. 2026–08116 Filed 4–24–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on April 23, 2026. See Supplementary Information for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–622–2490 or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Action

On April 23, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.Individuals:

BILLING CODE 4810–AL–P

1. AIK, Paung (a.k.a. EK, Pong), Phum 13, Boeng Kak Pir, Tuol Kouk, Phnom Penh 12152, Cambodia; DOB 03 Oct 1970; POB Burma; nationality Cambodia; Gender Male (individual) [CYBER4].

   Designated pursuant to section 1(a)(iii)(C) of Executive Order 13694 of April 1, 2015, "Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities," 80 FR 18077, 3 CFR, 2015 Comp., p. 297, as amended by Executive Order 13757 of December 28, 2016, "Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities," 82 FR 1, 3 CFR, 2016 Comp., p. 659, and as further amended by Executive Order 14144 of January 16, 2025, "Strengthening and Promoting Innovation in the Nation's Cybersecurity," 90 FR 6755, and Executive Order 14306 of June 6, 2025, "Sustaining Select Efforts To Strengthen the Nation's Cybersecurity and Amending Executive Order 13694 and Executive Order 14144," 90 FR 24723 ("E.O. 13694, as further amended"), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that is reasonably likely to result in, or has materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that has the purpose of or involves causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

2. KOK, An, 19 Group 62 Street 217, Veal Vong Quarter, Makara District, Phnom Penh, Cambodia; DOB 07 Jul 1954; POB Koh Kong, Cambodia; nationality Cambodia; Gender Male; Passport N00307450 (Cambodia) expires 15 Sep 2025; National ID No. 010283555 (Cambodia) (individual) [CYBER4].

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, cyber-

enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that is reasonably likely to result in, or has materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that has the purpose of or involves causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

3. LUO, Hong, 22, St. 1007, Phnom Penh Thmei, Sensok, Phnom Penh, Cambodia; DOB 13 Nov 1977; POB China; nationality Cambodia; Gender Male; Passport N01460820 (Cambodia) expires 26 Nov 2028 (individual) [CYBER4].

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that is reasonably likely to result in, or has materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that has the purpose of or involves causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

4. RITHY, Raksmei (a.k.a. ORIYA, Ken; a.k.a. XIE, Liguang), Phu, 13, Boeng Kak Pir, Tuol Kouk, Phnom Penh 12152, Cambodia; DOB 01 Mar 1983; nationality Cambodia; Gender Male (individual) [CYBER4].

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that is reasonably likely to result in, or has materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that has the purpose of or involves causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

5. SAI, Aung Linn (a.k.a. SAI, Aung Lin), Phum 13, Boeng Kak Pir, Tuol Kouk, Phnom Penh 12152, Cambodia; DOB 19 Mar 1974; POB Burma; nationality Cambodia; Gender Male (individual) [CYBER4].

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or

in substantial part, outside the United States that is reasonably likely to result in, or has materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that has the purpose of or involves causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

Entities:

1. 855 INVESTMENT CORPORATION, 105, 200, Boeng Reang, Doun Penh, Phnom Penh, Cambodia; Organization Established Date 25 Jan 2013; Organization Type: Manufacture of computers and peripheral equipment; Tax ID No. K003-104012978 (Cambodia); Business Registration Number Co 0107KH/2013 (Cambodia); Registration Number 00015076 (Cambodia) [CYBER4] (Linked To: KOK, An).

   Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KOK AN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

2. A WEE TRADING CO LTD, Veal Vong, Prampi Makara, Phnom Penh, Cambodia; Organization Established Date 21 Oct 2008; Organization Type: Non-specialized wholesale trade; Tax ID No. K004-100161391 (Cambodia); Business Registration Number Co 12823KII/2008 (Cambodia); Registration Number 00027521 (Cambodia) [CYBER4] (Linked To: KOK, An).

   Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KOK AN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

3. ANCO BROTHERS CO LTD, No. 20, Street 217, Sang Kat Veal Vong, Khan 7 Makara, Phnom Penh, Cambodia; Organization Established Date 12 Aug 1993; Organization Type: Wholesale of food, beverages and tobacco; Tax ID No. L001-100048722 (Cambodia); Business Registration Number Co 0259KII/1993 (Cambodia); Registration Number 00027801 (Cambodia) [CYBER4].

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that is reasonably likely to result in, or has materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that has the purpose of or involves causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

4. ANCO SPECIALIZED BANK LTD, Veal Vong, Prampi Makara, Phnom Penh, Cambodia; Poipet, Cambodia; Organization Established Date 05 Jan 2006; Target Type Financial Institution; Tax ID No. L001-100071023 (Cambodia); Business Registration Number Co 8323KH/2006 (Cambodia); Registration Number 00013301 (Cambodia) [CYBER4] (Linked To: KOK, An).

   Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KOK AN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

5. ANCO WATER SUPPLY CO LTD, Veal Vong, Prampi Makara, Phnom Penh, Cambodia; Organization Established Date 29 Feb 2008; Tax ID No. K004-100142680 (Cambodia); Business Registration Number Co 11652KH/2008 (Cambodia); Registration Number 00030246 (Cambodia) [CYBER4] (Linked To: KOK, An).

   Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KOK AN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

6. AURUM CO LTD, Phum 6, Sangkat Buon, Mittakpheap, Preah Sihanouk 18204, Cambodia; Organization Established Date 05 Jul 2019; Organization Type: Real estate activities on a fee or contract basis; Registration Number 00044550 (Cambodia) [CYBER4] (Linked To: RITHY, Raksmei).

   Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, RITHY RAKSMEI, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

7. BRILLIANCY SIHANOUKVILLE INVESTMENT AND DEVELOPMENT CO LTD (Chinese Simplified: 铂莱娱乐城) (a.k.a. BOLAI CASINO; a.k.a. BOLAI ENTERTAINMENT CITY; a.k.a. BOLAI HOTEL AND CASINO; a.k.a. BOLAI INTERNATIONAL HOTEL (Chinese Simplified: 铂莱国际酒店); a.k.a. BRILLIANCY CASINO; a.k.a. BRILLIANCY SIHANOUKVILLE INVESTMENT & DEVELOPMENT CO LTD; a.k.a. PLATINUM LAI INTERNATIONAL GROUP; a.k.a. PLATINUM LAI INTERNATIONAL HOTEL), Phum 4, Sangkat Buon, Mittakpheap, Preah Sihanouk 18204, Cambodia; Organization Established Date 31 Jul 2018; Organization Type: Short term accommodation activities; Tax ID No. L001-901804427 (Cambodia); Registration Number 00035352 (Cambodia) [CYBER4].

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or

in substantial part, outside the United States that is reasonably likely to result in, or has materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that has the purpose of or involves causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

8. CROWN RESORTS CO LTD (a.k.a. CROWN CASINO BAVET; a.k.a. CROWN CASINO CHREY THUM; a.k.a. CROWN CASINO KENTING; a.k.a. CROWN CASINO PAILIN; a.k.a. CROWN CASINO PRINCESS; a.k.a. DREAMWORLD CASINO; a.k.a. GENTING CROWN CASINO; a.k.a. HI-SO HOTEL; a.k.a. KENTING SKY HOTEL; a.k.a. PRINCESS CROWN CASINO; a.k.a. "GOLDEN CROWN CASINO"; a.k.a. "KING CASINO"), National Road No. 5, Kbal Spean Village, Sangkat Poipet, Poipet City, Banteay Meanchey, Cambodia; Bavet, Cambodia; Chrey Thum, Cambodia; Pailin, Cambodia; Organization Established Date 30 Dec 2003; Business Registration Number Inv 838/03P (Cambodia) [CYBER4].

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that is reasonably likely to result in, or has materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that has the purpose of or involves causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

9. FUNG YUET RESORT HOTEL CO LTD, Phum 1, Sangkat Pir, Mittakpheap, Preah Sihanouk 18202, Cambodia; Organization Established Date 23 May 2019; Organization Type: Short term accommodation activities; Tax ID No. B117-901906734 (Cambodia); Registration Number 00042795 (Cambodia) [CYBER4] (Linked To: SAI, Aung Linn).

   Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SAI AUNG LINN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

10. HENG FENG CAMBODIA BANK PLC, Slot No. 342, Preah Monivong Boulevard, Corner of Street No. 288, Phum 4, Sangkat Boeng Keng Kang Ti Muoy, Khan Boeng Keng Kang, Phnom Penh, Cambodia; Slot No. 2, National Assembly Street, Sangkat Tonle Basak, Khan Chamkar Mon, Phnom Penh, Cambodia; Ekarach Street, Phum 3, Sangkat 4, Krong Preah Sihanouk, Preah Sihanouk, Cambodia; SWIFT/BIC HEFBKHPP; Website hfcommercialbank.com; Organization Established Date 10 May 2022; Target Type Financial Institution; Tax ID No. L001-902202251 (Cambodia);

Business Registration Number 2000153395 (Cambodia); Registration Number 00063085 (Cambodia) [CYBER4] (Linked To: SAI, Aung Linn).

Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SAI AUNG LINN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

11. HENG FENG GROUP CO LTD, House No. 342, 15th floor, Monivong Boulevard, corner of Street No. 288, Village 4, Sangkat Boeung Keng Kang 1, Khan Boeung Keng Kang, Phnom Penh 12302, Cambodia; Organization Established Date 19 Jul 2022; Organization Type: Real estate activities with own or leased property; Tax ID No. K002-902203362 (Cambodia); Business Registration Number 1000173976 (Cambodia); Registration Number 00063943 (Cambodia) [CYBER4] (Linked To: AIK, Paung; Linked To: SAI, Aung Linn).

Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, AIK PAUNG, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

Also designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SAI AUNG LINN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

12. HUAN HAI BO LAI INTERNATIONAL INVESTMENT CO LTD (a.k.a. SEA RING PLATINUM LAI INTERNATIONAL INVESTMENT COMPANY), Phum 4, Sangkat Buon, Mittakpheap, Preah Sihanouk, Cambodia; Organization Established Date 03 Jan 2022; Organization Type: Short term accommodation activities; Tax ID No. L001-902200028 (Cambodia); Business Registration Number 1000114089 (Cambodia); Registration Number 00061169 (Cambodia) [CYBER4] (Linked To: LUO, Hong).

Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, LUO HONG, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

13. K99 CULTURE AND MEDIA CO LTD (a.k.a. K99 CULTURE & MEDIA CO LTD; a.k.a. K99 GROUP), Phum 1, Sangkat Bei, Mittakpheap, Preah Sihanouk 18203, Cambodia; Organization Established Date 19 Nov 2019; Organization Type: Real estate activities on a fee or contract basis; Registration Number 00049313 (Cambodia) [CYBER4].

Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or

in substantial part, outside the United States that is reasonably likely to result in, or has materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that has the purpose of or involves causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

14. KAISSA TRAVEL CO LTD, Phum 6, Sangkat Buon, Mittakpheap, Preah Sihanouk 18204, Cambodia; Organization Established Date 29 Feb 2024; Organization Type: Tour operator activities; Business Registration Number 1000367454 (Cambodia); Registration Number 00071793 (Cambodia) [CYBER4] (Linked To: RITHY, Raksmei).

    Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, RITHY RAKSMEI, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

15. KEP HYDROPOWER SVTK AND MSRC CO LTD (a.k.a. KEP HYDROPOWER SVTK & MSRC CO LTD), Kaoh Pao, Bak Khlang, Mondol Seima, Koh Kong 9351, Cambodia; Organization Established Date 26 Apr 2024; Organization Type: Construction of utility projects; Business Registration Number 1000383023 (Cambodia); Registration Number 00072609 (Cambodia) [CYBER4] (Linked To: KOK, An).

    Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KOK AN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

16. KHMER ELECTRICAL POWER CO LTD, Veal Vong, Prampi Makara, Phnom Penh, Cambodia; Organization Established Date 06 Sep 2004; Tax ID No. L001-100082238 (Cambodia); Business Registration Number Inv 876KH/2004 (Cambodia); Registration Number 00028498 (Cambodia) [CYBER4] (Linked To: KOK, An).

    Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KOK AN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

17. KHEMREAH CO LTD (a.k.a. KHEMARAK HOTEL), Phum 6, Sangkat Buon, Mittakpheap, Preah Sihanouk 18204, Cambodia; Organization Established Date 16 Mar 2023; Organization Type: Short term accommodation activities; Tax ID No. L001-902301242 (Cambodia); Business Registration Number 1000252192 (Cambodia); Registration Number 00067243 (Cambodia) [CYBER4] (Linked To: RITHY, Raksmei).

    Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, RITHY RAKSMEI, a person whose property

and interests in property are blocked pursuant to E.O. 13694, as further amended.

18. MEKONG POTABLE WATER CONSTRUCTION IMPORT EXPORT CO LTD (a.k.a. MEPOWACIMEX), Chrouy Ampil, Kbal Kaoh, Kien Svay, Kandal 8555, Cambodia; Organization Established Date 18 Feb 1998; Tax ID No. K007-150000553 (Cambodia); Business Registration Number Co 3750KH/1998 (Cambodia); Registration Number 00050301 (Cambodia) [CYBER4] (Linked To: KOK, An).

    Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KOK AN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

19. NAN TIAN INTERNATIONAL HOTEL CO LTD (a.k.a. NAN HAI INTERNATIONAL HOTEL CO LTD; a.k.a. NAN HAI REAL ESTATE DEVELOPMENT CO LTD), Sangkat Bei, Mittakpheap, Preah Sihanouk, Cambodia; Organization Established Date 21 Apr 2016; Organization Type: Real estate activities with own or leased property; Tax ID No. B117-901636918 (Cambodia); Registration Number 00010451 (Cambodia) [CYBER4].

    Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that is reasonably likely to result in, or has materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that has the purpose of or involves causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

20. SSDD CONSTRUCTION MATERIAL CO LTD, Phum Boeng Chhuk, Kiloumaetr Lekh Prammuoy, Ruessei Kaev, Phnom Penh 12106, Cambodia; Organization Established Date 30 Jun 2020; Organization Type: Wholesale and retail trade; Business Registration Number 1000016811 (Cambodia); Registration Number 00054975 (Cambodia) [CYBER4] (Linked To: LUO, Hong).

    Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, LUO HONG, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

21. XIHU RESORT HOTEL CO LTD (a.k.a. XI HU INTERNATIONAL HOTEL CO LTD), Phum 1, Sangkat Bei, Mittakpheap, Preah Sihanouk 18203, Cambodia; Organization Established Date 23 Jul 2013; Organization Type: Short term accommodation activities; Tax ID No. L001-350003858 (Cambodia); Business Registration Number Inv 2883 KH 2013 (Cambodia);

Registration Number 00018382 (Cambodia) [CYBER4] (Linked To: AIK, Paung; Linked To: SAI, Aung Linn).

Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, AIK PAUNG, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

Also designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SAI AUNG LINN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

22. XING TIAN DI CO LTD, Phum 6, Sangkat Buon, Mittakpheap, Preah Sihanouk 18204, Cambodia; Organization Established Date 26 Jun 2019; Organization Type: Real estate activities on a fee or contract basis; Tax ID No. B117-000044138 (Cambodia); Registration Number 00044138 (Cambodia) [CYBER4].

Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as further amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that is reasonably likely to result in, or has materially contributed to, a threat to the national security, foreign policy, or economic health or financial stability of the United States, and that has the purpose of or involves causing a misappropriation of funds or economic resources, intellectual property, proprietary or business confidential information, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

23. XIONG WEI INVESTMENT CO LTD, Chak Angrae Kraom, Mean Chey, Phnom Penh, Cambodia; Organization Established Date 07 Oct 2020; Organization Type: Real estate activities with own or leased property; Tax ID No. L001-902005494 (Cambodia); Business Registration Number 1000019513 (Cambodia); Registration Number 00055034 (Cambodia) [CYBER4] (Linked To: AIK, Paung; Linked To: SAI, Aung Linn).

Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, AIK PAUNG, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

Also designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SAI AUNG LINN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

24. XIONG WEI REAL ESTATE DEVELOPMENT CO LTD, Phum 3, Sangkat Buon, Mittakpheap, Preah Sihanouk 18204, Cambodia; Organization Established Date 19 Apr 2017; Organization Type: Real estate activities with

own or leased property; Tax ID No. L001-901702580 (Cambodia); Registration Number 00024881 (Cambodia) [CYBER4] (Linked To: AIK, Paung; Linked To: SAI, Aung Linn).

Designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, AIK PAUNG, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

Also designated pursuant to section 1(a)(iii)(D) of E.O. 13694, as further amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SAI AUNG LINN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as further amended.

(Authority: E.O. 13694, as further amended)

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–08151 Filed 4–24–26; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0021]

Agency Information Collection Activity: VA Loan Electronic Reporting Interface (VALERI) System and Title Requirements for Conveyance of Real Property to the Secretary

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by May 27, 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. 2900–0021.''

FOR FURTHER INFORMATION CONTACT: *VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION: *Title:* VA Loan Electronic Reporting Interface (VALERI) System and Title Requirements for Conveyance of Real Property to the Secretary.

OMB Control Number: 2900–0021 *https://www.reginfo.gov/public/do/PRASearch*.

Type of Review: Revision of a Currently Approved Collection.

Abstract: The information collection for the VA Loan Electronic Reporting Interface (VALERI) System and Title Requirements for Conveyance of Real Property to the Secretary is used by VA in cases where loss mitigation efforts are unsuccessful and a VA-guaranteed loan goes into foreclosure. Statutory requirements for conveyance of properties to the Secretary are found in chapter 37 of title 38, United States Code. The implementation regulations are found in part 36 of title 38, Code of Federal Regulations (CFR). In 38 CFR 36.4323, titled ''Election to convey security'', VA explains that each conveyance or transfer of real property to the Secretary pursuant to this section shall be acceptable if: The holder thereby covenants or warrants against the acts of the holder and those claiming under the holder (*e.g.,* by special warranty deed); and It vests in the Secretary or will entitle the Secretary to such title as is or would be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community in which the property is situated. In addition, Public Law 119–31, the VA Home Loan Program Reform Act (July 30, 2025) provides statutory authority supporting expanded Loss Mitigation and Partial Claim activities. The collection has been updated to implement these authorities; VA requires the collection of additional data elements and documentation through the VALERI system to align with newly enacted statutory requirements. As a result, the estimated annual burden hours have increased since the last OMB approval. The updates increased the number of respondents (from 16,509 to 39,744) and the estimated time per response (from 11 minutes to 66 minutes). As a result, the total annual burden hours increased from 3,027 hours to 43,751 hours. This increase is partially offset by the removal of Veteran Assistance Servicing Purchase (VASP) and COVID–19 related collection elements. The VASP Program data elements were removed from the VALERI Events Upload Template due to program wind-down. Additionally, data elements associated with COVID–19 Veterans Assistance Partial Claim Program (COVID–VAPCP) and COVID–19 Refund Modification were removed from the VALERI Events Upload Template due to expiration of the COVID-related authorities. These data elements are no longer required as VA has discontinued both programs.

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 insert citation date 91 FR 7386, February 17, 2026.

Affected Public: Individuals or Households.

Estimated Annual Burden: 43,751 hours annually.

Estimated Average Burden per Respondent: 66 Minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 39,744.

(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. 2026–08166 Filed 4–24–26; 8:45 am]

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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Rayed Bean, Sheepnose, Snuffbox, and Spectaclecase Mussels; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R3–ES–2024–0144; FXES1111090FEDR–267–FF09E21000]

RIN 1018–BH73

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Rayed Bean, Sheepnose, Snuffbox, and Spectaclecase Mussels

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are designating critical habitat for the rayed bean (*Villosa fabalis*), sheepnose (*Plethobasus cyphyus*), snuffbox (*Epioblasma triquetra*), and spectaclecase (*Cumberlandia monodonta*), all species of freshwater mussel, under the Endangered Species Act of 1973, as amended (Act). Specifically, we designate approximately 599 river miles (rmi) (964 river kilometers (rkm)) in 15 units as critical habitat for rayed bean; approximately 801 rmi (1,289 rkm) in 11 units as critical habitat for sheepnose; approximately 2,425 rmi (3,902 rkm) in 38 units as critical habitat for snuffbox; and approximately 1,140 rmi (1,835 rkm) in 12 units as critical habitat for spectaclecase. Portions of these designations overlap among the four species; in total, approximately 3,814 unique rmi (6,138 rkm) of critical habitat within 76 units across 17 States (Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin) fall within the boundaries of the critical habitat designations.

DATES: This rule is effective May 27, 2026.

ADDRESSES: This final rule is available on the internet at *https://www.regulations.gov.* Comments and materials we received are available for public inspection at *https://www.regulations.gov at* Docket No. FWS–R3–ES–2024–0144.

Availability of supporting materials: Supporting materials we used in preparing this rule, such as the species status assessment reports and recovery plan, are available at *https://www.regulations.gov* at Docket No. FWS–R3–ES–2024–0144, or at the Service's website on each individual species' page (rayed bean: *https://www.fws.gov/species/rayed-bean-villosa-fabalis;* sheepnose: *https://www.fws.gov/species/sheepnose-plethobasus-cyphyus;* snuffbox: *https://www.fws.gov/species/snuffbox-epioblasma-triquetra;* spectaclecase: *https://www.fws.gov/species/spectaclecase-cumberlandia-monodonta*). The coordinates or plot points or both from which the critical habitat maps are generated are included in the decision file for this critical habitat designation and are available at *https://www.regulations.gov* at Docket No. FWS–R3–ES–2024–0144.

FOR FURTHER INFORMATION CONTACT: Rayed bean and snuffbox: Erin Knoll, Field Supervisor, U.S. Fish and Wildlife Service, Ohio Ecological Services Field Office; telephone 614–416–8993; *erin_knoll@fws.gov;* sheepnose: Kraig McPeek, Field Supervisor, U.S. Fish and Wildlife Service, Illinois-Iowa Ecological Services Field Office; telephone 309–757–5800; *kraig_mcpeek@fws.gov;* spectaclecase: Rob Tawes, Field Supervisor, U.S. Fish and Wildlife Service, Minnesota-Wisconsin Ecological Services Field Office; telephone 612–240–6343; *robert_tawes@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:

Executive Summary

Why we need to publish a rule. Under the Act (16 U.S.C. 1531 *et seq.*), when we determine that any species is an endangered or threatened species, we are required to designate critical habitat to the maximum extent prudent and determinable. We are finalizing a designation of critical habitat for four species of freshwater mussels. Designation of critical habitat can be completed only by issuing a rule through the Administrative Procedure Act rulemaking process (5 U.S.C. 551 *et seq.*).

What this document does. This rule will designate critical habitat for the rayed bean, sheepnose, snuffbox, and spectaclecase mussels; these four freshwater mussel species have been listed as endangered species under the Act since 2012 (See 77 FR 8632, February 14, 2012, and 77 FR 14914, March 13, 2012).

The basis for our action. Under section 4(a)(3) of the Act, if we determine a species is an endangered or threatened species, the Secretary of the Interior (Secretary) must designate critical habitat to the maximum extent prudent and determinable. Section 3(5)(A) of the Act defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protections; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. Section 4(b)(2) of the Act states that the Secretary must make the designation on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impacts of specifying any particular area as critical habitat.

Previous Federal Actions

Please refer to the December 13, 2024, proposed critical habitat rule (89 FR 101100) for a detailed description of previous Federal actions concerning the rayed bean, sheepnose, snuffbox, and spectaclecase mussels.

Peer Review

A species status assessment (SSA) team prepared an SSA report for each of the four mussel species. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA reports represent a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review in listing and recovery actions under the Act (*https://www.fws.gov/sites/default/files/documents/peer-review-policy-directors-memo-2016-08-22.pdf*), we solicited independent scientific review of the information contained in the SSA reports for the rayed bean (Service 2022a, entire), sheepnose (Service 2022b, entire), snuffbox (Service 2022c, entire), and spectaclecase (Service 2022d, entire). As discussed in the proposed rule, we sent the SSA reports to 10 independent peer

reviewers and received 9 responses. The peer reviews can be found at *https://www.regulations.gov* at Docket No. FWS–R3–ES–2024–0144. In preparing the proposed rule, we incorporated the results of these reviews, as appropriate, into the SSA report, which was the foundation for the proposed rule and this final rule. A summary of the peer review comments and our responses can be found in the December 13, 2024, proposed rule (89 FR 101100).

Summary of Changes From the Proposed Rule

After considering the comments we received during the public comment period for our December 13, 2024, proposed rule to designate critical habitat for the rayed bean, sheepnose, snuffbox, and spectaclecase mussels (89 FR 101100) and relevant information that became available since the proposed rule published, we made changes to this final critical habitat rule. No changes were required for our economic analysis after considering public comments; however, we updated the screening memo to reflect relevant changes necessary for addressing recent Executive Orders as well as the updated unit descriptions, described below. These minor updates did not result in any changes to the overall findings of the screening memo; thus, we consider the July 3, 2025, economic analysis as final (Industrial Economics, Incorporated (IEc) 2025, entire). We made many small, nonsubstantive changes throughout this document that do not affect the designations (*e.g.,* making minor edits for clarity throughout the rule, updating references to enacted and rescinded Executive Orders and Department of the Interior Secretary's Orders). Below is a summary of changes made in this final rule.

(1) We made minor edits to the *Summary of Essential Physical or Biological Features* to clarify which physical or biological features are essential to the conservation of each species in an effort to resolve confusion expressed during the public comment period. Specifically, we added explicit statements about which substrate types are considered suitable habitat for each species using information that was presented in table 1 of the Physical or Biological Features Essential to the Conservation of the Species section of the proposed critical habitat rule (89 FR 101100 at 101105; December 13, 2024).

(2) In an effort to resolve confusion expressed during the public comment period, we made minor edits to the Criteria Used to Identify Critical Habitat section to clarify the methodology used to identify areas as critical habitat for each species. During the public comment period, multiple commenters were confused about the application of ''risk'' terminology in the Criteria Used to Identify Critical Habitat compared to the ''risk'' evaluation described in the SSA report. In the proposed rule, the term ''risk'' was used in a general sense of the term to describe what was meant by a ''high-condition'' or ''moderate-condition'' population, in plain language, rather than indicate identified risks acting on a population as described in the SSA report. This unintentional conflation of terms resulted in some confusion around how we delineated critical habitat units. As such, in this final rule, we removed the term ''risk'' from our methodology to reduce confusion and better convey our approach for defining areas as critical habitat.

(3) We extended the critical habitat designation for rayed bean (RABE) 9: Allegheny River to include additional areas upstream of the proposed designation in areas that are considered to be occupied by the species and that contain the physical or biological features based on information we received during the comment period. Specifically, we extended the critical habitat designation in the Allegheny River upstream from its confluence with Oswayo Creek near Portville (Cattaraugus County, New York) to the Allegheny River's confluence with Sartwell Creek near Burtville (McKean County, Pennsylvania). We also extended the critical habitat designation in Oswayo Creek upstream from the New York/Pennsylvania State Line in Allegany County, New York, and McKean County, Pennsylvania, upstream to Oswayo Creek's confluence with Honeoye Creek in Potter County, Pennsylvania. Finally, we added Honeoye Creek from its confluence with Oswayo Creek upstream to the New York/Pennsylvania State Line in Allegany County, New York, and Potter County, Pennsylvania. In total, these revisions to RABE 9 result in an increase of approximately 49 river miles (rmi) (79 river kilometers (rkm)) of critical habitat from the areas we proposed.

(4) We extended the critical habitat designation for RABE 10: Middle Allegheny River to include additional stream segments upstream and downstream of the proposed designation in areas that are considered to be occupied by the species and that contain the physical or biological features, based on information we received during the comment period. Specifically, we added Oil Creek from the Oil Creek State Park Ice Control Dam in Venango County, Pennsylvania, downstream to Oil Creek's confluences with the Allegheny River in Oil City (Venango County, Pennsylvania). Additionally, we extended critical habitat downstream in the Allegheny River from its previous terminus at Lock and Dam Number 5 in Armstrong County, Pennsylvania, downstream to the Allegheny River's mouth at the Kiskiminetas River in Armstrong County, Pennsylvania. These revisions to RABE 10 result in an increase of approximately 8 rmi (13 rkm) of critical habitat from the areas we proposed.

(5) We updated the unit description for RABE 15: Tippecanoe River within the preamble and the regulatory text and updated the map within the regulatory text. Specifically, we divided RABE 15: Tippecanoe River into two subunits within a larger unit instead of describing it all as a single unit; however, the overall designation did not change. As written in the proposed rule, the critical habitat designation excluded Lakes Shafer and Freeman and the stretch of the Tippecanoe River between the two lakes, which resulted in two disjunct portions of critical habitat on the Tippecanoe River—now referred to as subunits. Although the unit description did not include the two lakes and the stretch of the Tippecanoe River as critical habitat (*i.e.,* this area was excluded by text), this segment was inadvertently included within the regulatory maps of the proposed rule (89 FR 101100 at 101148–101149). We updated the map in this final rule to show only the subunits as critical habitat within RABE 15: Tippecanoe River.

(6) We updated the unit description for snuffbox (SNBO) 2: Embarrass River within the preamble and the regulatory text by dividing the unit into two subunits instead of describing it all as a single unit; however, the overall designation did not change. As written in the proposed rule, the unit description was not clear that there was a break within the critical habitat unit that corresponds to Caroline Pond 247 in Shawano County, Wisconsin. As such, we updated the unit description so that subunit SNBO 2a contains the South Fork Embarrass River portion of the unit and subunit SNBO 2b contains the Embarrass River and North Fork Embarrass River portions of the unit. We updated the unit map within the regulatory text to show the subunit designations.

(7) We updated the unit description for SNBO 9: French Creek within the preamble and the regulatory text and updated the unit map within the regulatory text. Specifically, we divided

SNBO 9: French Creek into two subunits within a larger unit instead of describing it all as a single unit; however, the overall designation did not change. As written in the proposed rule, the unit description was not clear that there was a break in the area designated as critical habitat within the mainstem of the French Creek that corresponds with areas that are not considered to be occupied by the species and that do not contain the physical or biological features essential to the conservation of the species as a result of impounded habitat for Union City Lake. As such, we updated the unit description within this final rule to describe two subunits. SNBO 9 subunit A contains the areas designated as critical habitat upstream of Union City Lake, and SNBO 9 subunit B contains the areas downstream of the Union City Dam that creates Union City Lake. With regard to the unit map, despite the West Branch French Creek being included in the proposed unit descriptions, this segment was inadvertently omitted from the map within the proposed rule's regulatory text (89 FR 101100 at 101169; December 13, 2024). We updated the unit map to show the area designated as critical habitat within the West Branch French Creek.

(8) We updated the critical habitat designation for SNBO 13: Little Kanawha River by removing a portion of the Little Kanawha River from its confluence with the Hughes River downstream to the Little Kanawha River's confluence with the Ohio River in Parkersburg (Wood County, West Virginia). Based on information we received during the comment period, this stretch of the Little Kanawha River is not considered to be either historically or currently occupied habitat for the snuffbox as it does not contain the physical or biological features essential to the conservation of the species and is heavily impacted by siltation. Thus, this area does not meet our definition of critical habitat. The updated SNBO 13 designation now terminates at the confluence of the Little Kanawha River and the Hughes River near Greencastle (Wirt County, West Virginia), but it still includes the Hughes River portion of the designation. This revision to SNBO 13 results in a decrease of approximately 18 rmi (29 rkm) from the areas we proposed.

(9) We updated the critical habitat designation for SNBO 14: Kanawha River by removing the upstream portion of the Elk River between Sutton Dam in Braxton and Webster Counties, West Virginia, and the Pisgah Ridge Road/Elk Street crossing near the town of Clay (Clay County, West Virginia). Based on information we received in the comment period, this portion of the Elk River is not considered to be historically or currently occupied by the species. Despite apparent suitability and the lack of significant movement barriers, the lack of known records within this stretch of river indicates that some unknown environmental factors are limiting the ability of this river segment to support the species. As such, this area does not meet our definition of critical habitat for snuffbox. The updated SNBO 14 now begins at the Pisgah Ridge Road/Elk Street crossing near Clay (Clay County, West Virginia), and extends downstream in the area we proposed. This revision to SNBO 14: Kanawha River results in a decrease of approximately 49 rmi (79 rkm) from the areas we proposed.

(10) We extended the critical habitat designation for SNBO 16: Little Darby Creek further downstream in occupied areas where the physical or biological features are present, based on information we received during the comment period. The proposed unit stopped at the U.S. Highway 40 Bridge crossing near the village of West Jefferson (Madison County, Ohio); however, the unit now extends downstream to the Little Darby Creek's confluence with the Big Darby Creek (Franklin County, Ohio). This revision to SNBO 16: Little Darby Creek results in an increase of approximately 7 rmi (11 rkm) from the areas we proposed.

(11) We extended the critical habitat designation for SNBO 17: Big Darby Creek further downstream in occupied areas where the physical or biological features are present, based on information we received during the comment period. The proposed unit stopped at the State Highway 665 Bridge west of the unincorporated community of Darbydale (Franklin County, Ohio); however, it now extends downstream to the Big Darby Creek's confluence with the Scioto River near the city of Circleville (Pickaway County, Ohio). This revision of SNBO 17: Big Darby Creek results in an increase of approximately 31 rmi (50 rkm) from the areas we proposed.

(12) We updated the unit description for SNBO 27: Tippecanoe River within the preamble and the regulatory text and updated the map within the regulatory text. Specifically, we divided SNBO 27: Tippecanoe River into two subunits within a larger unit instead of describing it all as a single unit; however, the overall designation did not change. As written in the proposed rule, the critical habitat designation excluded Lakes Shafer and Freeman and the stretch of the Tippecanoe River between the two lakes, which resulted in two disjunct portions of critical habitat on the Tippecanoe River—now referred to as subunits. Although the unit description did not include the two lakes and the stretch of the Tippecanoe River as critical habitat (*i.e.,* this area was excluded by text), this segment was inadvertently included within the regulatory maps of the proposed rule (89 FR 101100 at 101184–101185). We updated the map in this final rule to show only the subunits as critical habitat within SNBO 27: Tippecanoe River.

(13) We made minor updates to all unit descriptions to reflect changes in the status (*i.e.,* proposed or final) of critical habitat designations to reflect the best scientific data available at the time of publication for this final rule.

(14) We updated the spectaclecase (SPCA) 9: Clinch River Unit to resolve a mapping error that overestimated the actual river mileage of the designation. This update resulted in an approximately 3 river mile (5 river kilometer) decrease in the total critical habitat for that unit and the overall total designation for spectaclecase. Given the overlap of this unit with the other designations, the total amount of unique river miles in the designation across the four species remains unchanged.

(15) We updated each species' critical habitat unit description summary tables (table 2 through table 5, below) to include a summary of approximate river mileage by land ownership type (*i.e.,* Federal, State, Local). Within the proposed rules, these tables only reported river mileages by Public and Private land ownership types.

Summary of Comments and Recommendations

In the proposed rule published on December 13, 2024 (89 FR 101100), we requested that all interested parties submit written comments on the proposal by February 11, 2025. We also contacted appropriate Federal and State agencies, Tribal entities, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. Newspaper notices inviting general public comment were published in USA Today on December 20, 2024. We did not receive any requests for a public hearing. All substantive information received during the comment period has either been incorporated directly into this final rule or is addressed below.

Federal Agency Comments

(1) Comment: One Federal Agency requested that we exclude critical habitat under section 4(b)(2) of the Act.

Specifically, they requested that portions of Unit SPCA 2 (in the Mississippi River) that are ''not suitable habitat'' for the spectaclecase mussel be excluded from the critical habitat designation; the agency commented that excluding areas of ''not suitable habitat'' would reduce the burden placed on project proponents in evaluating areas which are known to not provide any additional protection for the species.

Our response: The Act requires the Service to designate critical habitat for listed species to the maximum extent prudent and determinable and does not restrict such designation to particular land ownership. Rather, areas that meet the definition of critical habitat, as determined on the basis of the best scientific data available, are proposed for designation. However, section 4(b)(2) of the Act further provides that the Secretary, in designating critical habitat and making revisions, shall take into consideration the economic impact, the impact on national security, and any other relevant impact of specifying any particular area as critical habitat. According to our Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act (81 FR 7226; February 11, 2016), we consider six elements when considering whether or not to exclude an area from critical habitat: (1) partnerships and conservation plans; (2) conservation plans permitted under section 10 of the Act; (3) national security and homeland security impacts; (4) Tribal lands; (5) Federal lands; and (6) economic impacts. The Secretary may then choose to exercise their discretion to exclude any area from critical habitat if they determine that the benefit of exclusion outweighs the benefits of specifying such areas as part of the critical habitat, unless that exclusion would result in the extinction of the species. Under the Services' Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act (81 FR 7226; February 11, 2016), a proponent of such an exclusion must provide a reasoned rationale for such exclusion, including measures undertaken to conserve species and habitat on the land at issue (such that the benefit of inclusion is reduced).

Regarding the request for the Secretary to use their discretion to exclude areas of ''not suitable habitat'' of Unit SPCA 2 in the Mississippi River from the critical habitat designation for spectaclecase this unit is occupied by the species and contains the physical or biological features essential to the conservation of the species. Moreover, habitat for and evidence of the species has been found within the navigation channel and throughout the large pools within the unit. The commenter did not provide any information to support their request to remove areas because they are ''not suitable habitat.'' These areas are occupied by the species and any discretionary Federal action would need to comply with the provisions of section 7(a)(2) as required under the Act. Accordingly, we did not exclude areas within Unit SPCA 2 from the critical habitat designation.

Comments From States

(2) Comment: For sheepnose, the West Virginia Division of Natural Resources and multiple public commenters requested additional critical habitat across the species' range. They provided information in support of adding entire units, extending critical habitat upstream or downstream of proposed units, or both. Specifically, we received a request from the West Virginia Division of Natural Resources to consider adding critical habitat within the Ohio River along the border of West Virginia and Ohio within populations identified in the SSA report (*i.e.,* Raccoon-Symmes, Upper Ohio-Shade, Little Muskingum-Middle Island) and the Kanawha River in West Virginia from Kanawha Falls downstream to the Town of Deepwater. Additionally, we received requests from public commenters to consider adding critical habitat within the Ohio River along the border of Illinois, Indiana, Kentucky, Ohio, and West Virginia within populations identified in the SSA report (*i.e.,* Lower Ohio, Lower Ohio-Little Pigeon, Silver-Little Kentucky, Ohio Brush-Whiteoak, Little Scioto-Tygarts, Raccoon-Symmes, Upper Ohio-Shade, Little Muskingum-Middle Island); and the Mississippi River from its confluence with the Chippewa River downstream through Pool 5. As part of these requests, commenters noted a lack of sampling effort in these larger waterbodies (*e.g.,* the Ohio River) and the importance of maintaining connectivity of mussels and their fish hosts between disjunct tributaries through the mainstems of these larger, navigable waterbodies.

Our response: Critical habitat is one of the many tools that supports the continued conservation of imperiled species by guiding cooperation within the Federal government. While the intent of designating critical habitat is to identify specific areas that are indispensable to the conservation of a species, it is important to note that the lack of critical habitat does not preclude coordination and implementation of recovery actions. Our decisions on whether or not to adjust critical habitat, summarized below, are supported by the best available science to identify areas that contain the physical or biological features essential to the conservation of the species, as outlined in our methodology. Additionally, we recognize that the implementation of multiple tools across additional populations, as outlined in the recovery plan for these four species, will be crucial to achieve species' recovery. We assessed all literature and data provided during the public comment period. In most instances, these data were redundant with information that was considered as part of the SSA report (Service 2022b, entire), the recovery plan for these four species of freshwater mussels (Service 2024, entire), or both, which formed the basis of our critical habitat designation. Several comments, however, pertained to decisions associated with the cumulative population size and reproduction and recruitment metrics outlined in Appendix C of the sheepnose's SSA report (Service 2022b, pp. C-1–C-4) and a few of these comments provided new data that we incorporated into our considerations for this final rule.

We identified critical habitat for sheepnose based on the physical or biological features essential to the conservation of sheepnose and considering the data provided for and population conditions estimated within the sheepnose SSA (Service 2022b, entire), the four mussel recovery plan (Service 2024, entire), and the public comment period for the proposed rule (89 FR 101100; December 13, 2024). All population conditions were estimated in accordance with the best scientific data available, and expert opinions were integrated under certain conditions, as discussed in Appendix C of the SSA report (Service 2022b, pp. C-1–C-4). Condition category assignments were otherwise data-driven for a comparative approach across populations, resulting in instances where text descriptions capturing expert opinions within the SSA report may not exactly align with the assessed Current Demographic Condition category or subcategories for a given population.

After assessing all additional data received during the public comment period in conjunction with the data used to develop the proposed designation of critical habitat (89 FR 101100; December 13, 2024), we determined that in all instances—except for one—the data were duplicative of information that we already considered or did not result in a change in the current demographic condition of the population. As such, these data do not result in changes that meet our criteria

for considering portions of the Ohio River (Lower Ohio, Lower Ohio-Little Pigeon, Silver-Little Kentucky, Ohio Brush-Whiteoak, Little Scioto-Tygarts, Upper Ohio-Shade, Little Muskingum-Middle Island), upper Mississippi River from its confluence with the Chippewa River downstream through Pool 5 (Buffalo-Whitewater), or the Kanawha River in West Virginia from Kanawha Falls downstream to the Town of Deepwater (Upper Kanawha) as critical habitat for the sheepnose.

For the Raccoon-Symmes population, however, we received data that resulted in the current demographic condition for this population changing from ''low'' to ''moderate'' due to the updated information documenting the collection of a juvenile individual in 2020. Although the demographic condition of this population improved, we have determined that this population does not meet our criteria to consider the Raccoon-Symmes portion of the Ohio River as critical habitat for sheepnose. While the ''moderate'' demographic condition of this population warrants that we consider this population on a case-by-case basis under the second criteria of our methodology—outlined in the *Methodology Used for Selection of Critical Habitat Units* section, below—the lack of connectivity of this population to other areas of high or moderate demographic condition or overlap with other areas of existing critical habitat precludes its inclusion as critical habitat.

We agree with commenters that portions of the Ohio River—and other large rivers—remain largely under-sampled, and we recognize that systemic survey efforts range-wide are generally lacking, both of which result in unknowns associated with the current status of many populations. In development of the SSA and recovery plan for these four mussel species, we relied on data provided by State natural resource agencies and Service field offices to inform the metrics used to assess the current demographic conditions of each population. Additionally, we requested that State agency partners provide a technical review of the defined current demographic condition and population description, presented in both the SSA report and the recovery plan, for the respective populations occurring within their areas of management to ensure that available data reflected observed conditions.

Finally, while we agree that mainstem reaches are important for allowing movement of host fish and genes between populations in disjunct tributaries to maintain demographic and genetic health (*i.e.,* genetic variability and adaptive capacity) of populations, these mainstem areas do not meet our criteria for designation of critical habitat. We included mainstem reaches (*e.g.,* the Lower Tennessee River) where appropriate, regardless of navigability status, where they met the definition of critical habitat. In the case of the Ohio River and the upper Mississippi River units that were requested for addition, available data did not support the classification of these areas as having comparatively large populations with evidence of sizeable levels of regularly occurring reproduction over time with high recovery potential. These areas do not overlap with existing critical habitat or occupied areas for other listed species, and these areas do not contain unique habitats that would contribute meaningfully to adaptive capacity of the species. While these areas are important for the sheepnose, they do not meet our criteria for inclusion as critical habitat within this final designation. Although they may be important for the recovery of sheepnose (along with other areas of suitable habitat), they do not meet the definition of critical habitat.

The occupied areas that meet the definition of critical habitat for sheepnose contain the physical or biological features essential to the conservation of the species and meet the Criteria Used to Identify Critical Habitat, described below. This subset of areas is also supported by the sheepnose's recovery plan, which identifies areas that support the healthiest remaining populations, have high recovery potential, and support genetically distinct populations that are important for the conservation and recovery of sheepnose.

Public Comments

(3) Comment: For rayed bean, some commenters requested that we expand areas of critical habitat within Little Darby Creek and Big Darby Creek in Ohio, stating that despite the lack of recent rayed bean records, the presence of other mussel species within these waterbodies suggests that inclusion of these areas should be considered.

Our response: As described in our response to comment (2), above, we used the rayed bean SSA report (Service 2022a, entire) and the recovery plan for these four species of freshwater mussels (Service 2024, entire), and we based the critical habitat designations on the best scientific information available. We assessed all data provided during the public comment period. Although the commenters provided information that documented the presence of the rayed bean within these river segments, the records provided were from the historical period (*i.e.,* prior to the year 2000), and thus the areas requested for addition are not considered to be occupied at the time of listing.

Although these areas may be important for the rayed bean (in addition to other areas of potentially suitable habitat), the occupied areas that meet the definition of critical habitat for rayed bean contain the physical or biological features essential to the conservation of the species and meet the Criteria Used to Identify Critical Habitat, described below. This subset of occupied areas supports the rayed bean's recovery plan, which identifies areas that support the healthiest remaining populations, have high recovery potential, and support genetically distinct populations that are important for the conservation and recovery of species. We are not designating any areas outside the geographical area occupied by the species because we have not identified any unoccupied areas that meet the definition of critical habitat, and we have determined that occupied areas are sufficient to conserve the rayed bean. As such, we are not expanding areas of critical habitat within Little Darby and Big Darby Creeks because they do not meet our criteria for inclusion as critical habitat.

(4) Comment: For snuffbox, multiple public commenters requested additions or expansions of the critical habitat designation across the species' range. Specifically, we received requests for adding critical habitat within the Mississippi River below Lock and Dam 1 and expanding critical habitat within the Middle Fork Kentucky River and Red Bird River in Kentucky.

Our response: As described in our response to comment (2), above, we used the snuffbox SSA report (Service 2022c, entire) and the recovery plan for these four species of freshwater mussels (Service 2024, entire). We assessed all data provided during the public comment period. Although these data provided some additional records in the Middle Kentucky River and the Red Bird River, these observations were either redundant with the records considered as part of the SSA report, recovery plan, or were historical observations for the species. In the instance of the upper Mississippi River, while we agree that the snuffbox is present within this segment, its demographic condition is considered to be ''low'' with a ''high'' risk based on the SSA report (Service 2022c, pp. 28–30), and the provided information did not change that categorization. Although these areas may be important for the

snuffbox (in addition to other areas of potentially suitable habitat), the occupied areas that meet the definition of critical habitat for snuffbox contain the physical or biological features essential to the conservation of the species and meet the Criteria Used to Identify Critical Habitat, described below. This subset of occupied areas supports the snuffbox's recovery plan, which identifies areas that support the healthiest remaining populations, have high recovery potential, and support genetically distinct populations that are important for the conservation and recovery of species.

We are not designating any areas outside the geographical area occupied by the species because we have not identified any unoccupied areas that meet the definition of critical habitat, and we have determined that occupied areas are sufficient to conserve the snuffbox. Within the species' recovery plan, we outline that recovery can be achieved by protecting and maintaining or enhancing existing occupied areas, with no need to create or establish new habitat areas or populations for snuffbox. As such, we determined that the areas that are suggested for inclusion as critical habitat are not known to be occupied by the species or do not meet our criteria for inclusion as critical habitat and thus were not identified as such.

(5) Comment: Multiple commenters requested that the Service consider unoccupied areas of critical habitat for each species, suggesting that the proposed critical habitat designation was not sufficient to protect the species.

Our response: We did not propose to designate any areas outside of the geographical area currently occupied by the species because we did not find any unoccupied areas to be essential for the conservation of the species. Based upon the recently completed recovery plan for the species, we have determined that the designation of critical habitat within the areas currently designated across the physiographic representation of each species' range will be sufficient to conserve the species. Efforts to improve the resiliency of populations in currently occupied streams, as discussed in the recovery plan, should increase viability to the point that protections of the Act are no longer necessary.

(6) Comment: Multiple commenters suggested that the Service consider including additional areas as critical habitat that are adjacent to the proposed designation as these areas could impact the proposed critical habitat. Multiple commenters requested that we include additional areas upstream of proposed critical habitat. Specifically, one public commenter requested that critical habitat boundaries should be expanded to include riparian buffers, rather than limiting the designation of critical habitat to bank-full heights. In all instances, the commenters stated that alterations to riparian areas, headwater areas, or both could result in decreased suitability of designated critical habitat as a result of water quality or sedimentation impacts.

Our response: Critical habitat includes areas that contain the physical or biological features essential to the conservation of the species, and which may require special management considerations or protection. We have identified those physical or biological features as adequate flows or suitable hydrological flow regimes, suitable substrates and connected instream habitats, adequate water and sediment quality, and the presence and abundance of suitable host fish (physical or biological features are described in more detail in the *Summary of Essential Physical or Biological Features* section, below). Although adjacent terrestrial areas may be important to maintaining the species' habitats, terrestrial areas would not themselves contain those aquatic features. Therefore, we are not including the terrestrial areas in the critical habitat designations.

We acknowledge that degradation to upstream reaches or riparian areas may affect downstream or within-stream areas of aquatic critical habitat. Actions with a federal nexus that may affect designated critical habitat would be considered through the Act's section 7 consultation processes. However, we also note and describe in the economic screening analysis that all areas designated as critical habitat for these four species of mussels are occupied; thus, section 7 consultation by Federal action agencies is already required for any activities that may affect the mussels regardless of critical habitat designation.

In recognition of the additional requirement in the Section 7 consultation associated with consideration of critical habitat, the costs of this additional layer of compliance due to the presence of critical habitat is quantified in the economic screening analysis. Because section 7 consultations would occur for projects with a Federal nexus that are planned within the critical habitat area anyway given that they are all occupied, there are already measures that would be implemented to avoid jeopardy to the species. Those measures that avoid jeopardy due to habitat impacts to the species are also likely to avoid adverse modification to critical habitat, minimizing any impact from the consultations on critical habitat. Indeed, we anticipate little to no additional section 7 consultations due solely to the designation of critical habitat and no new measures resulting from consultation on the critical habitat. Nevertheless, in our screening analysis for these mussels, we acknowledge the increased complexity of Section 7 consultations that consider critical habitat in addition to the species presence and quantify that administrative burden.

(7) Comment: One commenter suggested that the Service include in the economic analysis consideration of the economic benefits of protecting critical habitat for the four mussel species, including ecosystem services, the protection of clean water, the reduced cost of water treatment for drinking water supplies, as well as public health and recreational benefits.

Our response: The primary intended benefit of critical habitat is to support the conservation of endangered and threatened species, such as the rayed bean, sheepnose, snuffbox, and spectaclecase mussels. In order to quantify and monetize direct benefits of the designation, information would be needed to determine (1) the incremental change in the probability of conservation of these four species that is expected to result from the critical habitat designation, and (2) the public's willingness to pay for such beneficial changes. Because of the uncertainties associated with monetary quantification of these benefits and uncertainty in additional efforts to conserve any of these four species, we were not able to estimate the economic benefits of ecosystem services, such as clean water via mussel-based biofiltration treatment, or of broad benefits of ecosystem services that flow from the critical habitat areas to human populations.

(8) Comment: One public commenter requested that we exclude critical habitat under section 4(b)(2) of the Act. Specifically, they requested that the Service consider excluding all agricultural and cultivated lands within the state of Tennessee from the proposed designation of critical habitat for sheepnose, snuffbox, and spectaclecase mussels. They stated that agriculture is the number one contributor to Tennessee's economy—accounting for 7.8 percent of the State's economic activity—and suggested that taking land out of production for use as critical habitat will reduce farmers' available resources to grow products, thus increasing the economic burden.

Our response: We are only designating aquatic areas as critical habitat up to the ordinary high water mark; no areas used for agriculture or cultivation are included in the critical habitat designations. Furthermore, private activities without a federal nexus are not subject to additional restrictions due to critical habitat. Routine private land uses, like farming, ranching, timber harvest, and construction, carried out on private land without federal involvement are unaffected by critical habitat designations. Most agricultural activities do not have a Federal nexus, and there are no large-scale Federal irrigation projects in the range of these species. In those limited cases where agricultural activities have had a Federal nexus and have triggered consultation under section 7, there have been no formal consultations (*i.e.,* all consultations have concluded with a ''may affect but are not likely to adversely affect'' determination). Thus, we do not anticipate any agricultural areas being taken out of production or otherwise restricted due to this designation.

(9) Comment: Multiple commenters expressed concerns that these critical habitat designations would impose restrictions on private lands, or public lands, and result in loss of access to or ability to use areas designated as critical habitat. One commenter expressed specific concerns that such restrictions would take areas that are currently agricultural and cultivated lands out of production and would result in decreased agricultural productivity.

Our response: Under the Act, the only regulatory effect of a critical habitat designation is that Federal agencies must ensure their actions are not likely to destroy or adversely modify critical habitat under section 7 of the Act. The Act does not authorize the Service to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership. Critical habitat designation also does not establish specific land management standards or prescriptions, although Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat for the conservation of a listed species. Most projects that impact critical habitat do not destroy or adversely modify it. In those limited cases where the proposed action would destroy or adversely modify the critical habitat, the Service is required to identify reasonable and prudent alternatives to the proposed action that would avoid destruction and adverse modification. Reasonable and prudent alternatives must be economically and technologically feasible and implemented in a manner consistent with the intended purposes of the action.

The designation of critical habitat does not prevent access to any land, whether private, tribal, State or Federal. Critical habitat receives protection only under section 7 of the Act and only directs Federal agencies to ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Lastly, the areas designated as critical habitat only include aquatic habitat up to the ordinary high water mark; adjacent, terrestrial riparian areas (*i.e.,* those areas used for agriculture or cultivation) are not included as part of the critical habitat designations. Therefore, these final designations of critical habitat will not remove agricultural and cultivated lands from production and will not result in loss of access to areas of private or public lands.

(10) Comment: One commenter provided information that supports the effectiveness of forestry best management practices (BMPs) on reducing sedimentation and erosion and protecting aquatic biota. The commenter recommended that we include this information in the final rule.

Our response: We identified the use of BMPs to reduce sedimentation, erosion, and bank destruction as one of the management activities that could ameliorate those threats to the physical or biological features in Special Management Considerations or Protection in the proposed rule (see 89 FR 101100 at 101106, December 13, 2024) and in the same discussions (below) in this final rule.

I. Critical Habitat

Background

Section 4(a)(3) of the Act requires that, to the maximum extent prudent and determinable, we designate a species' critical habitat concurrently with listing the species. Critical habitat is defined in section 3(5)(A) of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.,* range). Such areas may include those areas used throughout all or part of the species' lifecycle, even if not used on a regular basis (*e.g.,* migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals).

Conservation, as defined under section 3(3) of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that each Federal action agency ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of designated critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation also does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Rather, designation requires that, where

a landowner requests Federal agency funding or authorization for an action that may affect an area designated as critical habitat, the Federal agency consult with the Service under section 7(a)(2) of the Act. If the action may affect the listed species itself (such as for occupied critical habitat), the Federal action agency would have already been required to consult with the Service even absent the designation because of the requirement to ensure that the action is not likely to jeopardize the continued existence of the listed species. Even if the Service were to conclude after consultation that the proposed activity is likely to result in destruction or adverse modification of the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement ''reasonable and prudent alternatives'' to avoid destruction or adverse modification of critical habitat. By definition (50 CFR 402.02), reasonable and prudent alternatives are not allowed to make projects infeasible (see response to comment 9).

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat).

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(b)(2) of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information compiled in the SSA report and information developed during the listing process for the species. Additional information sources may include any generalized conservation strategy, criteria, or outline that may have been developed for the species; the recovery plan for the species; articles in peer-reviewed journals; conservation plans developed by States and counties; scientific status surveys and studies; biological assessments; other unpublished materials; or experts' opinions or personal knowledge.

A critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) the prohibitions found in section 9 of the Act. These protections and conservation tools will continue to contribute to recovery of the species. Similarly, critical habitat designations made on the basis of the best scientific data available at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of those planning efforts calls for a different outcome.

Physical or Biological Features Essential to the Conservation of the Species

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12(b), in determining which areas we will designate as critical habitat from within the geographical area occupied by the species at the time of listing, we consider the physical or biological features that are essential to the conservation of the species and which may require special management considerations or protection. The regulations at 50 CFR 424.02 define ''physical or biological features essential to the conservation of the species'' as the features that occur in specific areas and that are essential to support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity. For example, physical features essential to the conservation of the species might include gravel of a particular size required for spawning, alkaline soil for seed germination, protective cover for migration, or susceptibility to flooding or fire that maintains necessary early-successional habitat characteristics. Biological features might include prey species, forage grasses, specific kinds or ages of trees for roosting or nesting, symbiotic fungi, or absence of a particular level of nonnative species consistent with conservation needs of the listed species. The features may also be combinations of habitat characteristics and may encompass the relationship between characteristics or the necessary amount of a characteristic essential to support the life history of the species.

In considering whether features are essential to the conservation of the species, we may consider an appropriate quality, quantity, and spatial and temporal arrangement of habitat characteristics in the context of the life-history needs, condition, and status of the species. These characteristics include, but are not limited to, space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing (or development) of offspring; and habitats that are protected from disturbance.

General Mussel Biology

Freshwater mussels, including the rayed bean, sheepnose, snuffbox, and spectaclecase mussels, have a complex life history that involves parasitic larvae, called glochidia, which are wholly reliant on host fish(es). As adult

freshwater mussels are generally sessile, suspension-feeders that spend their entire lives partially or completely buried within the substrate (Call 1900, p. 459; Watters 1994, p. 105; West et al. 2000, p. 251), dispersal occurs solely through the behavior of their host fish(es). Mussels are broadcast spawners; males release sperm into the water column, which is taken in by the female. Fertilized eggs develop into microscopic larvae called glochidia within special gill chambers on the female mussel and remain with the female until they are mature and ready for release as glochidia, to attach to their host fish(es) (Haag 2012, pp. 37–42).

Glochidia will perish if they fail to attach to a suitable species of host fish, attach to a fish that has developed immunity from prior infestations, or attach to the wrong location on a host fish (Neeves 1991, p. 254; Bogan 1993, p. 599). Successful glochidia encyst (enclose in a cyst-like structure) on the host's tissue, draw nutrients from the host's tissue, and develop into juvenile mussels (Arey 1932, pp. 214–215). After a period of time when the glochidia transform into juveniles, they will excyst (drop off) from the fish and drop to the substrate on the bottom of the stream. Juveniles that drop in unsuitable substrates perish because their immobility prevents them from relocating to more favorable habitat. Juveniles burrow into interstitial substrates and grow to larger sizes that are less susceptible to predation and displacement from high-flow events (Yeager et al. 1994, p. 220). Adult mussels remain within the same general location where they excysted from their host fish as juveniles.

Habitat Conditions, Suitable Substrates, and Flow Conditions

All life stages of the rayed bean, sheepnose, snuffbox, and spectaclecase mussels require flowing water for survival. In general, all four species occur within small- to medium-sized creeks, to larger rivers, with rayed bean and snuffbox occasionally occurring along wave-washed shores of lakes (Call 1900, p. 459; Ortman 1919, p. 68; Stansbery 1967, entire; Buchanan 1980, p. 13; Neeves 1991, pp. 280–281; Cummings and Mayer 1992, pp. 50, 142, 162; Watters 1994, p. 105; Oesch 1995, p. 121; Parmalee and Bogan, 1998; pp. 50, 77, 108, 177, 244; Baird 2000, p. 5–6; West et al. 2000, pp. 251, 253; Badra 2002, pers. comm.; Butler 2002, p. 6; Williams et al. 2008, p. 498; Jones et al. 2019, p. 205). Within these areas, rayed bean typically occur in or near shoal or riffle (short, shallow length of stream where the stream flows more rapidly) areas and in the shallow wave-washed areas of glacial lakes over gravel and sand substrates (West et al. 2000, p. 253). Sheepnose typically occur in shallow shoal habitats with moderate to swift currents—ranging from riffles of a few inches in depth to runs that exceed 20 feet (6 meters) in larger rivers—over mixtures of coarse sand, gravel, and clay (Ortman 1919, p. 68; Cummings and Mayer 1992, p. 50; Oesch 1995, p. 121; Parmalee and Bogan 1998, pp. 77, 177; Jones et al. 2019, p. 205). Snuffbox typically occur in swift currents of riffles and shoals in rivers and streams and the wave-washed shores of lakes over gravel and sand with occasional cobble and boulders (Cummings and Mayer 1992, p. 162; Parmalee and Bogan 1998, p. 108). Spectaclecase typically occur in rivers and streams with slow to swift currents—often in quiet water near the interface of swift currents—over substrates that range from mud and sand to gravel, cobble, and boulders within relatively shallow riffles and shoals (Stansbery 1967, pp. 29–30; Buchanan 1980, p. 13; Parmalee and Bogan 1998, p. 50; Baird 2000, pp. 5–6).

Appropriate flow is critical for delivering oxygen and nutrients for respiration and filtration (*i.e.,* survival and growth), essential for reproduction to allow glochidia to move to their host and encyst, as well as removing silt and other fine sediments from within rock structures and crevices, which prevents mussel suffocation and degradation of mussel and host-fish shelter habitats. Normal fluctuations in flow velocity are expected; however, extreme changes can be detrimental. Significant or prolonged increases in velocity, typically associated with flood conditions, have the potential to dislodge and scour mussels and move the bed, destroying habitat for the mussels and their host fishes (Holland-Bartels 1990, pp. 331–332; Layzer and Madison 1995, p. 135). Further, abnormally high velocities have the potential to cause glochidia mortality due to wash out and displacement of juveniles and adults. Alternatively, extreme low flows, typically associated with drought or water withdrawals, can impact reproduction, feeding, respiration, and in some cases, result in exposure and desiccation of the species (Fisher and LaVoy 1972, pp. 1473–1476; Stegman 2020, entire). Although some individuals are found in areas that experience seasonal low flows, areas that experience periodic drying or intermittent flow generally cannot support mussel assemblages.

Appropriate water quality is critical to the survival, reproduction, and persistence of all life stages of freshwater mussels. Point and non-point source contaminants can result in water quality and habitat degradation. Contaminants alter the chemical, physical, and biological characteristics of a stream, resulting in lethal and sub-lethal effects to mussels and their fish hosts. Although specific data for these parameters with respect to these four species are not directly available, mussels in general are similar in terms of sensitivity to certain thresholds, depending on the life stage exposed. In general, mussels need water temperatures below 86 degrees Fahrenheit (30 degrees Celsius), dissolved oxygen concentrations greater than 5 milligrams per liter (Pandolfo 2010, entire), and water quality concentrations below acute toxicity levels to mussels for contaminants such as total ammonia, nitrogen, copper, chloride, and sulfate (see Appendix B, Service 2022a, b, c, d).

Habitat Connectivity

A mussel population includes more than one mussel bed; it is the collection of mussel beds within a stream reach between which infested host fish may travel, allowing for ebbs and flows in mussel bed density and abundance through time throughout the population's occupied reach. Therefore, sufficiently resilient populations of all four species must occupy connected stream reaches long enough so that stochastic events that affect individual mussel beds do not eliminate the entire population. Connectivity is characterized by suitable water quality, lack of barriers to dispersal (*e.g.,* perched culverts, hydropower dams that lack passage for host fishes, water control structures), and presence of suitable shelter habitat and forage base for host fish(es). Repopulation, through dispersal via infected host fish from other mussel beds within a given stream reach, can allow the population and individual beds within that population to recover from these stochastic events. Long stream reaches are more likely to support sufficiently resilient populations into the future than shorter stream reaches; thus, long reaches of connected stream habitat are essential to support all life stages of all four species.

Presence of Host Fish Species

All four species are obligate parasites that rely on specific host-fish for developing into juvenile mussels and dispersal. Glochidia must come into contact with specific host fish to ensure survival; without the proper host fish, glochidia will perish and fail to transform into juvenile mussels. Each

mussel species relies on a different suite of host fish(es).

Rayed bean depend on darter and sculpin species as host fish; however, the exact suite of host fish species is unknown (Parmalee and Bogan, 1998, p. 245; West et al. 2000, p. 254). The only published studies identify the Tippecanoe darter (*Etheostoma tippecanoe*) and spotted darter (*E. maculatum*) as host fish (White et al. 1996, p. 191; Gibson et al. 2011, p. 7); however, these species are not (and were not) found throughout the species' current or historical range. Other host fishes are thought to include the greenside darter (*E. blenniodes*), rainbow darter (*E. caeruleum*), mottled sculpin (*Cottus bairdi*), and largemouth bass (*Micropterus salmoides*) (Woolnough 2002, p. 51). Based on closely related species that occur in the same areas and habitats, additional hosts may include species in the subgenus *Nothonotus* of *Etheostoma,* sculpins (*Cottus* spp.), and fantail darter (*E. flabellare*) (Jones 2002, pers. comm.).

Sheepnose depend on mimic shiner (*Notropis volucellus*) and sauger (*Sander canadensis*) as host fish; of these, only mimic shiner has been observed to be naturally infested and successfully facilitate transformation of juveniles in the lab and is most likely the primary host species. However, lab studies suggest that sheepnose may be able to use a wider variety of fish species including fathead minnow (*Pimephales promelas*), creek chub (*Semotilus atrromaculatus*), central stoneroller (*Campostoma anomalum*), brook stickleback (*Culaea inconstans*), and golden shiner (*Notemigonus cryoleucas*) (Watters et al. 2005, pp. 11–12; Bradley 2021, pers. comm.).

Snuffbox mussels rely on darter and sculpin species as fish hosts, using log perch (*Percina caprodes*) as their primary host species. Female snuffbox lure host fish with an inflated mantle (*i.e.,* lure) and close their shell around the head of the fish long enough to expel their glochidia and allow for their attachment to the gills of the fish, before releasing the fish (Schwalb et al. 2011, p. 224). Given this life history strategy, they rely on clear water that allows their lures to be visible by potential fish hosts. Other potential host species from lab studies include the blackside darter (*P. maculata*), rainbow darter, Iowa darter (*E. exile*), blackspotted topminnow (*Fundulus olivaceous*), mottled sculpin, banded sculpin (*C. carolinae*), Ozark sculpin (*C. hypselurus*), largemouth bass, and brook stickleback (Sherman 1994, p. 17, Yeager and Saylor 1995, p. 3; Hillegass and Hove 1997, p. 25; Barnhart et al. 1998, p. 34; Hove et al. 2000, p. 30; Sherman Mulcrone 2004, pp. 100–103).

Spectaclecase depend on mooneye (*Hiodon tergisus*) and goldeye (*Hiodon alosoides*) as host fishes (Sietman et al. 2017, p. 18). Natural infestations of spectaclecase have been observed on bigeye chub (*Hybopsis amblops*) and pealip redhorse (*Moxostoma pisolabrum*); however, they are not confirmed host fish species because juvenile mussels have not been observed transforming from these species in lab studies (Baird 2000, p. 24).

Summary of Essential Physical or Biological Features

We derive the specific physical or biological features essential to the conservation of the rayed bean, sheepnose, snuffbox, and spectaclecase from studies of the species' habitat, ecology, and life history as described above. Additional information can be found in the SSA report for each species (Service 2022a, pp. 3–10; Service 2022b, pp. 4–13; Service 2022c, pp. 3–11; Service 2022d, pp. 4–11; all SSA reports are available on *https://www.regulations.gov* at Docket No. FWS–R3–ES–2024–0144) and on the Service's website at the respective species' profile pages (see *Availability of supporting materials* under **ADDRESSES**, above). The primary habitat features that support resiliency of the four mussel species include flow regime, habitat connectivity, water and sediment quality, and the presence of host fish species. The link between these habitat features and the needs of each life stage of the four mussel species is summarized in table 1, below.

TABLE 1—HABITAT REQUIREMENTS FOR EACH LIFE STAGE OF THE FOUR MUSSEL SPECIES

Life stage	Supporting habitat or biological features	Reference
Fertilized eggs	• Suitable water quality • Sexually mature males in proximity to sexually mature females. • Suitable spawning water temperatures. • Suitable flow conditions.	Ortman 1919, p. 66; Fuller 1974, pp. 240–241; Berg et al. 2008, p. 397; Haag 2012, pp. 38–39.
Glochidia	• Suitable water quality (clear water for visual attraction of host) • Availability of host fish for attachment. ○ Rayed bean: darter and sculpin species. ○ Sheepnose: mimic shiner (*Notropis volucellus*) and sauger (*Sander canadensis*). ○ Snuffbox: logperch (*Percina caprodes*) and darter and sculpin species. ○ Spectaclecase: mooneye (*Hiodon tergisus*) and goldeye (*H. alosoides*). • Suitable water temperature. • Suitable flow conditions to ensure glochidia encounter host.	Fuller 1974, pp. 240–241; Strayer 2008, p. 65; Guenther et al. 2009, p. 20; Haag 2012, pp. 41–42; Wolf et al. 2012, p. 7; Hove et al. 2015, pp. 4, 6–8, 12–13.

TABLE 1—HABITAT REQUIREMENTS FOR EACH LIFE STAGE OF THE FOUR MUSSEL SPECIES—Continued

Life stage	Supporting habitat or biological features	Reference
Juveniles	• Suitable water quality (appropriate interstitial chemistry, low salinity, low ammonia, low copper and other contaminants, high dissolved oxygen). • Suitable water temperature. • Suitable flow conditions. • Host fish dispersal. • Food availability: smaller algae, detritus, bacteria, organic matter, pedal feeding for first several months. • Suitable substrate conditions: ○ Rayed bean and snuffbox: stable sand and gravel. ○ Sheepnose: firm/stable; coarse sand and gravel; cobble; may include mud. ○ Spectaclecase: firm/stable; coarse sand, gravel, and rock free from excessive silt; may include large slabs/boulders.	Ortman 1919, p. 68; Fuller 1974, pp. 220–221, 238–246; Cummings and Mayer 1992, p. 50; Dimock and Wright 1993, pp. 188–190; Yeager et al. 1994, p. 221; Sparks and Strayer 1998, p. 132; Augspurger et al. 2003, p. 2,574; Augspurger et al. 2007, p. 2,025; Schwalb et al. 2011, entire; Strayer and Malcom 2012, pp. 1,787–1,788; Watters et al. 2009, p. 221.
Adults	• Suitable water quality (appropriate interstitial chemistry, low salinity, low ammonia, low copper and other contaminants, high dissolved oxygen). • Suitable water temperature. • Suitable flow conditions. • Food availability: algae, detritus, bacteria, dissolved organic matter, microscopic animals. • Suitable substrate conditions: ○ Rayed bean and snuffbox: stable sand and gravel. ○ Sheepnose: firm/stable; coarse sand and gravel; cobble; may include mud. ○ Spectaclecase: firm/stable; coarse sand, gravel, and rock free from excessive silt; may include large slabs/boulders.	Ortmann 1919, p. 68; Fuller 1974, pp. 221, 240–246; Cummings and Mayer 1992, p. 50; Yeager et al. 1994, p. 221; Parmalee and Bogan 1998, p. 177; Nichols and Garling 2000, p. 881; Chen et al. 2001, pp. 213–214; Spooner and Vaughn 2008, p. 308; Watters et al. 2009, p. 221.

We have determined that the following physical or biological features are essential to the conservation of the rayed bean, sheepnose, snuffbox, and spectaclecase:

(i) Adequate flows, or a hydrological flow regime (magnitude, timing, frequency, duration, rate of change, and overall seasonality of discharge over time), necessary to maintain benthic habitats where the species are found and to maintain stream connectivity.

(ii) Suitable substrates and connected instream habitats, characterized by geomorphologically stable stream channels and banks (*i.e.,* channels that maintain lateral dimensions, longitudinal profiles, and sinuosity patterns over time without an aggrading or degrading bed elevation) that support the four mussel species and their respective host fishes. For rayed bean and snuffbox, suitable substrates are stable gravel and sand with moderate flow and aquatic vegetation in and adjacent to riffles and shoals. For sheepnose, suitable substrates are firm or stable coarse sand, gravel, or rock free from excessive silt. For spectaclecase, these substrates are firm or stable substrates of coarse sand and gravel, are free from excessive silt, and typically include large rock, slabs, or boulders.

(iii) Water and sediment quality necessary to sustain natural physiological processes for normal behavior, growth, and viability of all life stages, including appropriate levels of dissolved oxygen (generally above 2 to 3 parts per million (ppm)), salinity (generally below 2 to 4 ppm), and temperature (generally below 86 degrees Fahrenheit (°F) (30 degrees Celsius (°C))). Additionally, concentrations of contaminants, including (but not limited to) ammonia, nitrate, copper, and chloride, are below acute toxicity levels for mussels.

(iv) The presence and abundance of host fishes necessary for recruitment of the species. For the rayed bean, these are darter and sculpin species; for the sheepnose, these are mimic shiner (*Notropis volucellus*) and sauger (*Sander canadensis*); for the snuffbox, these are logperch (*Percina caprodes*) and darter and sculpin species; and for the spectaclecase, these are mooneye (*Hiodon tergisus*) and goldeye (*H. alosoides*).

Special Management Considerations or Protection

When designating critical habitat, we assess whether there are specific areas within the geographical area occupied by the species at the time of listing containing physical or biological features which (1) are essential to the conservation of the species, and (2) may require special management considerations or protection.

The features essential to the conservation of the rayed bean, sheepnose, snuffbox, and spectaclecase may require special management considerations or protection to reduce the following threats: (1) construction or operation of reservoirs; (2) urbanization of the landscape, including (but not limited to) land conversion to impervious surfaces for urban and commercial use, infrastructure (pipelines, roads, bridges, utilities), and wastewater treatment; (3) significant alteration of water quality and nutrient pollution from a variety of activities, such as mining and agricultural activities; (4) land-use activities that remove large areas of forested wetlands and riparian systems; (5) culvert, dam, and pipe installation that creates barriers to movement for the mussels or their host fish; and (6) other watershed and floodplain disturbances that release sediments, pollutants, or nutrients into the water.

Management activities that could ameliorate these threats include, but are not limited to, implementation of best management practices (for silvicultural and agricultural land uses) designed to reduce sedimentation, erosion, and bank destruction; implementation of habitat restoration projects; protection of riparian corridors and woody vegetation; and modification of dam operations or dam removal or both to more closely match natural flow regimes; improved stormwater management; and reduction of other watershed and floodplain disturbances that release sediments, pollutants, or nutrients into the water.

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify specific areas within the geographical area occupied by the species at the time of listing and any specific areas outside the geographical area occupied by the species to be considered for designation as critical habitat. We are not designating any areas outside the geographical area occupied by the species because we have not identified any unoccupied areas that meet the definition of critical habitat, and we have determined that occupied areas are sufficient to conserve these four species. Within the recovery plans for all four species, we outline that recovery can be achieved by protecting and maintaining or enhancing existing occupied areas, with no need to create or establish new habitat areas or populations for all four species. Thus, the designation includes only the occupied rivers and streams within the species' ranges that contain the physical or biological features essential to the conservation of the species and that provide the best conditions for the maintenance and expansion of existing populations.

Methodology Used for Selection of Critical Habitat Units

First, we identified those areas within the geographical areas occupied by the species at the time of listing that contain the essential physical or biological features and determined which of these features may require special management considerations or protection. Across all species, we included the areas where the high-condition populations—defined in the SSA report as populations with stable to increasing demography and known evidence of recent recruitment thus indicating a high estimated probability of persistence—occur because these are the areas that contain the features that currently meet the four species' needs for maintaining viability. The presence of the essential physical or biological features in these areas result in populations that have recruitment, varied age class structures, and high-density populations that are important to conservation and recovery actions, as they may serve to bolster other diminished or extirpated populations.

Second, we examined the overall contribution of moderate-condition populations—defined in the SSA report as populations with stable to slightly decreasing demography with limited evidence of recruitment, thus indicating a moderate probability of persistence—to viability of the species, as well as the level of threats acting on those populations. We then considered adjacency and connectivity of these moderate-condition populations to the high-condition and other moderate-condition populations and included moderate-condition areas on a case-by-case basis. We did not include populations that have potentially low likelihood of recovery due to limited abundances, currently have high levels of threats acting on the species and its habitat, or lack of connectivity to other high- or moderate-condition populations. We did not include areas that do not contain the essential physical or biological features.

Third, we evaluated spatial redundancy and representation across each of the four species' ranges to identify any remaining, consistently observable populations in a major river basin that may contain unique diversity or habitat or both. If we identified such populations, we included them in this final critical habitat designation. For instance, the lower Mississippi River Basin is comprised of a single population of sheepnose within the Big Sunflower River of Bolivar and Sunflower Counties, Mississippi; this population is in low condition. However, this population exists at the southern edge of the species' range and may have unique genetic diversity that is not present elsewhere within the species' range, and this unit contains one or more of the essential physical or biological features. Thus, we include this stream segment in the sheepnose's final critical habitat designation to enhance the likelihood of maintaining genetic diversity.

Finally, we evaluated the overlap of the four species' occurrences, as well as their overlap with other listed aquatic species and designated critical habitat, where existing conservation and monitoring efforts may be ongoing. In areas with a high degree of overlap or existing conservation efforts, we included areas of critical habitat within the overlapping areas. These areas were considered in formulating this final critical habitat designation because they contain the physical or biological features that are essential to the conservation of the species and that may require special management considerations. These areas may promote conservation and recovery through maintaining the ecological community and existing genetic diversity for the species.

For all critical habitat units, we define the upstream and downstream boundaries around areas that were occupied by the species at the time of listing and that contain the physical or biological features essential to the conservation of the species using easily recognizable features (*e.g.,* confluence of two named streams, impoundments).

Sources of data for these final critical habitat designations include multiple databases maintained by universities, information from State agencies throughout the species' ranges, and numerous survey reports on threats throughout the species' ranges (as cited in Service 2022a, entire; Service 2022b, entire; Service 2022c, entire; Service 2022d, entire; all reports are available on *https://www.regulations.gov* at Docket No. FWS–R3–ES–2024–0144). We also reviewed available information that pertains to the habitat requirements for these species. Sources of information on habitat requirements include studies conducted at occupied sites and published in peer-reviewed articles, agency reports, and data collected during monitoring efforts (as cited in Service 2022a, entire; Service 2022b, entire; Service 2022c, entire; Service 2022d, entire; all reports are available on *https://www.regulations.gov* at Docket No. FWS–R3–ES–2024–0144). River segments were defined using the National Hydrography Dataset Plus High Resolution (NHDPlus HR) dataset maintained by the U.S. Geological Survey (Moore et al. 2019, entire).

In summary, for areas within the geographical area occupied by the species at the time of listing, we delineated critical habitat unit boundaries using the following criteria:

(1) We identified river and stream reaches with observations from 2000 to present for rayed bean, sheepnose, and snuffbox, as well as river and stream reaches with observations from 1970 to present for spectaclecase, and considered these areas to be currently occupied. For spectaclecase, we determined that it is reasonable to find these areas occupied over a longer timeframe due to its longer lifespan (50 or more years on average), compared to the other mussel species (less than 30 years on average). For all species, the available State heritage databases and information, as well as increased survey efforts and detections of the species since 2012 in previously unknown areas of suitable habitat, support the likelihood of the species' continued presence in known occupied areas since the time of listing in 2012.

(2) We delineated specific habitat areas based on Natural Heritage Element Occurrences, published reports, and unpublished survey data provided by States and other partners. These areas provide habitat for the four mussel species, despite fluctuations in local conditions. The areas within the proposed units represent continuous river and stream reaches of relatively free-flowing habitat patches capable of sustaining fish hosts and allowing for transport of glochidia, which are essential for reproduction and dispersal of these species.

(a) *Rayed bean:* We are designating critical habitat for the rayed bean in the Black River, Pine River, Belle River, River Raisin, Clinton River, Fish Creek, Swan Creek, Blanchard River, Allegheny River, Olean Creek, Oil Creek, Oswayo Creek, French Creek, LeBoeuf Creek, Muddy Creek, Cussewago Creek, Little Darby Creek, Big Darby Creek, Great Miami River, and Tippecanoe River (see Final Critical Habitat Designation, below). All of these rivers and streams were known to be occupied at the time of listing except River Raisin, Oil Creek, Oswayo Creek, and Little Darby Creek. Although the rayed bean was not known from River Raisin (detected in 2015), Oil Creek (detected in 2015), Oswayo Creek (detected in 2015), and Little Darby Creek (detected in 2023) at the time of listing, all of the rivers and streams are either tributaries to or occur within a watershed where the rayed bean was known to occur at the time of listing, except for River Raisin. Eight adult rayed bean were detected in the River Raisin in 2015, representing an occurrence in an entirely new watershed that was not known to be occupied at the time of listing. Given that the species is able to live in excess of 20 years, juvenile and adult mussels are immobile, adults mature around age 4 or 5, and the detections were of reproducing adults of unknown ages, it is reasonable to assume that these watersheds were also occupied at the time of listing in 2012 and had not been detected due to lack of survey effort. Thus, we consider all units to have been occupied at the time of listing and appropriate for designation as occupied critical habitat. Furthermore, given that the mussel beds within River Raisin, Oil Creek, Oswayo Creek, and Little Darby Creek are considered currently occupied and fall within the currently extant range for the species (*i.e.,* wherever found), we would consult on any activities that are occurring or that will occur within these areas of the species' range.

(b) *Sheepnose:* We are designating critical habitat for the sheepnose in the Chippewa River, Kankakee River, Meramec and Bourbeuse Rivers, Allegheny River, Green River, Tippecanoe River, Walhonding River, Tennessee River, Clinch River, Powell River, and Big Sunflower River (see Final Critical Habitat Designation, below). All of these rivers and streams were known to be occupied at the time of listing.

(c) *Snuffbox:* We are designating critical habitat for the snuffbox in the Wolf River, Embarrass River, Little Wolf River, Grand River (Michigan), Flat River, Clinton River, Huron River, Grand River (Ohio), West Branch Grand River (Ohio), Allegheny River, French Creek, LeBoeuf Creek, Cussewago Creek, Woodcock Creek, Muddy Creek, Conneaut Outlet, West Fork River, Shenango River, Little Shenango River, Middle Island Creek, Meathouse Fork, McElroy Creek, Little Kanawha River, Leading Creek, Hughes River, North Fork Hughes River, South Fork Hughes River, Kanawha River, Elk River (West Virginia), Olentangy River, Little Darby Creek, Big Darby Creek, Stillwater River, Tygarts Creek, Kinniconick Creek, Licking River, Slate Creek, Middle Fork Kentucky River, Red Bird River, Red River, Green River, Salamonie River, Tippecanoe River, Embarras River, Rolling Fork Salt River, Clinch River, Powell River, Paint Rock River, Elk River (Tennessee), Duck River, St. Croix River, Meramec River, Bourbeuse River, St. Francis River, and Spring River (see Final Critical Habitat Designation, below). All of these rivers and streams were known to be occupied at the time of listing except for Cussewago Creek, West Fork River, Meathouse Fork, South Fork Hughes River, Leading Creek, and Kanawha River. Although the snuffbox was not reported from or detected in Cussewago Creek (detected in 2011; reported post-listing), West Fork River (detected in 2020), Meathouse Fork (detected in 2001; reported in 2016), South Fork Hughes River (detected in 2001; reported in 2016), Leading Creek (detected in 2017), and Kanawha River (detected in 2017) prior to the snuffbox's listing in 2012, all of the rivers and streams are either tributaries to or occur within the watershed where the snuffbox was known to occur at the time of listing. In Cussewago Creek, a fresh dead adult was detected in 2011, but this observation was not reported to the Service until after the species was listed. In West Fork River, three live adults were found in 2020. In the Meathouse Fork and South Fork Hughes River, live snuffbox were detected in 2001, but the data were not reported to the Service until 2016. Follow up surveys in the South Fork Hughes River in 2017 found live individuals dispersed across 24 miles (39 kilometers) of river. In Leading Creek, although the species was presumed extirpated from this reach at the time of listing, one live individual was detected in 2017. Finally, in the Kanawha River, although the species was thought to be extirpated from this reach at the time of listing, one live individual was detected in 2017. Regarding the Cussewago Creek, Meathouse Fork, and South Fork Hughes River, snuffbox was extant in these areas at the time of listing in 2012; however, these data were not provided to the Service until after the species was listed. Regarding all rivers—including the West Fork River, Leading Creek, and Kanawha River—given that all mussel beds occur within areas that are connected to known occupied areas, the species is known to live in excess of 20 years, juvenile and adult mussels are immobile, adults mature around age 5, and many of these detections were of reproducing adults, it is reasonable to assume that these areas were occupied at the time the species was listed in 2012. As such, we consider all units to be occupied at the time of listing and appropriate for designation as occupied critical habitat. Furthermore, given that the mussel beds within Cussewago Creek, West Fork River, Meathouse Fork, South Fork Hughes River, Leading Creek, and Kanawha River are considered to be currently occupied and fall within the currently extant range for the species (*i.e.,* wherever found), we would consult on any activities that are occurring or that will occur within these areas of the species' range.

(d) *Spectaclecase:* We are designating critical habitat for the spectaclecase in the St. Croix River, Mississippi River, Meramec River, Big River, Gasconade River, Big Piney River, Ouachita River, Tennessee River, Clinch River, Nolichucky River, Green River, and Kanawha River (see Final Critical Habitat Designation, below). All of these rivers and streams were known to be occupied at the time of listing.

When determining critical habitat boundaries, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack physical or biological features necessary for the rayed bean, sheepnose, snuffbox, and spectaclecase. Critical habitat for these mussels includes only stream channels up to bankfull height, where the stream base flow is contained within the channel. The scale of the maps we prepared under the parameters

for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this rule have been excluded by text in the rule and are not designated as critical habitat. Therefore, a Federal action involving these lands (and not affecting the designated critical habitat) will not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action will affect the physical or biological features in the adjacent critical habitat.

The critical habitat designation is defined by the map or maps, as modified by any accompanying regulatory text, presented at the end of this document under Regulation Promulgation. We include more detailed information on the boundaries of the critical habitat designation in the preamble of this document. We will make the coordinates or plot points or both on which each map is based available to the public on *https://www.regulations.gov* at Docket No. FWS–R3–ES–2024–0144.

Final Critical Habitat Designation

We are designating approximately 599 river miles (rmi) (964 river kilometers (rkm)) in 15 units as critical habitat for rayed bean; approximately 801 rmi (1,289 rkm) in 11 units as critical habitat for sheepnose; approximately 2,425 rmi (3,902 rkm) in 38 units as critical habitat for snuffbox; and approximately 1,140 rmi (1,835 rkm) in 12 units as critical habitat for spectaclecase. In total, we are designating approximately 3,814 unique rmi (6,138 rkm) of critical habitat within 76 units across 17 States; many units overlap entirely or within some portion of the designated units for the mussel species that are the subject of this final rule. All units are considered to be occupied by the species—which are already listed as endangered species under the Act. No unoccupied units are being designated for any of the four species. All critical habitat units consist of the streambed up to the ordinary high-water mark, as defined at 33 CFR 328.3(c)(4) in the regulations that implement the Clean Water Act (33 U.S.C. 1251 *et seq.*). Streambed ownership varies by State and by navigability of the stream. In general, the streambed up to the ordinary high-water mark is public waters of the State; however, there are instances where the streambed is owned by the adjacent landowners. When describing land ownership, below, we use adjacent landownership as a proxy for streambed ownership that is consistent across the ranges of these species. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for all four species.

The 15 areas we designate as critical habitat for the rayed bean are: (1) Black River, (2) Pine River, (3) Belle River, (4) River Raisin, (5) Clinton River, (6) Fish Creek, (7) Swan Creek, (8) Blanchard River, (9) Allegheny River, (10) Middle Allegheny River, (11) French Creek, (12) Little Darby Creek, (13) Big Darby Creek, (14) Great Miami River, and (15) Tippecanoe River. Table 2 shows the critical habitat units, identifies the owners by type (Federal, State, local, or private) of land adjacent to each unit, and provides the approximate area of each unit. We use the four-letter species code for rayed bean (RABE) to name its critical habitat units. All units are considered occupied at the time of listing.

TABLE 2—CRITICAL HABITAT UNITS FOR RAYED BEAN

[Length estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit or subunit name	Adjacent land ownership type	Size of unit in river miles (river kilometers)
RABE 1: Black River	State	7 (11)
	Private	25 (40)
	Total	32 (51)
RABE 2: Pine River	Private	3 (5)
	Total	3 (5)
RABE 3: Belle River	Private	8 (13)
	Total	8 (13)
RABE 4: River Raisin	Local	0.3 (0.5)
	Private	8 (13)
	Total	8 (13)
RABE 5: Clinton River	Local	1 (2)
	Private	7 (11)
	Total	8 (13)
RABE 6: Fish Creek	State	1 (2)
	Private	30 (48)
	Total	31 (50)
RABE 7: Swan Creek	Private	4 (7)
	Total	4 (7)
RABE 8: Blanchard River	Local	1 (2)
	Private	27 (43)
	Total	28 (45)
RABE 9: Allegheny River	State	12 (19)
	Shared: State & Local*	0.1 (0.2)
	Local	2 (3)
	Private	68 (109)
	Total	82 (131)
RABE 10: Middle Allegheny River	Federal	23 (37)
	Shared: Federal & State*	3 (5)
	State	13 (21)
	Local	4 (6)
	Private	133 (209)
	Total	176 (283)

TABLE 2—CRITICAL HABITAT UNITS FOR RAYED BEAN—Continued

[Length estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit or subunit name	Adjacent land ownership type	Size of unit in river miles (river kilometers)
RABE 11: French Creek	Federal	13 (21)
	State	3 (5)
	Local	1 (2)
	Private	83 (134)
	Total	100 (161)
RABE 12: Little Darby Creek	State	4 (7)
	Private	17 (28)
	Total	21 (35)
RABE 13: Big Darby Creek	State	1 (2)
	Local	13 (21)
	Private	24 (39)
	Total	38 (61)
RABE 14: Great Miami River	Private	11 (18)
	Total	11 (18)
RABE 15a: Tippecanoe River	Local	1 (2)
	Private	27 (43)
	Total	28 (45)
RABE 15b: Tippecanoe River	State	2 (3)
	Private	17 (27)
	Total	19 (31)
Total by Ownership Type	Federal	36 (58)
	Shared: Federal & State*	3 (5)
	State	43 (69)
	Shared: State & Local*	0.1 (0.2)
	Local	24 (39)
	Private	493 (793)
	Total	599 (964)

* Shared ownership corresponds to stream segments with different public ownership on opposite sides of the river.
Note: Lengths may not sum due to rounding.

The 11 areas we designate as critical habitat for the sheepnose are: (1) Lower Chippewa River, (2) Kankakee River, (3) Meramec and Bourbeuse Rivers, (4) Middle Allegheny-Tionesta, (5) Upper Green River, (6) Tippecanoe River, (7) Walhonding River, (8) Lower Tennessee River, (9) Upper Clinch River, (10) Powell River, and (11) Big Sunflower River. Table 3 shows the critical habitat units, identifies the owners by type (Federal, State, local, or private) of land adjacent to each unit, and provides the approximate area of each unit. We use the four-letter species code for sheepnose (SHNO) to name its critical habitat units. All units are considered occupied at the time of listing.

TABLE 3—CRITICAL HABITAT UNITS FOR SHEEPNOSE

[Length estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit name	Adjacent land ownership type(s)	Size of unit in river miles (river kilometers)
SHNO 1: Lower Chippewa River	Federal	5 (8)
	Shared: Federal & State*	1 (2)
	State	29 (47)
	Local	1 (2)
	Private	21 (34)
	Total	57 (92)
SHNO 2: Kankakee River	State	18 (29)
	Local	10 (16)
	Private	23 (37)
	Total	51 (82)
SHNO 3: Meramec and Bourbeuse Rivers	State	18 (29)
	Local	18 (29)
	Private	117 (188)
	Total	153 (246)
SHNO 4: Middle Allegheny-Tionesta	State	0.04 (0.06)
	Private	28 (45)
	Total	28 (45)
SHNO 5: Upper Green River	Federal	27 (43)
	State	7 (11)
	Local	1 (2)
	Private	122 (196)
	Total	157 (253)

TABLE 3—CRITICAL HABITAT UNITS FOR SHEEPNOSE—Continued

[Length estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit name	Adjacent land ownership type(s)	Size of unit in river miles (river kilometers)
SHNO 6: Tippecanoe River	State	9 (14)
	Private	75 (121)
	Total	84 (135)
SHNO 7: Walhonding River	State	0.5 (0.8)
	Local	1 (2)
	Private	22 (35)
	Total	24 (38)
SHNO 8: Lower Tennessee River	Local	0.4 (0.6)
	Private	22 (35)
	Total	23 (36)
SHNO 9: Upper Clinch River	Federal	0.3 (0.5)
	State	6 (10)
	Private	100 (161)
	Total	106 (171)
SHNO 10: Powell River	State	0.3 (0.5)
	Private	62 (100)
	Total	63 (101)
SHNO 11: Big Sunflower River	Federal	0.5 (0.8)
	State	2 (3)
	Private	53 (86)
	Total	56 (90)
Total by Land Ownership Type	Federal	33 (53)
	Shared: Federal & State *	1 (2)
	State	89 (143)
	Local	31 (50)
	Private	647 (1,041)
	Total	801 (1,289)

* Shared ownership corresponds to stream segments with different public ownership on opposite sides of the river.
Note: Lengths may not sum due to rounding.

The 38 areas we designate as critical habitat for the snuffbox are: (1) Wolf River, (2) Embarrass River, (3) Little Wolf River, (4) Grand River (Michigan), (5) Clinton River, (6) Huron River, (7) Grand River (Ohio), (8) Allegheny River, (9) French Creek, (10) West Fork River, (11) Shenango River, (12) Middle Island Creek, (13) Little Kanawha River, (14) Kanawha River, (15) Olentangy River, (16) Little Darby Creek, (17) Big Darby Creek, (18) Stillwater River, (19) Tygarts Creek, (20) Kinniconick Creek, (21) Licking River, (22) Middle Fork Kentucky River, (23) Red Bird River, (24) Red River, (25) Green River, (26) Salamonie River, (27) Tippecanoe River, (28) Embarras River, (29) Rolling Fork Salt River, (30) Clinch River, (31) Powell River, (32) Paint Rock River, (33) Elk River, (34) Duck River, (35) St. Croix River, (36) Meramec River, (37) St. Francis River, and (38) Spring River. Table 4 shows the critical habitat units, identifies the owners by type (Federal, State, local, or private) of land adjacent to each unit, and provides the approximate area of each unit. We use the four-letter species code for snuffbox (SNBO) to name its critical habitat units. All units are considered occupied at the time of listing.

TABLE 4—CRITICAL HABITAT UNITS FOR SNUFFBOX MUSSEL

[Length estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit or subunit name	Adjacent land ownership type(s)	Size of unit in river miles (river kilometers)
SNBO 1: Wolf River	Federal	0.2 (0.3)
	State	0.7 (1)
	Local	0.4 (0.7)
	Private	7 (11)
	Total	8 (13)
SNBO 2a: Embarrass River	Private	11 (18)
	Total	11 (18)
SNBO 2b: Embarrass River	Private	7 (11)
	Total	7 (11)
SNBO 3: Little Wolf River	Private	12 (19)
	Total	12 (19)
SNBO 4: Grand River (Michigan)	State	9 (14)
	Local	5 (8)
	Private	27 (43)
	Total	41 (65)

TABLE 4—CRITICAL HABITAT UNITS FOR SNUFFBOX MUSSEL—Continued

[Length estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit or subunit name	Adjacent land ownership type(s)	Size of unit in river miles (river kilometers)
SNBO 5: Clinton River	Local	0.9 (1)
	Private	7 (12)
	Total	8 (13)
SNBO 6: Huron River	State	7 (11)
	Local	2 (3)
	Private	7 (12)
	Total	16 (26)
SNBO 7: Grand River (Ohio)	Local	8 (12)
	Private	16 (25)
	Total	23 (37)
SNBO 8: Allegheny River	State	6 (10)
	Local	0.2 (0.3)
	Private	29 (46)
	Total	35 (57)
SNBO 9a: French Creek	State	0.7 (1)
	Private	18 (29)
	Total	19 (30)
SNBO 9b: French Creek	Federal	13 (21)
	State	14 (23)
	Local	3 (4)
	Private	81 (131)
	Total	111 (179)
SNBO 10: West Fork River	Private	22 (35)
	Total	22 (35)
SNBO 11: Shenango River	State	0.7 (1)
	Local	0.5 (0.8)
	Private	26 (42)
	Total	28 (44)
SNBO 12: Middle Island Creek	State	0.1 (0.2)
	Local	2 (3)
	Private	85 (137)
	Total	87 (140)
SNBO 13: Little Kanawha River	Federal	0.5 (0.7)
	State	17 (27)
	Local	0.1 (0.2)
	Private	183 (294)
	Total	200 (322)
SNBO 14: Kanawha River	State	2 (3)
	Local	2 (3)
	Private	54 (87)
	Total	58 (93)
SNBO 15: Olentangy River	State	0.3 (0.4)
	Private	30 (48)
	Total	30 (48)
SNBO 16: Little Darby Creek	State	4 (6)
	Local	0.004 (0.006)
	Private	24 (39)
	Total	28 (45)
SNBO 17: Big Darby Creek	State	0.6 (0.9)
	Local	20 (32)
	Private	49 (78)
	Total	69 (111)
SNBO 18: Stillwater River	Local	0.6 (1)
	Private	11 (18)
	Total	12 (19)
SNBO 19: Tygarts Creek	State	1 (2)
	Private	88 (141)
	Total	89 (143)
SNBO 20: Kinniconick Creek	Private	52 (84)
	Total	52 (84)
SNBO 21: Licking River	State	15 (24)
	Local	3 (5)
	Private	221 (355)
	Total	239 (385)
SNBO 22: Middle Fork Kentucky River	Private	13 (21)
	Total	13 (21)
SNBO 23: Red Bird River	Federal	3 (5)
	Private	57 (92)
	Total	60 (97)

TABLE 4—CRITICAL HABITAT UNITS FOR SNUFFBOX MUSSEL—Continued

[Length estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit or subunit name	Adjacent land ownership type(s)	Size of unit in river miles (river kilometers)
SNBO 24: Red River	Federal	17 (28)
	Shared: Federal & State *	0.8 (1)
	State	0.5 (0.8)
	Private	12 (19)
	Total	31 (49)
SNBO 25: Green River	Federal	27 (43)
	State	7 (11)
	Local	2 (4)
	Private	121 (195)
	Total	157 (253)
SNBO 26: Salamonie River	Federal	9 (15)
	Private	3 (5)
	Total	12 (19)
SNBO 27a: Tippecanoe River	Local	1 (2)
	Private	27 (43)
	Total	28 (45)
SNBO 27b: Tippecanoe River	State	2 (3)
	Private	17 (27)
	Total	19 (31)
SNBO 28: Embarras River	State	5 (8)
	Local	3 (5)
	Private	63 (101)
	Total	71 (114)
SNBO 29: Rolling Fork Salt River	Private	95 (153)
	Total	95 (153)
SNBO 30: Clinch River	Federal	0.3 (0.5)
	State	9 (15)
	Local	0.4 (0.6)
	Private	160 (257)
	Total	170 (273)
SNBO 31: Powell River	State	0.3 (0.5)
	Private	66 (106)
	Total	66 (106)
SNBO 32: Paint Rock River	Shared: Federal & State *	0.3 (0.5)
	State	49 (80)
	Private	3 (6)
	Total	53 (85)
SNBO 33: Elk River	Private	27 (43)
	Total	27 (43)
SNBO 34: Duck River	State	27 (43)
	Local	0.4 (0.6)
	Private	20 (32)
	Total	47 (76)
SNBO 35: St. Croix River	Federal	19 (31)
	Shared: Federal & State *	4 (6)
	State	8 (13)
	Local	0.1 (0.2)
	Private	22 (35)
	Total	53 (85)
SNBO 36: Meramec River	State	23 (37)
	Shared: State & Local *	0.05 (0.09)
	Local	4 (6)
	Private	200 (321)
	Total	227 (365)
SNBO 37: St. Francis River	Federal	0.05 (0.08)
	State	5 (8)
	Private	53 (85)
	Total	58 (93)
SNBO 38: Spring River	State	1 (2)
	Private	32 (51)
	Total	33 (53)

TABLE 4—CRITICAL HABITAT UNITS FOR SNUFFBOX MUSSEL—Continued

[Length estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit or subunit name	Adjacent land ownership type(s)	Size of unit in river miles (river kilometers)
Total by Ownership Type	Federal	89 (143)
	Shared: Federal & State *	5 (8)
	State	221 (356)
	Shared: State & Local *	0.05 (0.08)
	Local	54 (87)
	Private	2,056 (3,309)
	Total	2,425 (3,902)

* Shared ownership corresponds to stream segments with different public ownership on opposite sides of the river.
Note: Lengths may not sum due to rounding.

The 12 areas we designate as critical habitat for the spectaclecase are: (1) St. Croix River, (2) Mississippi River, (3) Meramec River, (4) Big River, (5) Gasconade River, (6) Big Piney River, (7) Ouachita River, (8) Tennessee River, (9) Clinch River, (10) Nolichucky River, (11) Green River, and (12) Kanawha River. Table 5, below, shows the critical habitat units, identifies the owners by type (Federal, State, local, or private) of land adjacent to each unit, and provides the approximate area of each unit. We use the four-letter species code for spectaclecase (SPCA) to name its critical habitat units. All units are considered occupied at the time of listing.

TABLE 5—CRITICAL HABITAT UNITS FOR SPECTACLECASE

[Length estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit or subunit name	Adjacent land ownership types	Size of unit in river miles (river kilometers)
SPCA 1: Saint Croix	Federal	19 (31)
	Shared: Federal & State *	3 (5)
	State	9 (14)
	Local	1 (2)
	Private	21 (34)
	Total	53 (86)
SPCA 2: Mississippi River	Federal	28 (45)
	Shared: Federal & State *	6 (10)
	Shared: Federal & Local *	0.4 (0.6)
	State	5 (8)
	Shared: State & Local *	0.2 (0.3)
	Local	11 (18)
	Private	82 (132)
	Total	132 (212)
SPCA 3: Meramec River	State	29 (47)
	Shared: State & Local *	0.5 (0.8)
	Local	17 (27)
	Private	110 (177)
	Total	156 (251)
SPCA 4: Big River	Local	1 (2)
	Private	10 (16)
	Total	11 (18)
SPCA 5: Gasconade River	Federal	9 (14)
	State	3 (5)
	Private	211 (340)
	Total	223 (359)
SPCA 6a: Big Piney River	Federal	17 (27)
	Shared: Federal & State *	0.5 (0.8)
	State	0.5 (0.8)
	Private	16 (26)
	Total	34 (55)
SPCA 6b: Big Piney River	Federal	14 (23)
	Private	5 (8)
	Total	19 (31)
SPCA 7: Ouachita River	Local	1 (2)
	Private	82 (132)
	Total	83 (134)
SPCA 8: Tennessee River	Federal	0.3 (0.5)
	Shared: Federal & State *	20 (32)
	State	112 (180)
	Shared: State & Local *	2 (3)
	Local	0.5 (0.8)
	Private	7 (11)
	Total	142 (229)

TABLE 5—CRITICAL HABITAT UNITS FOR SPECTACLECASE—Continued

[Length estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit or subunit name	Adjacent land ownership types	Size of unit in river miles (river kilometers)
SPCA 9: Clinch River	State	9 (15)
	Private	148 (238)
	Total	157 (253)
SPCA 10: Nolichucky River	State	2 (4)
	Private	35 (56)
	Total	37 (60)
SPCA 11: Green River	Federal	26 (42)
	State	5 (8)
	Private	46 (74)
	Total	77 (124)
SPCA 12: Kanawha River	Local	0.4 (0.6)
	Private	15 (24)
	Total	16 (25)
Total by Ownership Type	Federal	114 (183)
	Shared: Federal & State *	31 (50)
	Shared: Federal & Local *	0.4 (0.6)
	State	174 (280)
	Shared: State & Local *	3 (5)
	Local	31 (50)
	Private	787 (1,267)
	Total	1,140 (1,835)

* Shared ownership corresponds to stream segments with different public ownership on opposite sides of the river.
Note: Lengths may not sum due to rounding.

We present brief descriptions of all units, and reasons why they meet the definition of critical habitat, for the rayed bean, sheepnose, snuffbox, and spectaclecase mussels below.

I. Rayed Bean

All 15 units for rayed bean are considered occupied by the species at the time of listing and contain all of the physical or biological features essential to the species' conservation.

RABE 1: Black River

RABE 1 consists of approximately 32 rmi (51 rkm) of the Black River and Mill Creek in St. Clair County, Michigan. The Black River portion of the unit includes 8 rmi (13 rkm) in St. Clair County, Michigan, from the State Highway 136 Bridge (Beard Road Bridge) in Clyde Township downstream to the Wadhams Road Bridge in Kimball Township. This unit also includes 24 rmi (38 rkm) of Mill Creek in St. Clair County, Michigan, from its confluence with Thompson Drain northwest of Brockway Township downstream to its confluence with Black River at Ruby in Clyde Township, Michigan. The unit includes the river channel up to the ordinary high-water mark.

Approximately 21.5 percent (7 rmi (11 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State) ownership, and 78.5 percent (25 rmi (40 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Michigan Department of Natural Resources. The unit partially overlaps with proposed critical habitat for the proposed endangered salamander mussel (*Simpsonaias ambigua*) (88 FR 57224, August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to the amount of impervious surface and urbanization; and the presence of invasive species.

RABE 2: Pine River

RABE 2 consists of approximately 3 rmi (5 rkm) of the Pine River in St. Clair County, Michigan. This unit extends from the confluence of the Pine River and Rattle Run downstream to Newman Road in St. Clair Township (St. Clair County, Michigan). The unit includes the river channel up to the ordinary high-water mark.

All of the riparian lands adjacent to, but not included in, this unit are in private ownership.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to the amount of impervious surface and urbanization; and the presence of invasive species.

RABE 3: Belle River

RABE 3 consists of approximately 8 rmi (13 rkm) of the Belle River in St. Clair County, Michigan. This unit extends from the Westrick Road Bridge downstream to the King Road Bridge in China Township, in St. Clair County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

All of the riparian lands adjacent to, but not included in, this unit are in private ownership.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to the amount of impervious surface and urbanization; and the presence of invasive species.

RABE 4: River Raisin

RABE 4 consists of approximately 8 rmi (13 rkm) of the River Raisin in Lenawee County, Michigan. This unit extends from the Crockett Highway Bridge in Palmyra Township downstream to the U.S. Route 223 Bridge (West Adrian Street) in the village of Blissfield, in Lenawee County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

Approximately 3.2 percent (0.3 rmi (0.5 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (local) ownership, and 96.8

percent (8 rmi (13 rkm)) are in private ownership.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to the amount of impervious surface and urbanization; and the presence of invasive species.

RABE 5: Clinton River

RABE 5 consists of approximately 8 rmi (13 rkm) of the Clinton River in Oakland County, Michigan. This unit extends from downstream of the fish hatchery at Waterford Township downstream to Cass Lake east of the unincorporated community of Four Towns, in Oakland County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

Approximately 11.0 percent (1 rmi (2 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (local) ownership, and 89.0 percent (7 rmi (11 rkm)) are in private ownership. The unit fully overlaps with designated critical habitat for the federally endangered snuffbox mussel and partially overlaps with proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224; August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminant; habitat degradation and loss due to the amount of impervious surface, urbanization, and the lack of canopy cover and vegetative cover in the riparian buffer; reduced connectivity due to barriers; and the presence of invasive species.

RABE 6: Fish Creek

RABE 6 consists of approximately 31 rmi (50 rkm) of Fish Creek in Steuben and DeKalb Counties, Indiana, and Williams County, Ohio. This unit extends from the Ohio Turnpike Interstate 80/Interstate 90 Bridge in Steuben County, Indiana, downstream to the confluence of Fish Creek with St. Joseph River north of the village of Edgerton in Williams County, Ohio. The unit includes the river channel up to the ordinary high-water mark.

Approximately 3.3 percent (1 rmi (2 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State) ownership, and 96.7 percent (30 rmi (48 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Ohio Department of Natural Resources. The unit partially overlaps with designated critical habitat for the federally threatened rabbitsfoot (*Quadrula cylindrica cylindrica*) (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015) and fully overlaps with proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224, August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; impacts to the hydrological regime; habitat degradation and loss due to sedimentation and stream channelization; and the presence of invasive species.

RABE 7: Swan Creek

RABE 7 consists of approximately 4 rmi (7 rkm) of Swan Creek in Lucas County, Ohio. This unit extends from the Monclova Road Bridge in the city of Maumee downstream to the Ohio Turnpike Interstate 80/Interstate 90 Bridge in the city of Maumee, in Lucas County, Ohio. The unit includes the river channel up to the ordinary high-water mark.

All of the riparian lands adjacent to, but not included in, this unit are in private ownership.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; impacts to the hydrological regime; habitat degradation and loss due to the amount of impervious surface and urbanization; and the presence of invasive species.

RABE 8: Blanchard River

RABE 8 consists of 28 rmi (45 rkm) of the Blanchard River in Hardin and Hancock Counties, Ohio. This unit extends from the County Road 183 Bridge in Jackson Township (Hardin County, Ohio) downstream to the State Route 568 Bridge (Carey Road Bridge) in the city of Findlay (Hancock County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

Approximately 4.3 percent (1 rmi (2 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (local) ownership, and 95.7 percent (27 rmi (43 rkm)) are in private ownership.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to sedimentation and stream channelization; and the presence of invasive species.

RABE 9: Allegheny River

RABE 9 consists of approximately 82 rmi (131 rkm) of the Allegheny River, Honeoye Creek, Olean Creek, Oil Creek, and Oswayo Creek in Allegany and Cattaraugus Counties, New York, and McKean and Potter Counties, Pennsylvania. The Allegheny River portion of this unit includes approximately 47 rmi (76 rkm) of the Allegheny River from its confluence with Sartwell Creek near the unincorporated community of Burtville in McKean County, Pennsylvania, downstream to the Interstate 86 Bridge in the village of Allegany, in Cattaraugus County, New York. The Olean Creek portion of this unit includes approximately 8 rmi (14 rkm) of Olean Creek from its confluence with Oil Creek in the town of Hinsdale downstream to the confluence with Allegheny River in the city of Olean, in Cattaraugus County, New York. The Oil Creek portion of this unit includes approximately 7 rmi (11 rkm) of Oil Creek from the Interstate 86 Bridge near the Cattaraugus County/Allegany County line in New York downstream to its confluence with Olean Creek in the town of Hinsdale, in Cattaraugus County, New York. The Oswayo Creek portion of this unit includes approximately 12 rmi (19 rkm) of Oswayo Creek its confluence with Honeoye Creek in Potter County, Pennsylvania, downstream to its confluence with Allegheny River just west of the village of Portville in Cattaraugus County, New York). The Honeoye Creek portion of this unit includes approximately 7 rmi (11 rkm) of Honeoye Creek from the New York/Pennsylvania State Line in Allegany County, New York, and Potter County, Pennsylvania, downstream to its confluence with Oswayo Creek. The unit includes the river channel up to the ordinary high-water mark.

Approximately 17.2 percent (14 rmi (22 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 82.8 percent (68 rmi (109 rkm)) are in private ownership. Adjacent State lands are owned or managed by the New York State Office of Parks, Recreation and Historic Preservation and the Pennsylvania Game Commission.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants and resource

extraction; reduced connectivity due to barriers; habitat degradation and loss due to urbanization, sedimentation, and stream channelization; and the presence of invasive species.

RABE 10: Middle Allegheny River

RABE 10 consists of 176 rmi (283 rkm) of the Allegheny River and Oil Creek in Armstrong, Butler, Clarion, Forest, Venango, Warren, and Westmoreland Counties, Pennsylvania. The Allegheny River portion of this unit extends approximately 171 rmi (275 rkm) from the Kinzua Dam in Warren County, Pennsylvania, downstream to the mouth of the Kiskiminetas River in Armstrong and Westmoreland Counties, Pennsylvania. The Oil Creek portion of this unit includes approximately 5 rmi (8 rkm) from the Oil Creek State Park Ice Control Dam in Venango County, Pennsylvania, downstream to Oil Creek's confluence with the Allegheny River in Oil City, Venango County, Pennsylvania. The unit includes the river channel up to the ordinary high-water mark.

Approximately 24.4 percent (43 rmi (74 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 75.6 percent (133 rmi (209 rkm)) are in private ownership. Adjacent Federal lands are owned or managed by the U.S. Forest Service and the Service. Adjacent State lands are owned or managed by the Pennsylvania Bureau of Forestry and the Pennsylvania Game Commission. The unit partially overlaps with designated critical habitat for the federally threatened longsolid (*Fusconaia subrotunda*) (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023), the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015), the federally endangered sheepnose, and the federally endangered snuffbox, and proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224, August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; reduced connectivity due to barriers; habitat degradation and loss due to urbanization, sedimentation, and stream channelization; and the presence of invasive species.

RABE 11: French Creek

RABE 11 consists of 100 rmi (161 rkm) of French Creek, LeBoeuf Creek, Muddy Creek, and Cussewago Creek in Crawford, Erie, Mercer, and Venango Counties, Pennsylvania. The French Creek portion of this unit includes 77 rmi (124 rkm) of French Creek from the Union City Reservoir Dam northeast of Union City (Erie County, Pennsylvania) downstream to its confluence with the Allegheny River near the city of Franklin (Venango County, Pennsylvania). The LeBoeuf Creek portion of this unit includes 3 rmi (5 rkm) of LeBoeuf Creek from the State Highway 97 Bridge in Waterford Township downstream to its confluence with French Creek in LeBoeuf Township, in Erie County, Pennsylvania. The Muddy Creek portion of this unit includes 14 rmi (23 rkm) of Muddy Creek from Pennsylvania Highway 77 near the unincorporated community of Little Cooley downstream to its confluence with French Creek east of the borough of Cambridge Springs, in Crawford County, Pennsylvania. The Cussewago Creek portion of this unit includes 6 rmi (10 rkm) of Cussewago Creek from the Rogers Ferry Road Bridge in Hayfield Township downstream to its confluence with French Creek in the city of Meadville, in Crawford County, Pennsylvania. The unit includes the river channel up to the ordinary high-water mark.

Approximately 17.3 percent (17 rmi (27 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 82.7 percent (83 rmi (134 rkm)) are in private ownership. Adjacent Federal lands are owned or managed by the Service. Adjacent State lands are owned or managed by the Pennsylvania Game Commission. The unit partially overlaps with designated critical habitat for the federally threatened longsolid (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023), the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015), the federally endangered sheepnose, and the federally endangered snuffbox mussel, and proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224; August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants and resource extraction; habitat degradation and loss due to urbanization, sedimentation, and stream channelization; the presence of invasive species; and the loss of riparian buffer zones.

RABE 12: Little Darby Creek

RABE 12 consists of 21 rmi (35 rkm) of Little Darby Creek in Madison and Union Counties, Ohio. This unit extends from the Ohio Highway 161 Bridge near the unincorporated community of Chuckery (Union County, Ohio) downstream to the U.S. Highway 40 Bridge near the village of West Jefferson (Madison County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

Approximately 19.6 percent (4 rmi (7 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State) ownership, and 80.4 percent (17 rmi (28 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Ohio Department of Natural Resources. The unit fully overlaps with designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015) and the federally endangered snuffbox mussel.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to urbanization, sedimentation, and stream channelization; and the presence of invasive species.

RABE 13: Big Darby Creek

RABE 13 consists of 38 rmi (61 rkm) of Big Darby Creek in Franklin, Madison, and Union Counties, Ohio. This unit extends from the Highway 36 Bridge in the village of Milford Center (Union County, Ohio) downstream to the State Route 665 Bridge (London Groveport Road) by the unincorporated community of Darbydale (Franklin County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

Approximately 36.8 percent (14 rmi (22 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 63.2 percent (24 rmi (39 rkm)) are in private ownership. Big Darby Creek is a State Scenic River, and adjacent State lands are owned or managed by the Ohio Department of Natural Resources. The unit fully overlaps with designated critical habitat for the federally endangered snuffbox mussel.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to urbanization, sedimentation, and stream channelization; reduced connectivity due to a barrier; and the presence of invasive species.

RABE 14: Great Miami River

RABE 14 consists of approximately 11 rmi (18 rkm) of the Great Miami River in Logan and Shelby Counties, Ohio. This unit extends from the dam at Riverside Park in village of Quincy (Logan County, Ohio) downstream to the Route 47 Bridge (Riverside Drive) in city of Sidney (Shelby County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

All of the riparian lands adjacent to, but not included in, this unit are in private ownership.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to urbanization, sedimentation, and stream channelization; reduced connectivity due to barriers; and the presence of invasive species.

RABE 15: Tippecanoe River

RABE 15 consists of 47 rmi (76 rkm) of the Tippecanoe River in Carroll, Pulaski, Tippecanoe, and White Counties, Indiana. This unit is composed of two subunits, and each subunit includes the river channel up to the ordinary high-water mark.

Subunit RABE 15a includes 28 rmi (45 rkm) of the Tippecanoe River from the State Highway 14 Bridge near the town of Winamac (Pulaski County, Indiana) downstream to the Lowes Bridge Road crossing in White County, Indiana.

Subunit RABE 15b includes 19 rmi (31 rkm) of the Tippecanoe River from the Oakdale Dam in Carroll County, Indiana, downstream to the confluence of the Tippecanoe River with the Wabash River northeast of the town of Battle Ground (Tippecanoe County, Indiana).

Approximately 6.6 percent (3 rmi (5 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 93.4 percent (44 rmi (71 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Indiana Department of Natural Resources. Both subunits partially overlap with designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015), the federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794; March 9, 2023), the federally endangered sheepnose, and proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224, August 22, 2023), and fully overlap with designated critical habitat for the federally endangered snuffbox mussel.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to urbanization, sedimentation, and stream channelization; reduced connectivity due to barriers; and the presence of invasive species.

II. Sheepnose

All 11 units for sheepnose are considered occupied by the species at the time of listing and contain all of the physical or biological features essential to the species' conservation.

SHNO 1: Lower Chippewa River

SHNO 1 consists of 57 rmi (92 rkm) of the lower Chippewa River in Buffalo, Dunn, Eau Claire, and Pepin Counties, Wisconsin. This unit extends from the confluence of the lower Chippewa River with the Eau Clair River (Eau Claire County, Wisconsin), downstream to its confluence with the Mississippi River (Buffalo/Pepin Counties, Wisconsin). The unit includes the river channel up to the ordinary high-water mark.

Approximately 63.0 percent (36 rmi (58 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 37.0 percent (21 rmi (34 rkm)) are in private ownership. Adjacent Federal lands are owned or managed by the Service as part of the Upper Mississippi River National Wildlife Refuge, and adjacent State lands are owned or managed by the Wisconsin Department of Natural Resources. This unit partially overlaps with proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224; August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants, and reduced connectivity due to barriers.

SHNO 2: Kankakee River

SHNO 2 consists of 51 rmi (82 rkm) of the Kankakee River in Grundy, Kankakee, and Will Counties, Illinois. This unit extends from the confluence of the Kankakee River with West Creek (Kankakee County, Illinois) downstream to its confluence with the Illinois River (Grundy County, Illinois). The unit includes the river channel up to the ordinary high-water mark.

Approximately 54.9 percent (28 rmi (45 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State, and local) ownership, and 45.1 percent (23 rmi (37 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Illinois Department of Natural Resources.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants and sedimentation, and in-stream gravel mining.

SHNO 3: Meramec and Bourbeuse Rivers

SHNO 3 consists of 153 rmi (246 rkm) of the Meramec and Bourbeuse Rivers in Franklin, Jefferson, and Saint Louis Counties, Missouri. This unit consists of 90 rmi (145 rkm) of the Meramec River from its confluence with Rye Creek (Franklin County, Missouri) downstream to its confluence with Mississippi River (Jefferson County, Missouri). SHNO 3 also includes 63 rmi (101 rkm) of the Bourbeuse River from its confluence with Little Creek downstream to its confluence with the Meramec River, in Franklin County, Missouri. The unit includes the river channel up to the ordinary high-water mark.

Approximately 23.7 percent (36 rmi (58 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 76.3 percent (117 rmi (188 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Missouri Department of Conservation and Missouri Department of Natural Resources. This unit partially overlaps with designated critical habitat for the federally endangered snuffbox, and the federally endangered spectaclecase.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; reduced connectivity due to barriers; the presence of invasive species; loss of riparian zones; and habitat degradation and loss due to urbanization.

SHNO 4: Middle Allegheny-Tionesta

SHNO 4 consists of 28 rmi (45 rkm)) of the Allegheny River in Forest and Venango Counties, Pennsylvania. This units extends from the confluence of the Allegheny River with Tionesta Creek (Forest County, Pennsylvania) downstream to its confluence with French Creek (Venango County, Pennsylvania). The unit includes the

river channel up to the ordinary high-water mark.

Approximately 0.14 percent (0.04 rmi (0.06 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State) ownership, and 99.86 percent (28 rmi (45 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Pennsylvania Fish and Boat Commission. The unit fully overlaps with designated critical habitat for the federally threatened longsolid (see 50 CFR 17.95(f) and 88 FR 14794; March 9, 2023) and the federally endangered rayed bean, and partially overlaps with the designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants and resource extraction; reduced connectivity due to barriers; habitat degradation and loss due to urbanization, sedimentation, and stream channelization; and the presence of invasive species.

SHNO 5: Upper Green

SHNO 5 consists of 157 rmi (253 rkm) of the Green River in Butler, Edmonson, Green, Hart, Taylor, and Warren Counties, Kentucky. This unit extends from the confluence of the Green River with the Barren River (Taylor County, Kentucky) downstream to the Green River Dam (Butler County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

Approximately 22.5 percent (35 rmi (56 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 77.5 percent (122 rmi (196 rkm)) are in private ownership. Adjacent Federal lands are owned or managed by the U.S. Army Corps of Engineers and the National Park Service, and adjacent State lands are owned or managed by the Kentucky Department of Agriculture and the Kentucky Division of Water—Wild Rivers Program. The unit partially overlaps with designated critical habitat for the federally endangered diamond darter (*Crystallaria cincotta*) (see 50 CFR 17.95(e) and 78 FR 52364, August 22, 2013), the federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023), the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015), and the federally endangered spectaclecase, and the proposed critical habitat for the proposed endangered Kentucky creekshell (see 50 CFR 17.95(f) and 89 FR 76196, September 17, 2024), and fully overlaps with designated critical habitat for the federally threatened longsolid (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023) and the federally endangered snuffbox.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from impoundments and associated cold water discharges; siltation and pollution due to improper timbering, sedimentation, and stream channelization; resource extraction; water withdrawals; and development.

SHNO 6: Tippecanoe River

SHNO 6 consists of 84 rmi (135 rkm) of the Tippecanoe River in Fulton, Marshall, Pulaski, Starke, and White Counties, Indiana. This unit extends from the confluence of the Tippecanoe River with Outlet Creek (Marshall County, Indiana) downstream to Lake Freeman (White County, Indiana). The unit includes the river channel up to the ordinary high-water mark.

Approximately 10.35 percent (9 rmi (14 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State) ownership, and 89.65 percent (75 rmi (121 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Indiana Department of Natural Resources. The unit partially overlaps with designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015), the federally endangered rayed bean, the federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794; March 9, 2023), and the federally endangered snuffbox mussel, and fully overlaps with the proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224, August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to urbanization, sedimentation, and stream channelization; reduced connectivity due to barriers; and the presence of invasive species.

SHNO 7: Walhonding River

SHNO 7 consists of 24 rmi (38 rkm) of the Walhonding River in Coshocton County, Ohio. This unit extends from the confluence of the Kokosing River and the Mohican River at the unincorporated community of Walhonding downstream to the confluence of the Walhonding River with the Tuscarawas River, in Coshocton County, Ohio. The unit includes the river channel up to the ordinary high-water mark.

Approximately 4.9 percent (1 rmi (2 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 95.1 percent (22 rmi (36 rkm)) are in private ownership. Adjacent State lands are owned or managed primarily by the Ohio Department of Natural Resources. The unit partially overlaps with designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants, sedimentation, and stream channelization.

SHNO 8: Lower Tennessee River

SHNO 8 consists of 23 rmi (36 rkm) of the Tennessee River in Livingston, Marshall, and McCracken Counties, Kentucky. This unit extends from the Kentucky Dam (Marshall/Livingston Counties, Kentucky) downstream to the confluence of the lower Tennessee River with the Ohio River (McCracken County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

Approximately 1.8 percent (0.4 rmi (0.6 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (local) ownership, and 98.2 percent (22 rmi (35 rkm)) are in private ownership. The unit fully overlaps with designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to in-stream gravel mining; degradation and loss of habitat due to dredging; reduced connectivity due to barriers; and the presence of invasive species.

SHNO 9: Upper Clinch River

SHNO 9 consists of 106 rmi (171 rkm) of the Clinch River in Russell, Scott, and Wise Counties, Virginia, and Hancock County, Tennessee. This unit extends from the confluence of the upper Clinch River with Thompson Creek (Russell County, Virginia) downstream to its

confluence with Big Creek (Hancock County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

Approximately 6.1 percent (6 rmi (10 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal and State) ownership, and 93.9 percent (100 rmi (161 rkm)) are in private ownership. Adjacent Federal lands are owned or managed by the U.S. Forest Service, and adjacent State lands are owned or managed by the Tennessee Wildlife Resources Agency or the Virginia Department of Conservation and Recreation. The unit fully overlaps with designated critical habitat for the federally endangered Cumberlandian combshell (*Epioblasma brevidens*), the federally endangered oyster mussel (*Epioblasma capsaeformis*), the federally endangered purple bean (*Villosa perpurpurea*), and the federally endangered rough rabbitsfoot (*Quadrula cylindrica strigillata*) (see 50 CFR 17.95(f) and 69 FR 53136, August 31, 2004); the federally endangered fluted kidneyshell, and the federally endangered slabside pearlymussel (see 50 CFR 17.95(f) and 78 FR 59956, September 26, 2013); the federally threatened longsolid (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023); the federally threatened slender chub (*Erimystax cahni*) (see 50 CFR 17.95(e) and 42 FR 45526, September 9, 1977); the federally endangered snuffbox; and the federally endangered spectaclecase; and partially overlaps with the designated critical habitat for the federally threatened yellowfin madtom (*Noturus flavipinnis*) (see 50 CFR 17.95(e) and 42 FR 45526, September 9, 1977), and the proposed critical habitat for the federally threatened sickle darter (*Percina williamsi*) (88 FR 4128; January 24, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from downstream impoundment, mining discharges, siltation, contaminants, resource extraction, and water withdrawals; urbanization; and the presence of invasive species.

SHNO 10: Powell River

SHNO 10 consists of 63 rmi (101 rkm) of the Powell River in Lee County, Virginia, and Claiborne and Hancock County, Tennessee. This unit extends from the confluence of the Powell River with the Little Yellow Branch (Lee County, Virginia) downstream to Highway 25E (Dixie Highway E) (Claiborne County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

Approximately 0.5 percent (0.3 rmi (0.5 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State) ownership, and 99.5 percent (62 rmi (100 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Tennessee Department of Environment and Conservation or the Virginia Department of Conservation and Recreation. This unit fully overlaps with designated critical habitat for the federally endangered Cumberlandian combshell, federally endangered oyster mussel, federally endangered purple bean, and federally endangered rough rabbitsfoot (see 50 CFR 17.95(f) and 69 FR 53136, August 31, 2004); the federally endangered fluted kidneyshell, and the federally endangered slabside pearlymussel (see 50 CFR 17.95(f) and 78 FR 59956, September 26, 2013); the federally threatened slender chub and federally threatened yellowfin madtom (see 50 CFR 17.95(e) and 42 FR 45526, September 9, 1977); and the federally endangered snuffbox.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants, urbanization, resource extraction, sedimentation, stream channelization; reduced connectivity due to barriers; the presence of invasive species; and changes to the hydrological regime.

SHNO 11: Big Sunflower River

SHNO 11 consists of 56 rmi (90 rkm) of the Big Sunflower River in Bolivar and Sunflower Counties, Mississippi. This unit begins where Merigold-Drew Road crosses the Big Sunflower River (Bolivar County, Mississippi) and extends downstream to the confluence of the Big Sunflower River with the Quiver River (Sunflower County, Mississippi). The unit includes the river channel up to the ordinary high-water mark.

Approximately 4.1 percent (2 rmi (4 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal and State) ownership, and 95.9 percent (54 rmi (86 rkm)) are in private ownership. Adjacent Federal lands are owned or managed by the NRCS. Adjacent State lands are owned or managed by the Mississippi Secretary of State and Mississippi Forestry Commission. The unit partially overlaps with designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants and sedimentation; degradation and loss of habitat due to dredging and stream channelization; and changes to the hydrological regime.

III. Snuffbox

All 38 units for snuffbox are considered occupied by the species at the time of listing and contain all of the physical or biological features essential to the species' conservation.

SNBO 1: Wolf River

SNBO 1 consists of 8 rmi (13 rkm) of the Wolf River in Shawano County, Wisconsin. This unit extends from the Shawano Dam downstream to the County Road CCC Bridge near the town of Waukechon, in Shawano County, Wisconsin. The unit includes the river channel up to the ordinary high-water mark.

Approximately 17.0 percent (1 rmi (2 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 83.0 percent (7 rmi (11 rkm)) are in private ownership. Adjacent Federal land is owned or managed by the Bureau of Land Management. Adjacent State lands are owned or managed by the Wisconsin Department of Natural Resources.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to urbanization; reduced connectivity due to barriers; impacts to the hydrological regime; and the presence of invasive species.

SNBO 2: Embarrass River

SNBO 2 consists of 18 rmi (29 rkm) of the Embarrass River, South Branch Embarrass River, and North Branch Embarrass River in Shawano County, Wisconsin. This unit is composed of two subunits, and each subunit includes the river channel up to the ordinary high-water mark.

Subunit SNBO 2a includes approximately 11 rmi (18 rkm) of the South Branch Embarrass River in Shewano County, Wisconsin, from Spaulding Street (County Road M) in Tigerton downstream to its confluence with Embarrass River in the town of Grant.

Subunit SNBO 2b includes approximately 7 rmi (11 rkm) of the Embarrass River and the North Fork Embarrass River in Shawano County, Wisconsin. The Embarrass River includes approximately 5 rmi (8 rkm) of the Embarrass River and extends from the Caroline Dam in the town of Grant downstream to its confluence with North Branch Embarrass River, in Shawano County, Wisconsin. The North Branch Embarrass River portion of this unit includes approximately 2 rmi (3 rkm) of North Branch Embarrass from the dam in the unincorporated community of Leopolis downstream to its confluence with Embarrass River, in Shawano County, Wisconsin.

All of the riparian lands adjacent to, but not included in, this unit are in private ownership.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to urbanization; reduced connectivity due to barriers; impacts to the hydrological regime; and the presence of invasive species.

SNBO 3: Little Wolf River

SNBO 3 consists of 12 rmi (19 rkm) of the Little Wolf River in Waupaca County, Wisconsin. This unit extends from the Manawa Mill Pond Dam in the city of Manawa downstream to the Highway X Bridge in the town of Mukwa, in Waupaca County, Wisconsin. The unit includes the river channel up to the ordinary high-water mark.

All of the riparian lands adjacent to, but not included in, this unit are in private ownership.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to urbanization; reduced connectivity due to barriers; impacts to the hydrological regime; and the presence of invasive species.

SNBO 4: Grand River (Michigan)

SNBO 4 consists of 41 rmi (65 rkm) of the Grand River and the Flat River in Ionia and Kent Counties, Michigan. The Grand River portion of this unit includes 40 rmi (64 rkm) of the Grand River and extends from the Webber Dam upstream of the village of Lyons (Ionia County, Michigan) downstream to its confluence with Thornapple River in the unincorporated community of Ada (Kent County, Michigan). The Flat River portion of this unit includes 0.5 rmi (0.8 rkm) of the Flat River from West State Highway 21 in the city of Lowell downstream to its confluence with Grand River in the city of Lowell, in Kent County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

Approximately 33.5 percent (14 rmi (22 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 66.5 percent (27 rmi (43 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Michigan Department of Natural Resources.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to urbanization; reduced connectivity due to barriers; and the presence of invasive species.

SNBO 5: Clinton River

SNBO 5 consists of 8 rmi (13 rkm) of the Clinton River in Oakland County, Michigan. This unit extends from downstream of the fish hatchery at Waterford Township downstream to Cass Lake east of the unincorporated community of Four Towns, in Oakland County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

Approximately 11.0 percent (0.9 rmi (1 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (local) ownership, and 89.0 percent (7 rmi (12 rkm)) are in private ownership. The unit fully overlaps with designated critical habitat for the federally endangered rayed bean and partially overlaps with proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224; August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to the amount of impervious surface, urbanization, and the lack of canopy cover and vegetative cover in the riparian buffer; reduced connectivity due to barriers; and the presence of invasive species.

SNBO 6: Huron River

SNBO 6 consists of 16 rmi (26 rkm) of the Huron River in Livingston County, Michigan. This unit extends from Strawberry Lake downstream to the Kent Lake Dam, in Livingston County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

Approximately 55.5 percent (9 rmi (14 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 44.5 percent (7 rmi (12 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Michigan Department of Natural Resources.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; reduced connectivity due to barriers; and the presence of invasive species.

SNBO 7: Grand River (Ohio)

SNBO 7 consists of 23 rmi (37 rkm) of the Grand River in Ashtabula and Lake Counties, Ohio. This unit extends from the Harpersfield Dam in the unincorporated community of Harpersfield (Ashtabula County, Ohio) downstream to the Norfolk and Western Railroad Trestle (Lake County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

Approximately 33.1 percent (8 rmi (12 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (local) ownership, and 66.9 percent (16 rmi (25 rkm)) are in private ownership. This unit fully overlaps with designated critical habitat for the federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from impoundments, domestic and industrial pollution due to human development, resource extraction, water withdrawals, and wastewater treatment plants; and the presence of invasive species.

SNBO 8: Allegheny River

SNBO 8 consists of 35 rmi (57 rkm) of the Allegheny River in Venango County, Pennsylvania. This unit extends from the Allegheny River's confluence with French Creek near city of Franklin downstream to Interstate 80 near the borough of Emlenton, in Venango County, Pennsylvania. The unit includes the river channel up to the ordinary high-water mark.

Approximately 18.6 percent (6 rmi (11 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 81.4 percent (29 rmi (46 rkm)) are in private ownership. Adjacent State lands

are owned or managed by the Pennsylvania Bureau of Forestry and the Pennsylvania Fish and Boat Commission. The unit fully overlaps with designated critical habitat for the federally threatened longsolid (see 50 CFR 17.95(f) and 88 FR 14794; March 9, 2023), the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015), and the federally endangered rayed bean, and partially overlaps with the critical habitat designation for the federally endangered sheepnose.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants, sedimentation, stream channelization, and resource extraction; reduced connectivity due to barriers (*e.g.,* locks and dams); channelization; and the presence of invasive species.

SNBO 9: French Creek

SNBO 9 consists of 130 rmi (209 rkm) of French Creek, West Branch French Creek, LeBoeuf Creek, Cussewago Creek, Woodcock Creek, Muddy Creek, and Conneaut Outlet in Erie, Crawford, Lebanon, Mercer, and Venango Counties, Pennsylvania. SNBO 9 includes two subunits, and each subunit includes the river channel up to the ordinary high-water mark.

Subunit SNBO 9a includes 19 rmi (30 rkm) of the West Branch French Creek portion in Erie County, Pennsylvania from the Aston Road Bridge in Greenfield Township just west of the New York/Pennsylvania State line downstream to its confluence with French Creek in Wattsburg.

Subunit SNBO 9b includes 111 rmi (179 rkm) of the French Creek, LeBoeuf Creek, Cussewago Creek, Woodcock Creek, Muddy Creek, and Conneaut Outlet in Erie, Crawford, Mercer, and Venango Counties, Pennsylvania. The French Creek portion of this unit includes 75 rmi (121 rkm) from the Union City Reservoir Dam northeast of Union City (Erie County, Pennsylvania) downstream to its confluence with Allegheny River near the city of Franklin (Venango County, Pennsylvania). The LeBoeuf Creek portion of this unit includes 3 rmi (5 rkm) in Erie County, Pennsylvania, from U.S. Highway 19 downstream to its confluence with French Creek in Le Boeuf Township. The Cussewago Creek portion of this unit includes 1 rmi (2 rkm) in Crawford County, Pennsylvania, from Dunham Road in the borough of Fredericksburg downstream to its confluence with French Creek in the city of Meadville. The Woodcock Creek portion of this unit includes 4 rmi (6 rkm) from the Woodcock Dam downstream to its confluence with French Creek in the borough of Saegertown, in Crawford County, Pennsylvania. The Muddy Creek portion of this unit includes 14 rmi (22 rkm) from Pennsylvania Highway 77 near unincorporated community of Little Cooley downstream to its confluence with French Creek east of the borough of Cambridge Springs, in Crawford County, Pennsylvania. The Conneaut Outlet portion of this unit includes 14 rmi (23 rkm) from Conneaut Lake downstream to its confluence with French Creek in Fairfield Township, in Crawford County, Pennsylvania.

Approximately 23.8 percent (31 rmi (50 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 76.2 percent (99 rmi (160 km)) are in private ownership. Adjacent Federal lands are owned or managed by the Service. Adjacent State lands are owned or managed by the Pennsylvania Fish and Boat Commission and the Pennsylvania Game Commission. Both subunits partially overlap with designated critical habitat for the federally threatened longsolid (see 50 CFR 17.95(f) and 88 FR 14794; March 9, 2023), the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015), the federally endangered rayed bean, and the federally endangered sheepnose, and proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224, August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from sedimentation, stream channelization, and resource extraction.

SNBO 10: West Fork River

SNBO 10 consists of 22 rmi (35 rkm) of the West Fork River in Lewis and Harrison Counties, West Virginia. This unit extends from the Broad Run Road Bridge (County Road 8) in Lewis County, West Virginia, downstream to the Trolley Car Lane Bridge in the city of Clarksburg (Harrison County, West Virginia). The unit includes the river channel up to the ordinary high-water mark.

All of the riparian lands adjacent to, but not included in, this unit are in private ownership.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from contaminants, sedimentation, and resource extraction, and reduced connectivity due to barriers.

SNBO 11: Shenango River

SNBO 11 consists of 28 rmi (44 rkm) of the Shenango River and the Little Shenango River in Crawford and Mercer Counties, Pennsylvania. The Shenango River portion of the unit includes 24 rmi (39 rkm) from Dam Road at the Pymatuning Reservoir Dam outlet in Crawford County, Pennsylvania, downstream to the point of inundation by Shenango River Lake near Big Bend (Mercer County, Pennsylvania). The Little Shenango River portion of this unit includes 4 rmi (6 rkm) from the County Road 4017 Bridge (Werner Road Bridge) downstream to the confluence with Shenango River in the borough of Greenville, in Mercer County, Pennsylvania. The unit includes the river channel up to the ordinary high-water mark.

Approximately 4.4 percent (1 rmi (2 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 95.6 percent (27 rmi (42 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Pennsylvania Bureau of State Parks. The unit partially overlaps with designated critical habit for the federally threatened longsolid and the federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794; March 9, 2023); and the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from contaminants and resource extraction, and reduced connectivity due to barriers.

SNBO 12: Middle Island Creek

SNBO 12 consists of 87 rmi (140 rkm) of Middle Island Creek, Meathouse Fork, and McElroy Creek in Doddridge, Tyler, and Pleasants Counties, West Virginia. The Middle Island Creek portion of this unit includes approximately 76 rmi (122 rkm) from the beginning of Middle Island Creek (*i.e.,* where Meathouse Fork and Beaver Creek join forming Middle Island Creek) south of the unincorporated community of Smithburg in Doddridge County, West Virginia, downstream to the confluence with the Ohio River at the city of St. Mary's (Pleasants County, West Virginia). The Meathouse Fork

portion of this unit includes approximately 7 rmi (11 rkm) from the State Highway 18 Bridge southeast of the unincorporated community of Blandville downstream to where Beaver Creek and Meathouse Creek join to form Middle Island Creek, in Doddridge County, West Virginia. The McElroy Creek portion of this unit includes approximately 5 rmi (8 rkm) from the Whitetail Lane Bridge to its confluence with Middle Island Creek in the unincorporated community of Alma, in Tyler County, West Virginia. The unit includes the river channel up to the ordinary high-water mark.

Approximately 2.6 percent (2 rmi (3 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State, and local) ownership, and 97.4 percent (85 rmi (137 rkm)) are in private ownership. Adjacent State lands are owned or managed by the West Virginia Division of Natural Resources. The unit partially overlaps designated critical habit for the federally threatened longsolid and the federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794; March 9, 2023); and proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224, August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from contaminants and resource extraction, and the presence of invasive species.

SNBO 13: Little Kanawha River

SNBO 13 consists of 200 rmi (322 rkm) of the Little Kanawha River, Leading Creek, Hughes River, North Fork Hughes River, and South Fork Hughes River in Braxton, Calhoun, Gilmer, Ritchie, and Wirt Counties, West Virginia. The Little Kanawha River portion of this unit includes approximately 109 rmi (175 rkm) from Burnsville Dam (which is in neighboring Braxton County) downstream to the confluence with the Hughes River in Wirt County, West Virginia. The Leading Creek portion of this unit includes approximately 12 rmi (20 rkm) from the Ellis Run Road Bridge southwest of the unincorporated community of Troy downstream to the confluence with the Little Kanawha River northwest of the town of Glenville, in Gilmer County, West Virginia. The Hughes River portion of this unit includes approximately 7 rmi (11 rkm) from the convergence of the North and South Forks Hughes River in Freeport downstream to the confluence of the Little Kanawha River in the unincorporated community of Greencastle, in Wirt County, West Virginia. The North Fork Hughes River portion of this unit includes approximately 28 rmi (45 rkm) from the North Bend Dam near the town of Harrisville (Ritchie County, West Virginia) downstream to the convergence with the South Fork Hughes River in the unincorporated community of Freeport (Wirt County, West Virginia). The South Fork Hughes River portion of this unit includes approximately 44 rmi (71 rkm) from the State Route 74 Bridge in Ritchie County, West Virginia, downstream to the convergence with the North Fork Hughes River in the unincorporated community of Freeport (Wirt County, West Virginia). The unit includes the river channel up to the ordinary high-water mark.

Approximately 8.6 percent (17 rmi (28 rkm) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 91.4 percent (183 rmi (294 rkm)) are in private ownership. Adjacent Federal lands are owned or managed by the U.S. Army Corps of Engineers. Adjacent State lands are owned or managed by the West Virginia Division of Natural Resources. The unit partially overlaps with designated critical habitat for the federally threatened longsolid and the federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023); and proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224; August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from impoundments, siltation, and pollution due to improper timbering practices, resource extraction, water withdrawals, development, and wastewater treatment plants; and the presence of invasive species.

SNBO 14: Kanawha River

SNBO 14 consists of 58 rmi (93 rkm) of the Kanawha River and the Elk River in Clay and Kanawha Counties, West Virginia. The Kanawha River portion of this unit includes 5 rmi (8 rkm) from its confluence with the Elk River in the city of Charleston downstream to the westbound crossing of Interstate 64 in western Charleston, in Kanawha County, West Virginia. The Elk River portion of this unit includes 53 rmi (85 rkm) from the Pisgah Ridge Road/Elk Street crossing in Clay County, West Virginia, downstream to its confluence with the Kanawha River in the city of Charleston (Kanawha County, West Virginia). The unit includes the river channel up to the ordinary high-water mark.

Approximately 4.5 percent (4 rmi (6 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 92.2 percent (54 mi (87 km)) are in private ownership. Adjacent State lands are owned or managed by the West Virginia Department of Natural Resources. The unit partially overlaps designated critical habitat for the federally endangered diamond darter (see 50 CFR 17.95(e) and 78 FR 52364, August 22, 2013), and for the federally threatened longsolid and federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: the degradation of habitat and water quality from impoundments, siltation, and pollution due to improper timbering practices, resource extraction, water withdrawals, development, and wastewater treatment plants; and the presence of invasive species.

SNBO 15: Olentangy River

SNBO 15 consists of 30 rmi (48 rkm) of the Olentangy River in Marion County, Ohio. This unit extends from the Crawford-Marion Line Road Bridge at the Crawford and Marion County line downstream to the Delaware Dam impoundment (Marion/Delaware County Line, Ohio). The unit includes the river channel up to the ordinary high-water mark.

Approximately 0.9 percent (0.3 rmi (0.5 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State) ownership, and 99.1 percent (30 rmi (48 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Ohio Department of Natural Resources.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants, and habitat degradation and loss due to urbanization, sedimentation, and stream channelization.

SNBO 16: Little Darby Creek

SNBO 16 consists of 28 rmi (45 rkm) of Little Darby Creek in Franklin, Madison, and Union Counties, Ohio. This unit extends from the Ohio Highway 161 Bridge near the unincorporated community of Chuckery

(Union County, Ohio) downstream to its confluence with Big Darby Creek (Franklin County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

Approximately 15.0 percent (4 rmi (6 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 85.0 percent (24 rmi (39 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Ohio Department of Natural Resources. The unit partially overlaps with designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015) and the federally endangered rayed bean.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants, and habitat degradation and loss due to urbanization, sedimentation, and stream channelization.

SNBO 17: Big Darby Creek

SNBO 17 consists of 69 rmi (111 rkm) of Big Darby Creek in Franklin, Madison, Pickaway, and Union Counties, Ohio. This unit extends from the U.S. Highway 36 Bridge in the village of Milford Center (Union County, Ohio) downstream to its confluence with the Scioto River near the city of Circleville (Pickaway County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

Approximately 29.5 percent (20 rmi (32 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 70.5 percent (49 rmi (79 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Ohio Department of Natural Resources. This unit partially overlaps with critical habitat for the federally endangered rayed bean.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants, and habitat degradation and loss due to urbanization, sedimentation, and stream channelization.

SNBO 18: Stillwater River

SNBO 18 consists of 12 rmi (19 rkm) of the Stillwater River in Miami and Montgomery Counties, Ohio. This unit extends from the Fenner Road Bridge (County Road 37) in Miami County, Ohio, downstream to the Old Springfield Road Bridge in Union City (Montgomery County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

Approximately 5.5 percent (0.6 rmi (1 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (local) ownership, and 94.5 percent (11 rmi (18 rkm)) are in private ownership.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; habitat degradation and loss due to urbanization; reduced connectivity due to barriers; and the presence of invasive species.

SNBO 19: Tygarts Creek

SNBO 19 consists of 89 rmi (143 rkm) of Tygarts Creek in Carter and Greenup Counties, Kentucky. This unit extends from the confluence of Flat Fork just north of U.S Highway 60 in Carter County, Kentucky, downstream to the confluence with the Ohio River in South Shore (Greenup County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

Approximately 1.4 percent (1 rmi (2 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State) ownership, and 98.6 percent (88 rmi (141 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Kentucky Department of Parks.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; reduced connectivity due to barriers; and the presence of invasive species.

SNBO 20: Kinniconick Creek

SNBO 20 consists of 52 rmi (84 rkm) of Kinniconick Creek in Lewis County, Kentucky. This unit extends from the headwaters of Kinniconick Creek southwest of the unincorporated community of Petersville downstream to its confluence with the Ohio River at the unincorporated community of Rexton, in Lewis County, Kentucky. The unit includes the river channel up to the ordinary high-water mark.

All the riparian lands adjacent to, but not included in, this unit are in private ownership. The unit fully overlaps with proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224; August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; reduced connectivity due to barriers; the presence of invasive species; impacts to the hydrological regime; and habitat degradation and loss due to urbanization, sedimentation, stream channelization, and the lack of canopy cover and vegetative cover in the riparian buffer.

SNBO 21: Licking River

SNBO 21 consists of 239 rmi (385 rkm) of the Licking River and Slate Creek in Bath, Bracken, Campbell, Fleming, Harrison, Kenton, Menifee, Montgomery, Nicholas, Pendleton, Robertson, and Rowan Counties, Kentucky. The Licking River portion of this unit includes 179 rmi (288 rkm) from the Cave Run Dam in Bath/Rowan Counties, Kentucky, downstream to the confluence with the Ohio River in the city of Covington (Kenton County, Kentucky). The Slate Creek portion of this unit includes 60 rmi (97 rkm) from the U.S. Route 460 Bridge in Menifee County, Kentucky, downstream to the confluence with Licking River in Bath County, Kentucky. The unit includes the river channel up to the ordinary high-water mark.

Approximately 7.5 percent (18 rmi (29 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 92.5 percent (221 rmi (356 rkm)) are in private ownership. Adjacent State lands are owned or managed by the Kentucky State Nature Preserves Commission, Kentucky Department of Fish and Wildlife Resources, and the Kentucky Department of Parks. The unit partially overlaps with designated critical habitat for the federally threatened longsolid and the federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023); and proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224; August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from impoundments and associated cold water discharges, siltation, and pollution due to improper timbering practices, resource extraction, water withdrawals, development, and wastewater treatment plants; and the presence of invasive species.

SNBO 22: Middle Fork Kentucky River

SNBO 22 consists of 13 rmi (21 rkm) of the Middle Fork Kentucky River in Leslie County, Kentucky. This unit extends from the dam south of the city

of Hyden downstream to County Road 1475, in Leslie County, Kentucky. The unit includes the river channel up to the ordinary high-water mark.

All of the riparian lands adjacent to, but not included in, this unit are in private ownership.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from sedimentation and resource extraction.

SNBO 23: Red Bird River

SNBO 23 consists of 60 rmi (97 rkm) of the Red Bird River and South Fork Kentucky River in Clay, Lee, and Owsley Counties, Kentucky. The Red Bird River portion of this unit extends from the East Hal Rogers Parkway downstream to its confluence with the South Fork Kentucky River near the unincorporated community of Oneida, in Clay County, Kentucky. The South Fork Kentucky River portion of this unit extends from its confluence with the Red Bird River (Clay County, Kentucky) downstream to its confluence with the North Fork Kentucky River in the city of Beattyville (Lee County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

Approximately 5.0 percent (3 rmi (5 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal) ownership, and 95.0 percent (57 rmi (92 rkm)) are in private ownership. Adjacent Federal lands are owned or managed by the U.S. Forest Service.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; the presence of invasive species; and impacts to the hydrological regime.

SNBO 24: Red River

SNBO 24 consists of 31 rmi (49 rkm) of the Red River in Wolfe, Menifee, and Powell Counties, Kentucky. This unit extends from the Red River's confluence with Stillwater Creek (Wolfe County, Kentucky) downstream to the Bert T. Combs Mountain Parkway Bridge (Powell County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

Approximately 60.5 percent (19 rmi (30 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal and State) ownership, and 39.5 percent (12 rmi (19 rkm)) are in private ownership. Adjacent Federal lands are owned or managed by the U.S. Forest Service. Adjacent State lands are owned or managed by the Kentucky Division of Water.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants and urbanization; the presence of invasive species; and reduced connectivity due to barriers.

SNBO 25: Green River

SNBO 25 consists of 157 rmi (253 rkm) of the Green River in Butler, Warren, Edmonson, Green, Hart, and Taylor Counties, Kentucky. This unit extends from the Green River Lake Dam south of the city of Campbellsville (Taylor County, Kentucky) downstream to the confluence with the Barren River at the city of Woodbury (Warren/Butler Counties, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

Approximately 22.7 percent (36 rmi (58 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 77.3 percent (121 rmi (195 rkm)) are in private ownership. Adjacent Federal lands are owned or managed by the National Park Service. Adjacent State lands are owned or managed by the Kentucky Department of Agriculture. This unit fully with designated critical habitat for the federally endangered sheepnose and the federally threatened longsolid (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023), and partially overlaps with designated critical habitat for the federally endangered diamond darter (see 50 CFR 17.95(e) and 78 FR 52364, August 22, 2013), the federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023), the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015), and the federally endangered spectaclecase, and the proposed critical habitat for the proposed endangered Kentucky creekshell (see 50 CFR 17.95(f) and 89 FR 76196, September 17, 2024).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from impoundments and associated cold water discharges, siltation and pollution due to improper timbering, sedimentation, stream channelization, resource extraction, water withdrawals, and development.

SNBO 26: Salamonie River

SNBO 26 consists of 12 rmi (19 rkm) of the Salamonie River in Huntington County, Indiana. The unit extends from the low-head dam by the intersection of County Road W 700 S and S. Belleville Road in Jefferson Township downstream to Salamonie Lake east of the town of Mount Etna, in Huntington County, Indiana. The unit includes the river channel up to the ordinary high-water mark.

Approximately 76.1 percent (9 rmi (14 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal) ownership, and 23.9 percent (3 rmi (5 rkm)) are in private ownership. Adjacent Federal land is owned or managed by the U.S. Army Corps of Engineers.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants and urbanization; the presence of invasive species; and changes to the hydrological regime.

SNBO 27: Tippecanoe River

SNBO 27 consists of 47 rmi (76 rkm) of the Tippecanoe River in Carroll, Pulaski, Tippecanoe, and White Counties, Indiana. This unit is composed of two subunits, and each subunit includes the river channel up to the ordinary high-water mark.

Subunit SNBO 27a includes 28 rmi (45 rkm) of the Tippecanoe River from the State Highway 14 Bridge near the town of Winamac (Pulaski County, Indiana) downstream to the Lowes Bridge Road crossing in White County, Indiana.

Subunit SNBO 27b includes 19 rmi (31 rkm) of the Tippecanoe River from the Oakdale Dam in Carroll County, Indiana, downstream to the confluence of the Tippecanoe River with the Wabash River northeast of the town of Battle Ground (Tippecanoe County, Indiana).

Approximately 6.6 percent (3 rmi (5 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 93.4 percent (44 rmi (71 rkm)) are in private ownership. Adjacent State land is owned or managed by the Indiana Department of Natural Resources. Both subunits partially overlap with designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015), the federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794; March 9, 2023), and the federally endangered sheepnose, and

proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224, August 22, 2023), and fully overlaps with designated critical habitat for the federally endangered rayed bean.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants and urbanization; reduced connectivity due to barriers; the presence of invasive species; and changes to the hydrological regime.

SNBO 28: Embarras River

SNBO 28 consists of 71 rmi (114 rkm) of the Embarras River in Coles, Douglas, and Cumberland Counties, Illinois. The unit extends from the East County Road 1550 North Bridge on the border of Crittenden Township and Camargo Township (Douglas County, Illinois) downstream to the County Road 1200 North Bridge in Cottonwood Township (Cumberland County, Illinois). The unit includes the river channel up to the ordinary high-water mark.

Approximately 11.5 percent (8 rmi (13 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 88.5 percent (63 rmi (101 rkm)) are in private ownership. Adjacent State land is owned or managed by the Illinois Department of Natural Resources.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants and urbanization; reduced connectivity due to barriers; the presence of invasive species; and changes to the hydrological regime.

SNBO 29: Rolling Fork Salt River

SNBO 29 consists of 95 rmi (153 rkm) of the Rolling Fork Salt River in Marion, LaRue, Hardin, Nelson, and Bullitt Counties, Kentucky. This unit extends from the confluence with North Rolling Fork near State Highway 337 (Marion County, Kentucky) downstream to the Interstate 65 Bridge southwest of the city of Lebanon Junction (Bullitt County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

All of the riparian lands adjacent to, but not included in, this unit are in private ownership. The unit partially overlaps with proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224, August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants and urbanization; reduced connectivity due to barriers; the presence of invasive species; and changes to the hydrological regime.

SNBO 30: Clinch River

SNBO 30 consists of 170 rmi (273 rkm) of the Clinch River in Russell, Scott, Tazewell, and Wise Counties, Virginia, and Claiborne, Grainger, and Hancock Counties, Tennessee. This unit extends from State Highway 637 west of the unincorporated community of Pounding Mill in Tazewell County, Virginia, to just downstream of Grissom Island, in Claiborne County, Tennessee. The unit includes the river channel up to the ordinary high-water mark.

Approximately 5.9 percent (10 rmi (16 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 94.1 percent (160 rmi (257 rkm)) are in private ownership. Adjacent Federal land is owned or managed by the U.S. Forest Service. Adjacent State land is owned or managed by the Tennessee Wildlife Resources Agency and Virginia Department of Conservation and Recreation. This unit fully overlaps with designated critical habitat for the federally threatened longsolid (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023), and partially overlaps with designated critical habitat for the federally endangered purple bean, the federally endangered oyster mussel, the federally endangered rough rabbitsfoot, and federally endangered Cumberlandian combshell (see 50 CFR 17.95(f) and 69 FR 53136, August 31, 2004); the federally endangered fluted kidneyshell (*Ptychobranchus subtentus*) and the federally endangered slabside pearlymussel (*Pleuronaia dolabelloides*) (see 50 CFR 17.95(f) and 78 FR 59556, September 26, 2013); and the federally threatened slender chub and the federally threatened yellowfin madtom (see 50 CFR 17.95(e) and 42 FR 45526, September 9, 1977); the federally endangered sheepnose; and the federally endangered spectaclecase. The unit also overlaps in part or in full with proposed critical habitat for the federally threatened sickle darter (88 FR 4128; January 24, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from downstream impoundment, mining discharges, siltation, contaminants, resource extraction, water withdrawals, and urbanization; and the presence of invasive species.

SNBO 31: Powell River

SNBO 31 consists of 66 rmi (106 rkm) of the Powell River in Lee County, Virginia, and Hancock and Claiborne Counties, Tennessee. This unit extends from the Flanary Bridge Road Bridge (State Highway 758) in Lee County, Virginia, downstream to U.S. 25E Bridge in Claiborne County, Tennessee. The unit includes the river channel up to the ordinary high-water mark.

Approximately 0.5 percent (0.3 rmi (0.5 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State) ownership, and 99.5 percent (66 rmi (106 rkm)) are in private ownership. Adjacent State land is owned or managed by the Tennessee Department of Environment and Conservation. This unit fully overlaps with designated critical habitat for the federally endangered Cumberlandian combshell, the federally endangered oyster mussel, the federally endangered purple bean, and the federally endangered rough rabbitsfoot (see 50 CFR 17.95(f) and 69 FR 53136, August 31, 2004); the federally endangered fluted kidneyshell and the federally endangered slabside pearlymussel (see 50 CFR 17.95(f) and 78 FR 59556, September 26, 2013); the federally threatened yellowfin madtom and the federally threatened slender chub (see 50 CFR 17.95(e) and 42 FR 45526, September 9, 1977); and the federally endangered sheepnose mussel.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants, urbanization, resource extraction, sedimentation, stream channelization, and coal mining and mine runoff; reduced connectivity due to barriers; presence of invasive species; and changes to the hydrological regime.

SNBO 32: Paint Rock River

SNBO 32 consists of 53 rmi (85 rkm) of the Paint Rock River in Jackson, Madison, and Marshall Counties, Alabama. The unit extends from the convergence of Estill Fork and Hurricane Creek north of the town of Skyline (Jackson County, Alabama) downstream to U.S. Highway 431 south of the city of New Hope (Madison and Marshall Counties, Alabama). The unit includes the river channel up to the ordinary high-water mark.

Approximately 93.5 percent (50 rmi (80 rkm)) of the riparian lands adjacent to, but not included in, this unit are in

public (Federal and State) ownership, and 6.5 percent (3 rmi (5 rkm)) are in private ownership. Adjacent Federal land is owned or managed by the Service. Adjacent State land is owned or managed by the Alabama Department of Conservation and Natural Resources. This unit fully overlaps with designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015), the federally threatened longsolid (see 50 CFR 17.95(f) and 88 FR 14794; March 9, 2023), and the federally endangered slabside pearlymussel (see 50 CFR 17.95(f) and 78 FR 59556, September 26, 2013), and partially overlaps with the designated critical habitat for federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794; March 9, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: channelization; degradation of water quality due to contaminants, urbanization, sedimentation, and stream channelization; reduced connectivity due to barriers; the presence of invasive species; and changes to the hydrological regime.

SNBO 33: Elk River

SNBO 33 consists of 27 rmi (43 rkm) of the Elk River in Lincoln and Giles Counties, Tennessee. This unit extends from Harms Mill Dam (Lincoln County, Tennessee) downstream to the Interstate 65 Bridge in the city of Elkton (Giles County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

All of the riparian lands adjacent to, but not included in, this unit are in private ownership. This unit fully overlaps with designated critical habitat for the federally endangered fluted kidneyshell and the federally endangered slabside pearlymussel (see 50 CFR 17.95(f) and 78 FR 59556, September 26, 2013).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants, urbanization, sedimentation, stream channelization, and instream gravel mining; reduced connectivity due to barriers; the presence of invasive species; and changes to the hydrological regime.

SNBO 34: Duck River

SNBO 34 consists of 47 rmi (76 rkm) of the Duck River in Marshall and Maury Counties, Tennessee. This unit extends from the Lillard's Mill Dam (Marshall County, Tennessee) downstream to the First Street Bridge in the city of Columbia (Maury County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

Approximately 57.4 percent (27 rmi (44 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 42.6 percent (20 rmi (32 rkm)) are in private ownership. Adjacent State land is owned or managed by the Tennessee Wildlife Resources Agency. This unit fully overlaps with designated critical habitat for the federally endangered Cumberlandian combshell and federally threatened oyster mussel (see 50 CFR 17.95(f) and 69 FR 53136, August 31, 2004), the federally endangered fluted kidneyshell and the federally endangered slabside pearlymussel (see 50 CFR 17.95(f) and 78 FR 59556, September 26, 2013), and the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015), and partially overlaps with the designated critical habitat for the federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794; March 9, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; reduced connectivity due to barriers; the presence of invasive species; and changes to the hydrological regime.

SNBO 35: St. Croix River

SNBO 35 consists of 53 rmi (85 rkm) of the St. Croix River in Polk, St. Croix, and Pierce Counties, Wisconsin, and Chisago and Washington Counties, Minnesota. This unit extends from the base of the dam at the city of St. Croix Falls (Polk County, Wisconsin) and the city of Taylors Falls (Chisago County, Minnesota) downstream to the confluences with the Mississippi River at the city Prescott (Pierce County, Wisconsin) and Point Douglas Park (Washington County, Minnesota). The unit includes the river channel up to the ordinary high-water mark.

Approximately 58.3 percent (31 rmi (50 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 41.7 percent (22 rmi (35 rkm)) are in private ownership. Federal land is owned or managed by the National Park Service. State land is owned or managed by the Minnesota Department of Natural Resources. This unit fully overlaps with designated critical habitat for the federally endangered spectaclecase and proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224; August 22, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; reduced connectivity due to barriers; the presence of invasive species; and habitat degradation and loss due to urbanization, sedimentation, stream channelization, and the lack of canopy cover in the riparian buffer.

SNBO 36: Meramec River

SNBO 36 consists of 227 rmi (365 rkm) of the Meramec River and the Bourbeuse River in Saint Louis, Jefferson, Phelps, Gasconade, and Franklin Counties, Missouri. The Meramec River portion of this unit includes 92 rmi (148 rkm) and extends from the State Route 185 Bridge in Meramec Township (Franklin County, Missouri) downstream to the State Highway 141 Bridge in the city of Valley Park (Saint Louis County, Missouri). The Bourbeuse River portion of this unit includes 135 rmi (217 rkm) and extends from the County Road B Bridge in Dawson Township (Phelps County, Missouri) downstream to the confluence with the Meramec River (Franklin County, Missouri). The unit includes the river channel up to the ordinary high-water mark. This unit partially overlaps with critical habitat for the federally endangered sheepnose, and the federally endangered spectaclecase.

Approximately 12.0 percent (27 rmi (44 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State and local) ownership, and 88.0 percent (200 rmi (322 rkm)) are in private ownership. Adjacent State land is owned or managed by the Missouri Department of Natural Resources.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; reduced connectivity due to barriers; the presence of invasive species; loss of riparian zones; and habitat degradation and loss due to urbanization.

SNBO 37: St. Francis River

SNBO 37 consists of 58 rmi (93 rkm) of the St. Francis River in Madison and Wayne Counties, Missouri. This unit extends from the confluence with Twelvemile Creek west of the unincorporated community of Saco (Madison County, Missouri) downstream to where inundation begins

at Lake Wappepello (Wayne County, Missouri). The unit includes the river channel up to the ordinary high-water mark.

Approximately 8.4 percent (5 rmi (8 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal and State) ownership, and 91.6 percent (53 rmi (85 rkm)) are in private ownership. Adjacent Federal land is owned or managed by the U.S. Forest Service. Adjacent State land is owned or managed by the Missouri Department of Conservation and Missouri Department of Natural Resources. This unit partially overlaps with designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015), the federally threatened Big Creek crayfish and the federally threatened St. Francis River crayfish (88 FR 25512, April 27, 2023), and the federally threatened western fanshell (88 FR 41724; June 27, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; reduced connectivity due to barriers; the presence of invasive species; and habitat degradation and loss due to urbanization.

SNBO 38: Spring River

SNBO 38 consists of 33 rmi (53 rkm) of the Spring River in Sharp, Lawrence, and Randolph Counties, Arkansas. This unit extends from the confluence with Ott Creek southeast of the city of Hardy (Sharp County, Arkansas) downstream to the confluence with the Black River east of the city of Black Rock (Lawrence and Randolph Counties, Arkansas). The unit includes the river channel up to the ordinary high-water mark.

Approximately 3.7 percent (1 rmi (2 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State) ownership, and 96.3 percent (32 rmi (51 rkm)) are in private ownership. Adjacent State land is owned or managed by the Arkansas Game and Fish Commission. This unit fully overlaps with designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015) and partially overlaps with designated critical habitat for the federally threatened western fanshell (88 FR 41724; June 27, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of water quality due to contaminants; reduced connectivity due to barriers; the presence of invasive species; and habitat degradation and loss due to urbanization.

IV. Spectaclecase

All 12 units for spectaclecase are considered occupied by the species at the time of listing and contain all of the physical or biological features essential to the species' conservation.

SPCA 1: St. Croix River

SPCA 1 is on the border between the States of Minnesota and Wisconsin and consists of 53 rmi (86 rkm) of the St. Croix River in Chisago and Washington Counties, Minnesota, and Polk, St. Croix, and Pierce Counties, Wisconsin. This unit extends from the downstream side of St. Croix Falls dam at the city of St. Croix Falls (Polk County, Wisconsin) downstream to the confluence with the Mississippi River at the city of Prescott (Pierce County, Wisconsin). The unit includes the river channel up to the ordinary high-water mark.

Approximately 60.8 percent (32 rmi (52 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 39.2 percent (21 rmi (34 rkm)) are in private ownership. Adjacent Federal lands in this unit are owned or managed by the National Park Service. Adjacent State land is owned or managed by the Minnesota Department of Natural Resources and the Wisconsin Department of Natural Resources. The unit fully overlaps with designated critical habitat for the federally endangered snuffbox and proposed critical habitat for the proposed endangered salamander mussel (88 FR 57224; August 22, 2023).

The features essential to the conservation of this may require special management considerations or protections to reduce the following threats: the presence of invasive species, impacts to the hydrological regime, and habitat degradation and loss due to sedimentation, stream channelization, or changes in the riparian buffer.

SPCA 2: Mississippi River

SPCA 2 is on the border between the States of Iowa and Illinois and consists of 132 rmi (212 rkm) of the Mississippi River in Scott, Muscatine, Louisa, Des Moines, and Lee Counties, Iowa, and Rock Island, Mercer, Henderson, and Hancock Counties, Illinois. The unit extends from the downstream side of Lock and Dam 14 at the village of Hampton (Rock Island County, Illinois) downstream to Lock and Dam 19 at the city of Keokuk (Lee County, Iowa). The unit occurs within Mississippi River Pools 15, 16, 17, 18, and 19, and the unit includes the river channel up to the ordinary high-water mark.

Approximately 37.8 percent (50 rmi (80 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 62.2 percent (82 rmi (132 rkm)) are in private ownership. Adjacent Federal lands are owned or managed by the Service, U.S. Army Corps of Engineers, and Bureau of Land Management. Adjacent State land is owned or managed by the Illinois Department of Natural Resources and the Iowa Department of Natural Resources.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: changes to hydrology from sedimentation, erosion, and turbidity, and from channel maintenance dredging; degradation of water quality due to anthropogenic threats (*e.g.,* pollution, contamination, and disturbance); water impoundment, habitat fragmentation, and reduced connectivity due to lock and dam systems; and the presence of invasive species, especially zebra mussel (*Dreissena polymorpha*).

SPCA 3: Meramec River

SPCA 3 consists of 156 rmi (251 rkm) of the Meramec River in Jefferson, Saint Louis, Franklin, Crawford, and Washington Counties, Missouri. The unit extends from the downstream side of the Highway 19 bridge near the unincorporated community of Wildwoods (Crawford County, Missouri) downstream to the confluence of the Meramec River with the Mississippi River near the city of Kimmswick (Jefferson County, Missouri). The unit includes the river channel up to the ordinary high-water mark.

Approximately 29.6 percent (46 rmi (74 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State, local) ownership, and 70.4 percent (110 rmi (177 rkm)) are in private ownership. Adjacent State land is owned or managed by Missouri Department of Natural Resources. The unit partially overlaps with critical habitat for the federally endangered sheepnose and the federally endangered snuffbox.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: changes to hydrology and water quality from anthropogenic sources including in-stream gravel mining, municipal or industrial pollutants and

runoff, and sedimentation; loss of riparian vegetation within the watershed, and further development and conversion of bottomlands; habitat loss from bank degradation or destruction, erosion, and in-water structures (*e.g.,* bridges and dams); and the presence of invasive species, especially zebra mussel.

SPCA 4: Big River

SPCA 4 consists of 11 rmi (18 rkm) of the Big River in Jefferson County, Missouri. The unit extends from the downstream side of the Highway W bridge near Rockford Park downstream to the confluence of the Big River with the Meramec River near Twin River Park, in Jefferson County, Missouri. The unit includes the river channel up to the ordinary high-water mark.

Approximately 8.7 percent (1 rmi (2 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (local) ownership, and 91.3 percent (10 rmi (16 rkm)) are in private ownership. The unit partially overlaps with critical habitat for the federally endangered sheepnose and the federally endangered snuffbox.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: changes to hydrology and water quality from anthropogenic sources, including in-stream gravel mining, municipal or industrial pollutants and runoff, and sedimentation; loss of riparian vegetation within the watershed, and further development and conversion of bottomlands; habitat loss from bank degradation or destruction, erosion, and in-water structures (*e.g.,* bridges and dams); and the presence of invasive species, especially zebra mussel.

SPCA 5: Gasconade River

SPCA 5 consists of 223 rmi (359 rkm) of the Gasconade River in Gasconade, Osage, Maries, Phelps, Pulaski, and Laclede Counties, Missouri. The unit extends from the downstream side of the Highway AD bridge near the unincorporated community of Clark Ford (Laclede County, Missouri) downstream to the confluence of the Gasconade River with the Missouri River at the city of Gasconade (Gasconade County, Missouri). The unit includes the river channel up to the ordinary high-water mark.

Approximately 5.4 percent (12 rmi (19 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal and State) ownership, and 94.6 percent (211 rmi (340 rkm)) are in private ownership. Adjacent Federal land is owned or managed by the U.S. Forest Service. Adjacent State land is owned or managed by the Missouri Department of Conservation.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: changes to hydrology and water quality from anthropogenic sources, municipal or industrial pollutants and runoff, and sedimentation; loss of riparian vegetation within the watershed and further development and conversion of bottomlands; and habitat loss from bank degradation or destruction, erosion, and in-water structures (*e.g.,* bridges and dams).

SPCA 6: Big Piney River

SPCA 6 consists of 53 rmi (86 rkm) of the Big Piney River in Pulaski, Phelps, and Texas Counties, Missouri. SPCA 6 includes two subunits. Subunit SPCA 6a extends approximately 34 rmi (55 rkm) from the downstream side of Boiling Springs Road, at Boiling Springs Access (Texas County, Missouri), downstream to the upstream end of Fort Leonard Wood Military Training Facility (Pulaski County, Missouri). Subunit 6b extends approximately 19 rmi (31 rkm) from the downstream end of Fort Leonard Wood Military Training Facility (Pulaski County, Missouri) to the confluence with the Gasconade River, near the unincorporated community of Hooker (Pulaski County, Missouri). Each subunit includes the river channel up to the ordinary high-water mark.

Approximately 62.3 percent (33 rmi (54 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal and State) ownership, and 37.7 percent (20 rmi (32 rkm)) are in private ownership. Adjacent Federal land is owned or managed by the U.S. Forest Service. Adjacent State land is owned or managed by the Missouri Department of Conservation.

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: changes to hydrology and water quality from anthropogenic sources, municipal or industrial pollutants, and runoff, and from sedimentation; loss of riparian vegetation within the watershed and further development and conversion of bottomlands; and habitat loss from bank degradation or destruction, erosion, and in-water structures (*e.g.,* bridges and dams).

SPCA 7: Ouachita River

SPCA 7 consists of 83 rmi (134 rkm) of the Ouachita River in Hot Springs, Clark, Dallas, and Ouachita Counties, Arkansas. This unit extends from the downstream side of Highway 67 bridge at the town of Donaldson (Hot Springs County, Arkansas) downstream to the Highway 79N bridge at the city of Camden (Ouachita County, Arkansas). The unit includes the river channel up to the ordinary high-water mark.

Approximately 1.2 percent (1 rmi (2 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (local) ownership, and 98.8 percent (82 rmi (132 rkm)) are in private ownership. The unit partially overlaps with designated critical habitat for the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015) and the federally threatened ''Ouachita'' fanshell (*Cyprogenia* cf. *aberti*) (see 50 CFR 17.95(f) and 88 FR 41724, June 27, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: changes to hydrology and water quality from anthropogenic sources, municipal or industrial pollutants, and runoff, and from sedimentation; loss of riparian vegetation within the watershed and further development and conversion of bottomlands; and habitat loss from bank degradation or destruction, erosion, and in-water structures (*e.g.,* bridges and dams).

SPCA 8: Tennessee River

SPCA 8 consists of 142 rmi (229 rkm) of the Tennessee River in Marshall, Madison, Morgan, Lawrence, Lauderdale, Limestone, and Colbert Counties, Alabama; Tishomingo County, Mississippi; and Hardin County, Tennessee. The unit extends from the downstream side of Guntersville Dam at the city of Guntersville (Marshall County, Alabama) downstream to Pickwick Landing Dam at the unincorporated community of Counce (Hardin County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

Approximately 95.1 percent (135 rmi (218 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (Federal, State, and local) ownership, and 4.9 percent (7 rmi (11 rkm)) are in private ownership. Adjacent Federal lands are owned or managed by the Tennessee Valley Authority or National Park Service. Adjacent State land is owned or managed by the Alabama Department of Conservation and Natural Resources or the Tennessee Department of Environment and Conservation.

The features essential to the conservation of this species may require

special management considerations or protection to reduce the following threats: changes to hydrology and water quality from anthropogenic sources, municipal or industrial pollutants, and runoff, and from sedimentation; loss of riparian vegetation within the watershed and further development and conversion of bottomlands; habitat loss from bank degradation or destruction, erosion, and in-water structures (*e.g.,* bridges and dams); and the presence of invasive species, especially zebra mussel.

SPCA 9: Clinch River

SPCA 9 consists of 157 rmi (253 rkm) of the Clinch River in Russell, Wise, and Scott Counties, Virginia, and Hancock, Claiborne, and Grainger Counties, Tennessee. SPCA 9 is located on the downstream side of the bridge at Kents Ridge Road at the unincorporated community of Swords Creek (Russell County, Virginia) and extends downstream to the Highway 25E bridge near the town of Tazewell (Claiborne County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

Approximately 5.7 percent (9 rmi (15 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State) ownership, and 94.3 percent (148 rmi (238 rkm)) are in private ownership. Adjacent State land is owned or managed by the Tennessee Wildlife Resources Agency or Virginia Department of Conservation and Recreation. This unit fully overlaps with designated critical habitat for the federally threatened longsolid (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023), and partially overlaps with designated critical habitat for the federally endangered Cumberlandian combshell, the federally endangered oyster mussel, the federally endangered purple bean, and the federally endangered rough rabbitsfoot (see 50 CFR 17.95(f) and 69 FR 53136, August 31, 2004); the federally endangered fluted kidneyshell and the federally endangered slabside pearlymussel (*Pleuronaia dolabelloides*) (see 50 CFR 17.95(f) and 78 FR 59556, September 26, 2013); the federally threatened slender chub and the federally threatened yellowfin madtom (see 50 CFR 17.95(e) and 42 FR 45526, September 9, 1977); the federally endangered sheepnose, and the federally endangered snuffbox; and proposed critical habitat for the federally threatened sickle darter (88 FR 4128; January 24, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from downstream impoundment, mining discharges, siltation, contaminants, resource extraction, water withdrawals, and urbanization; reduced connectivity due to barriers; and impacts from nonnative species.

SPCA 10: Nolichucky River

SPCA 10 consists of 37 rmi (60 rkm) of the Nolichucky River in Greene, Cocke, Hamblen, and Jefferson Counties, Tennessee. The unit extends from the downstream side of the bridge at Highway 321 near the unincorporated community of St. James (Greene County, Tennessee) downstream to the confluence with the French Broad River near the unincorporated community of Leadvale (Cocke County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

Approximately 6.7 percent (2 rmi (4 rkm)) of the riparian lands adjacent to, but not included in, this unit are in public (State) ownership, and 93.3 percent (35 rmi (56 rkm)) are in private ownership. Adjacent State land is owned or managed by the Tennessee Wildlife Resources Agency. The unit partially overlaps with designated critical habitat for the federally endangered Cumberlandian combshell and the federally endangered oyster mussel (see 50 CFR 17.95(f) and 69 FR 53136, August 31, 2004), and the federally endangered fluted kidneyshell and the federally endangered slabside pearlymussel (see 50 CFR 17.95(f) and 78 FR 59556, September 26, 2013).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: changes to water quality from sedimentation, stream channelization, resource extraction, power generation, and legacy pollutants; changes in hydrology, in-stream modifications from transportation projects, utility corridor development, and unrestricted cattle access and grazing; loss of riparian vegetation within the watershed and further development and conversion of bottomlands; reduced connectivity due to barriers; and impacts from nonnative species.

SPCA 11: Green River

SPCA 11 consists of 77 rmi (124 rkm) of the Green River in Hart, Edmonson, Warren, and Butler Counties, Kentucky. The unit extends from the downstream side of the bridge at Highway 31W at the city of Munfordville (Hart County, Kentucky) downstream to the confluence with the Barren River near the city of Woodbury (Warren County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

Approximately 40.2 percent (31 rmi (50 rkm)) of the riparian lands adjacent to, but not included in, SPCA 11 are in public (Federal and State) ownership, and 59.8 percent (46 rmi (74 rkm)) are in private ownership. Adjacent Federal land is owned or managed by the National Park Service. Adjacent State land is owned or managed by the Kentucky Division of Water—Wild River Program. This unit fully overlaps with designated critical habitat for the federally threatened longsolid and the federally threatened round hickorynut (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023), and the federally endangered sheepnose, the federally endangered snuffbox, and the proposed critical habitat for the proposed endangered Kentucky creekshell (see 50 CFR 17.95(f) and 89 FR 76196, September 17, 2024). Additionally, the unit partially overlaps with designated critical habitat for the federally endangered diamond darter (see 50 CFR 17.95(e) and 78 FR 52364, August 22, 2013) and the federally threatened rabbitsfoot (see 50 CFR 17.95(f) and 80 FR 24692, April 30, 2015).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: degradation of habitat and water quality from impoundments and associated cold water discharges, siltation and pollution due to improper timbering, sedimentation, stream channelization, resource extraction, water withdrawals, and development and conversion of bottomlands.

SPCA 12: Kanawha River

SPCA 12 consists of 16 rmi (25 rkm) of the Kanawha River within Kanawha County, West Virginia. This unit extends from the downstream side of the Lock and Dam located at the unincorporated community of London downstream to the Lock and Dam at the city of Marmet, in Kanawha County, West Virginia. The unit includes the river channel up to the ordinary high-water mark.

Approximately 2.5 percent (0.4 rmi (0.6 rkm)) of the riparian lands adjacent to, but not included in, SPCA 12 are in public (local) ownership, and 97.5 percent (15 rmi (24 rkm)) are in private ownership. This unit partially overlaps designated critical habitat for the federally threatened longsolid (see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023) and partially overlaps with the federally threatened round hickorynut

(see 50 CFR 17.95(f) and 88 FR 14794, March 9, 2023).

The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: changes to water quality from sedimentation, stream channelization, and resource extraction, power generation, and legacy pollutants; changes in hydrology, flow and discharge impacts from dams, in-stream modifications from transportation projects, and utility corridor development; and loss of riparian vegetation within the watershed, bank stabilization and armoring, and further development and conversion of bottomlands.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species.

Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species (50 CFR 402.02).

Compliance with the requirements of section 7(a)(2) is documented through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect, and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species, destroy or adversely modify critical habitat, or both, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy or destruction or adverse modification of critical habitat. We define ''reasonable and prudent alternatives'' (at 50 CFR 402.02) as alternative actions identified during formal consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Service Director's opinion, avoid the likelihood of jeopardizing the continued existence of the listed species or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 set forth requirements for Federal agencies to reinitiate consultation. Reinitiation of consultation is required and shall be requested by the Federal agency, where discretionary Federal involvement or control over the action has been retained or is authorized by law and: (1) If the amount or extent of taking specified in the incidental take statement is exceeded; (2) if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion or written concurrence; or (4) if a new species is listed or critical habitat designated that may be affected by the identified action. As provided in 50 CFR 402.16, the requirement to reinitiate consultations for new species listings or critical habitat designation does not apply to certain agency actions (*e.g.,* land management plans issued by the Bureau of Land Management in certain circumstances).

Destruction or Adverse Modification of Critical Habitat

The key factor related to the destruction or adverse modification determination is whether implementation of the proposed Federal action directly or indirectly alters the designated critical habitat in a way that appreciably diminishes the value of the critical habitat for the conservation of the listed species. As discussed above, the role of critical habitat is to support physical or biological features essential to the conservation of a listed species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires that our proposed or final regulations include, to the maximum extent practicable, a brief description and evaluation of those activities (whether public or private) which, in the opinion of the Secretary, if undertaken may adversely modify critical habitat, or may be affected by such designation. Activities that may be affected by designation of critical habitat for the rayed bean, sheepnose, snuffbox, or spectaclecase include those that may affect the physical or biological features of these species' critical habitats (see Physical or Biological Features Essential to the Conservation of the Species, above).

Exemptions

Application of Section 4(a)(3) of the Act

The Sikes Act Improvement Act of 1997 (Sikes Act) (16 U.S.C. 670a) required each military installation that includes land and water suitable for the conservation and management of natural resources to complete an integrated natural resources management plan (INRMP) by November 17, 2001. An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found on the base. Each INRMP includes:

(1) An assessment of the ecological needs on the installation, including the need to provide for the conservation of listed species;

(2) A statement of goals and priorities;

(3) A detailed description of management actions to be implemented to provide for these ecological needs; and

(4) A monitoring and adaptive management plan.

Among other things, each INRMP must, to the extent appropriate and applicable, provide for fish and wildlife management; fish and wildlife habitat enhancement or modification; wetland protection, enhancement, and restoration where necessary to support fish and wildlife; and enforcement of applicable natural resource laws.

The National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108–136) amended the Act to limit areas eligible for designation as critical habitat. Specifically, section 4(a)(3)(B)(i) of the Act provides that the Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense (DoD), or designated for its use, that are subject to an INRMP prepared under section 101 of the Sikes Act, if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation.

We consult with the military on the development and implementation of INRMPs for installations with listed

species. We analyzed INRMPs developed by military installations located within the range of the critical habitat designation for all four species to determine if they meet the criteria for exemption from critical habitat under section 4(a)(3) of the Act. The following areas are DoD lands with completed, Service-approved INRMPs within the critical habitat designation for spectaclecase.

Approved INRMPs

U.S. Army Maneuver Support Center of Excellence and Fort Leonard Wood (SPCA 6: Big Piney River), 10 rmi (16 rkm)

The U.S. Army Maneuver Support Center of Excellence and Fort Leonard Wood (hereafter, Fort Leonard Wood) is an installation under DoD jurisdiction within Pulaski County, Missouri, near the towns of Waynesville and St. Robert. The installation encompasses approximately 61,641 acres (24,945 hectares) of land within the Ozark Plateau region. The Big Piney River runs along its eastern boundary, and Roubidoux Creek runs along its western boundary. Much of the land surrounding Fort Leonard Wood is in public ownership as part of the Mark Twain National Forest.

The current INRMP provides specific protections for 47 special status fauna species, including the spectaclecase. Conservation actions to benefit the spectaclecase pertain to improvements to water quality, especially decreasing sedimentation and improving stream stabilization. Specifically, best management practices geared toward improving water quality include controlling or eliminating runoff and erosion that could affect surface waters; ensuring nonpoint source pollution abatement is considered within construction, installation operations, and land management plans and activities; ensuring that approved best management practices are implemented and maintained; using site-specific water testing for natural resources programs and erosion control projects; and using water-related inventory data to make decisions regarding land use, restoration options, and fish and wildlife habitat management options. Additionally, vehicles are restricted from driving in waters containing spectaclecase habitat or areas that would disturb water quality or increase turbidity upstream of habitat areas. The INRMP also includes recommendations for an aquatic organism bypass channel as part of restoration or replacement of the Big Piney River water intake weir, as these measures would improve connectivity of habitats upstream of the weir with larger source populations downstream. Aspects of these measures are being implemented at both the local site level (*i.e.,* those related to direct disturbance of spectaclecase habitat) and across the entire installation (*i.e.,* those related to water quality improvements in general).

Based on the above considerations, and in accordance with section 4(a)(3)(B)(i) of the Act, we have determined that the identified areas are subject to the Fort Leonard Wood INRMP and that conservation efforts identified in the INRMP will provide a benefit to the spectaclecase. Therefore, the river miles that occur within this installation are exempt from critical habitat designation under section 4(a)(3) of the Act. We are not including approximately 10 rmi (16 rkm) of habitat in this final critical habitat designation because of this exemption.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, the impact on national security, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude any area from critical habitat if the benefits of exclusion outweigh those of inclusion, so long as exclusion will not result in extinction of the species concerned. Exclusion decisions are governed by the regulations at 50 CFR 424.19 and the Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act (hereafter, the ''2016 Policy''; 81 FR 7226, February 11, 2016), both of which were developed jointly with the National Marine Fisheries Service (NMFS). We also refer to a 2008 Department of the Interior Solicitor's opinion entitled, ''The Secretary's Authority to Exclude Areas from a Critical Habitat Designation under Section 4(b)(2) of the Endangered Species Act'' (M–37016). In this final rule, we are not excluding any areas from critical habitat.

Exclusions Based on Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. In order to consider economic impacts, we prepared an incremental effects memo and screening analysis which, together with our narrative and interpretation of effects, we consider to be our economic analysis of the critical habitat designation and related factors (IEc 2024, entire). The analysis, dated September 13, 2024, was made available for public review from December 13, 2024, through February 11, 2025 (89 FR 101100), and we made minor updates to the screening analysis on July 3, 2025 (IEc 2025, entire), to reflect relevant Executive Orders that were issued after the proposed rule published (89 FR 101100, December 13, 2024). The economic analysis addressed the probable impacts of critical habitat designation for the rayed bean, sheepnose, snuffbox, and spectaclecase mussels. Following the close of the comment period, we reviewed and evaluated all information submitted during the comment period that may pertain to our consideration of the probable incremental economic impacts of this critical habitat designation. Additional information relevant to the probable incremental economic impacts of critical habitat designation for the rayed bean, sheepnose, snuffbox, and spectaclecase mussels is summarized below and available in the screening analysis for the rayed bean, sheepnose, snuffbox, and spectaclecase mussels (IEc 2025, entire), available at *https://www.regulations.gov.*

The full description of the finding from the economic analysis is outlined in the proposed rule (89 FR 101100; December 13, 2024). Although we adjusted some areas as critical habitat for the rayed bean and snuffbox mussels, the changes resulted in a reduction of approximately 160 unique rmi (258 rkm) of critical habitat to the overall designation, and all of these changes occurred within areas that are considered to be occupied by the species. This minor change in the overall designation, combined with the fact that the number of anticipated consultations was based on the number of consultations for each of the species across their ranges, does not result in any changes to the estimated incremental costs associated with this critical habitat designation. The estimated incremental costs of the total proposed critical habitat designation for rayed bean, sheepnose, snuffbox, and spectaclecase mussels was found to be less than $630,000 per year. Therefore, the annual administrative costs is unlikely to reach $100 million in any single year.

As discussed above, we considered the economic impacts of the critical habitat designation, and the Secretary is not exercising their discretion to exclude any areas from this designation of critical habitat for the rayed bean, sheepnose, snuffbox, or spectaclecase mussels based on economic impacts.

Exclusions Based on Impacts on National Security and Homeland Security

In preparing this rule, we have determined that, other than the areas exempted under section 4(a)(3)(B)(i) of the Act based upon the existence of an approved INRMP (see Exemptions, above), the areas within the final designation of critical habitat for the rayed bean, sheepnose, snuffbox, and spectaclecase are not owned or managed by DoD or Department of Homeland Security. Therefore, we anticipate no impact on national security or homeland security. We did not receive any additional information during the public comment period for the proposed designation regarding impacts of the designation on national security or homeland security that would support excluding any specific areas from the final critical habitat designation under the authority of section 4(b)(2) of the Act and our implementing regulations at 50 CFR 424.19, as well as the 2016 Policy.

Exclusions Based on Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security discussed above. To identify other relevant impacts that may affect the exclusion analysis, we consider a number of factors, including whether there are approved and permitted conservation agreements or plans covering the species in the area—such as safe harbor agreements (SHAs), candidate conservation agreements with assurances (CCAAs) or ''conservation benefit agreements'' or ''conservation agreements'' (CBAs) (CBAs are a new type of agreement replacing SHAs and CCAAs in use after April 2024 (89 FR 26070; April 12, 2024)) or HCPs—or whether there are non-permitted conservation agreements and partnerships that would be encouraged by designation of, or exclusion from, critical habitat. In addition, we look at whether Tribal conservation plans or partnerships, Tribal resources, or government-to-government relationships of the United States with Tribal entities may be affected by the designation. We also consider any State, local, social, or other impacts that might occur because of the designation.

We are not excluding any areas from critical habitat. In preparing this final rule, we have determined that there are currently no permitted plans or other management plans for the rayed bean, snuffbox, and spectaclecase mussels, and the designation does not include any Tribal lands or trust resources. Although there are permitted conservation plans for sheepnose and we identified the Columbia Pipeline Group Multi-Species HCP as potentially impacting the critical habitat for sheepnose within SHNO 11 (Big Sunflower River) at the proposed rule stage (89 FR 101100 at 101131; December 13, 2024), closer inspection of the Columbia Pipeline Group Multi-Species HCP revealed that its coverage area on the Big Sunflower River does not overlap with the areas designated as critical habitat for sheepnose. As such, we did not consider this potential exclusion further.

Therefore, across all four species, we anticipate no impact on Tribal lands, partnerships, or permitted plans from this final critical habitat designation. We did not receive any additional information during the public comment period for the proposed rule regarding other relevant impacts to support excluding any specific areas from the final critical habitat designation under the authority of section 4(b)(2) of the Act and our implementing regulations at 50 CFR 424.19, as well as the 2016 Policy. Accordingly, the Secretary is not exercising their discretion to exclude any areas from this designation based on other relevant impacts.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules as defined by that E.O.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13653 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. We have developed this rule in a manner consistent with these requirements. OIRA has determined that this rule is significant under section 3(f) of E.O. 12866.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; title II of Pub. L. 104–121, March 29, 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

Under the RFA, as amended, as understood in light of recent court decisions, Federal agencies are required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself; in other words, the RFA does not require agencies to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action

authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, only Federal action agencies will be directly regulated by these designations. The RFA does not require evaluation of the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities will be directly regulated by this rulemaking, we certify that these critical habitat designations will not have a significant economic impact on a substantial number of small entities.

During the development of this final rule, we reviewed and evaluated all information submitted during the comment period on the proposed rule (89 FR 101100; December 13, 2024) that may pertain to our consideration of the probable incremental economic impacts of this critical habitat designation. Based on this information, we affirm our certification that this critical habitat designation will not have a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare statements of energy effects ''to the extent permitted by law'' when undertaking actions identified as significant energy actions (66 FR 28355; May 22, 2001). E.O. 13211 defines a ''significant energy action'' as, among other things, an action that (i) meets the definition of a ''significant regulatory action'' under E.O. 12866; and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy. In our economic analysis, we did not find that these critical habitat designations would significantly affect energy supplies, distribution, or use. Facilities that provide energy supply, distribution, or use (*e.g.,* dams, pipelines) occur within some of the units of the critical habitat designations and may potentially be affected. We determined that consultations, technical assistance, and requests for species lists may be necessary in some instances. However, all four species have been listed under the Act since 2012, all critical habitat units are considered to be occupied by the species, and, as a result, we are not expecting an increase in the number of consultations into the future across the designation of all four species. Thus, in our economic analysis, we did not find that these critical habitat designations would significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no statement of energy effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following finding:

(1) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or Tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or Tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions are not likely to destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) This rule will not significantly or uniquely affect small governments because it will affect such governments only to the extent that any programs having Federal funds, permits, or other authorized activities must ensure that their actions will not adversely affect the critical habitat. Therefore, a small government agency plan is not required.

Takings—Executive Order 12630

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for the rayed bean, sheepnose, snuffbox, and spectaclecase in a takings implications assessment. The Act does not authorize the Service to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership or establish any closures or restrictions on use of or access to the designated areas. Furthermore, the designation of critical habitat does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. However, Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. A takings implications assessment has been completed and concludes that these designations of critical habitat for the rayed bean, sheepnose, snuffbox, and spectaclecase do not pose significant takings implications for lands within or affected by the designations.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this rule does not have significant federalism effects. A federalism summary impact statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of these critical habitat designations with, appropriate State resource agencies. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, this final rule does not have substantial direct effects either on the States, or on the relationship between the Federal Government and the States, or on the distribution of powers and responsibilities among the various levels of government. The designations may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical or biological features of the habitat necessary for the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist State and local governments in long-range planning because they no longer have to wait for case-by-case section 7 consultations to occur.

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) of the Act would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with E.O. 12988 (Civil Justice Reform), the Office of the Solicitor has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. We are designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, this rule identifies the physical or biological features essential to the conservation of the species. The areas of designated critical habitat are presented on maps, and the rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

Regulations adopted pursuant to section 4(a) of the Act are exempt from the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) and do not require an environmental analysis under NEPA. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This includes listing, delisting, and reclassification rules, as well as critical habitat designations. In a line of cases starting with *Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), the courts have upheld this position.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951, May 4, 1994), E.O. 13175 (Consultation and Coordination with Indian Tribal Governments), the President's memorandum of November 30, 2022 (Uniform Standards for Tribal Consultation; 87 FR 74479, December 5, 2022), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with federally recognized Tribes and Alaska Native Corporations (ANCs) on a government-to-government basis. In accordance with Secretary's Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We contacted 33 Tribal entities that own or manage lands or have known cultural interests within the ranges of the four mussel species, and we requested information related to Tribal management of these four species and updated information about these species and their habitats. No Tribes responded to our information request for developing the proposed critical habitat; however, the Seneca Nation of Indians—Allegany Territory provided comments on and support for the proposed critical habitat rule (89 FR 101100; December 13, 2024). We will continue to work with relevant Tribal entities, including the Seneca Nation of Indians, on recovery efforts for the rayed bean, sheepnose, snuffbox, and spectaclecase. We have determined that no Tribal lands fall within the boundaries of the final critical habitat for these species, so no Tribal lands would be affected by these designations.

References Cited

A complete list of references cited in this rulemaking is available on the internet at *https://www.regulations.gov* and upon request from the Illinois-Iowa (sheepnose), Minnesota-Wisconsin (spectaclecase), or Ohio (rayed bean and snuffbox) Ecological Services Field Offices (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. In § 17.11(h), amend the List of Endangered and Threatened Wildlife by revising the entries for ''Mussel, rayed bean'', ''Sheepnose'', ''Snuffbox (mussel)'', and ''Spectaclecase'' under CLAMS to read as follows:

§ 17.11 Endangered and threatened wildlife.

(h) * * *

* * * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
Clams				
*	*	*	*	*
Mussel, rayed bean	*Villosa fabalis*	Wherever found	E	77 FR 8632, 2/14/2012; 50 CFR 17.95(f).[CH]
*	*	*	*	*
Sheepnose	*Plethobasus cyphyus*	Wherever found	E	77 FR 14914, 3/13/2012; 50 CFR 17.95(f).[CH]
*	*	*	*	*
Snuffbox (mussel)	*Epioblasma triquetra*	Wherever found	E	77 FR 8632, 2/14/2012; 50 CFR 17.95(f).[CH]
Spectaclecase	*Cumberlandia monodonta*.	Wherever found	E	77 FR 14914, 3/13/2012; 50 CFR 17.95(f).[CH]
*	*	*	*	*

■ 3. In § 17.95, amend paragraph (f) by:
■ a. Adding an entry for ''Rayed Bean Mussel (*Villosa fabalis*)'' following the entry for ''Carolina Heelsplitter (*Lasmigona decorata*)''; and
■ b. Adding entries for ''Sheepnose (*Plethobasus cyphyus*)'', ''Snuffbox Mussel (*Epioblasma triquetra*)'', and ''Spectaclecase (*Cumberlandia monodonta*)'' following the entry for ''Texas Pimpleback (*Cyclonaias petrina*).''

The additions read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(f) *Clams and Snails.*

* * * * *

Rayed Bean Mussel (Villosa fabalis)

(1) Critical habitat units are depicted for Carroll, DeKalb, Pulaski, Steuben, Tippecanoe, and White Counties, Indiana; Lenawee, Oakland, and St. Clair Counties, Michigan; Allegany and Cattaraugus Counties, New York; Franklin, Hancock, Hardin, Logan, Lucas, Madison, Shelby, Union, and Williams Counties, Ohio; and Armstrong, Butler, Clarion, Crawford, Erie, Forest, McKean, Mercer, Potter, Venango, Warren, and Westmoreland Counties, Pennsylvania, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of the rayed bean mussel consist of the following components within waters and streambeds up to the ordinary high-water mark:

(i) Adequate flows, or a hydrological flow regime (magnitude, timing, frequency, duration, rate of change, and overall seasonality of discharge over time), necessary to maintain benthic habitats where the species is found and to maintain stream connectivity.

(ii) Suitable substrates and connected instream habitats, characterized by geomorphologically stable stream channels and banks (*i.e.,* channels that maintain lateral dimensions, longitudinal profiles, and sinuosity patterns over time without an aggrading or degrading bed elevation) that support the rayed bean mussel and its host fishes. For the rayed bean mussel, suitable substrates are stable gravel and sand with moderate flow and aquatic vegetation in and adjacent to riffles and shoals.

(iii) Water and sediment quality necessary to sustain natural physiological processes for normal behavior, growth, and viability of all life stages, including appropriate levels of dissolved oxygen (generally above 2 to 3 parts per million (ppm)), salinity (generally below 2 to 4 ppm), and temperature (generally below 86 °F (30 °C)). Additionally, concentrations of contaminants, including (but not limited to) ammonia, nitrate, copper, and chloride, are below acute toxicity levels for mussels.

(iv) The presence and abundance of host fishes necessary for the recruitment of the rayed bean mussel (darter and sculpin species).

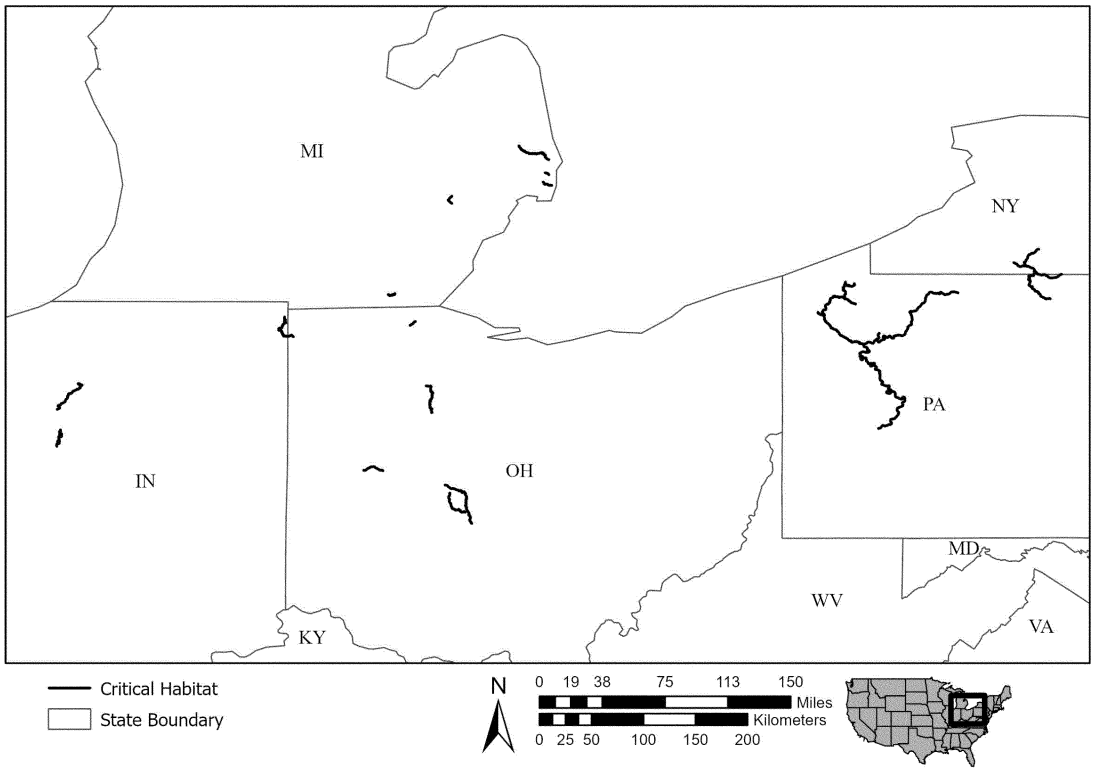
(3) Critical habitat does not include human-made structures (such as buildings, aqueducts, runways, roads, and other paved areas and existing in-water pilings, docks, and sea walls) and the land on which they are located existing within the legal boundaries on May 27, 2026.

(4) Data layers defining map units were created using the 1984 World Geographic System ellipsoid or the 1983 North American datum, and the associated geographic coordinate system. The National Hydrography Dataset Plus High Resolution was used to create the critical habitat units. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at *https://www.regulations.gov* at Docket No. FWS–R3–ES–2024–0144 and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Index map follows:

Figure 1 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (5)

Index Map: Rayed Bean Critical Habitat Units



(6) RABE 1: Black River; St. Clair County, Michigan.

(i) RABE 1 consists of 32 river miles (rmi) (51 river kilometers (rkm)) of the Black River and Mill Creek in St. Clair County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

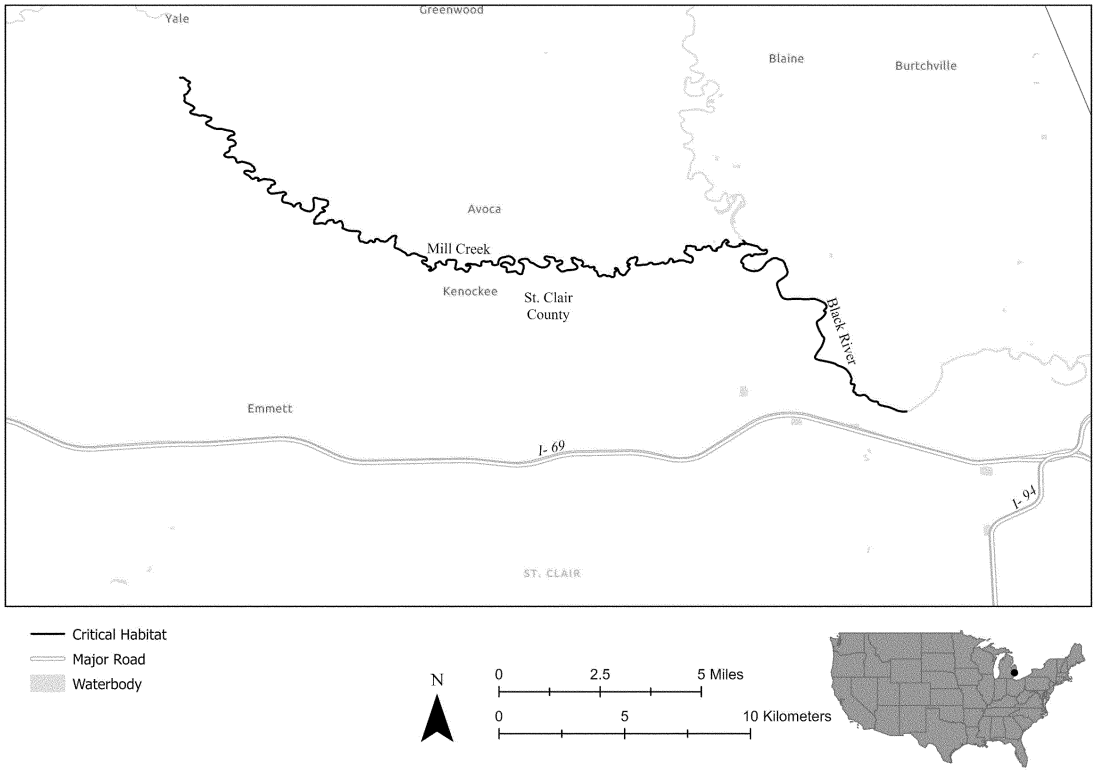
(A) The Black River portion of the unit includes 8 rmi (13 rkm) in St. Clair County, Michigan, from the State Highway 136 Bridge (Beard Road Bridge) in Clyde Township downstream to the Wadhams Road Bridge in Kimball Township.

(B) The Mill Creek portion of the unit includes 24 rmi (38 rkm) in St. Clair County, Michigan, from the confluence with Thompson Drain northwest of Brockway Township downstream to the confluence with Black River at Ruby in Clyde Township, Michigan.

(ii) Map of RABE 1 follows:

Figure 2 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (6)(ii)

Critical Habitat for Rayed Bean
RABE 1 Black River; St. Clair County, Michigan



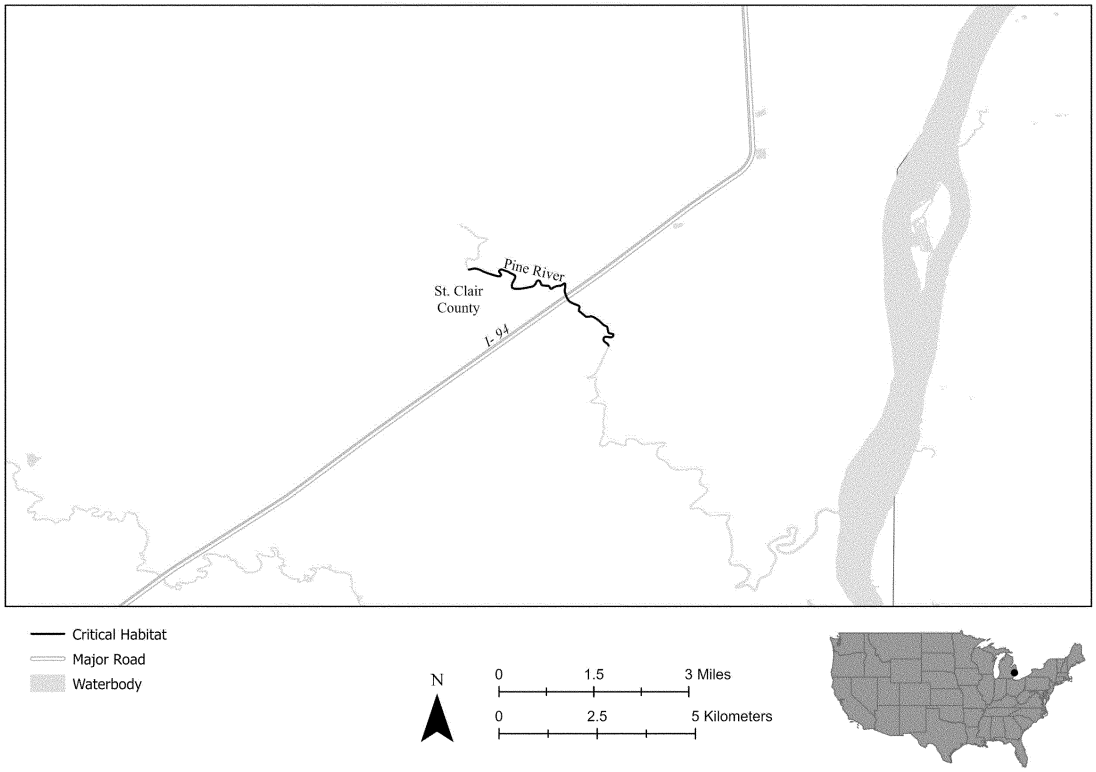
(7) RABE 2: Pine River; St. Clair County, Michigan.

(i) RABE 2 consists of 3 rmi (5 rkm) of the Pine River in St. Clair County, Michigan. This unit extends from the confluence of the Pine River and Rattle Run downstream to Newman Road in St. Clair Township, in St. Clair County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of RABE 2 follows:

Figure 3 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (7)(ii)

Critical Habitat for Rayed Bean
RABE 2 Pine River; St. Clair County, Michigan



(8) RABE 3: Belle River; St. Clair County, Michigan.

(i) RABE 3 consists of 8 rmi (13 rkm) of the Belle River in St. Clair County, Michigan. This unit extends from the Westrick Road Bridge downstream to the King Road Bridge in China Township, in St. Clair County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of RABE 3 follows:

Figure 4 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (8)(ii)

Critical Habitat for Rayed Bean
RABE 3 Belle River; St. Clair County, Michigan



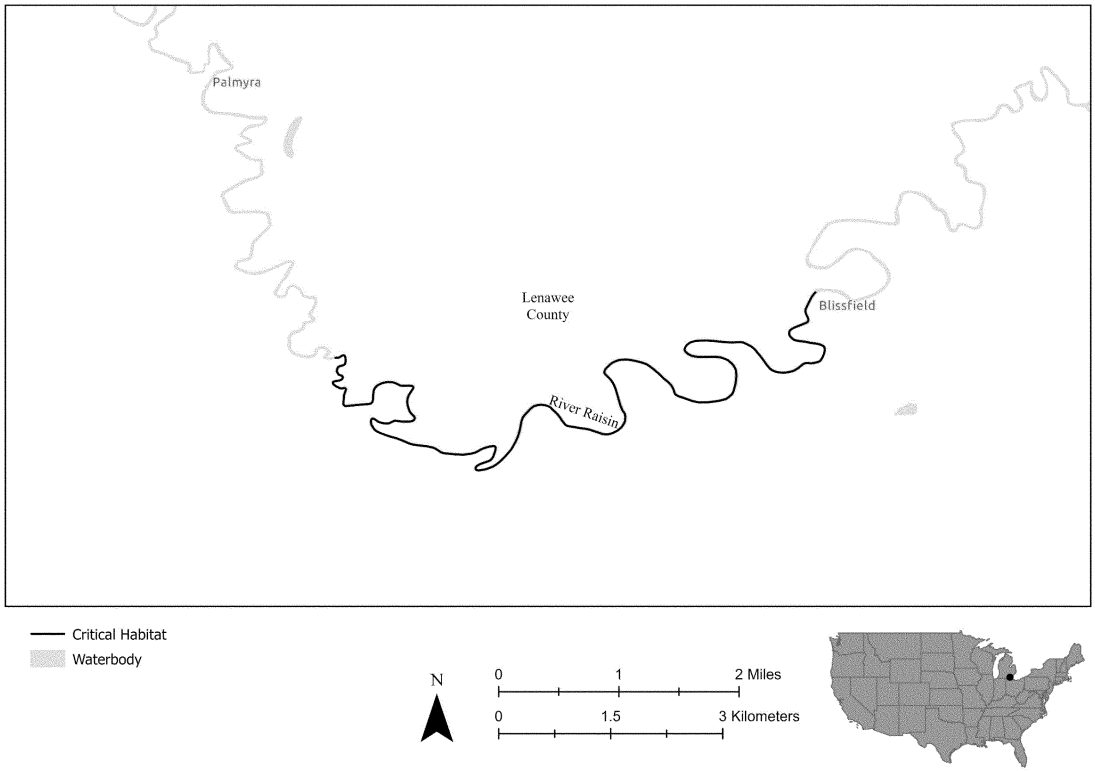
(9) RABE 4: River Raisin; Lenawee County, Michigan.

(i) RABE 4 consists of 8 rmi (13 rkm) of the River Raisin in Lenawee County, Michigan. This unit extends from the Crockett Highway Bridge in Palmyra Township downstream to the U.S. Route 223 Bridge (West Adrian Street) in the village of Blissfield, in Lenawee County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of RABE 4 follows:

Figure 5 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (9)(ii)

Critical Habitat for Rayed Bean
RABE 4 River Raisin; Lenawee County, Michigan



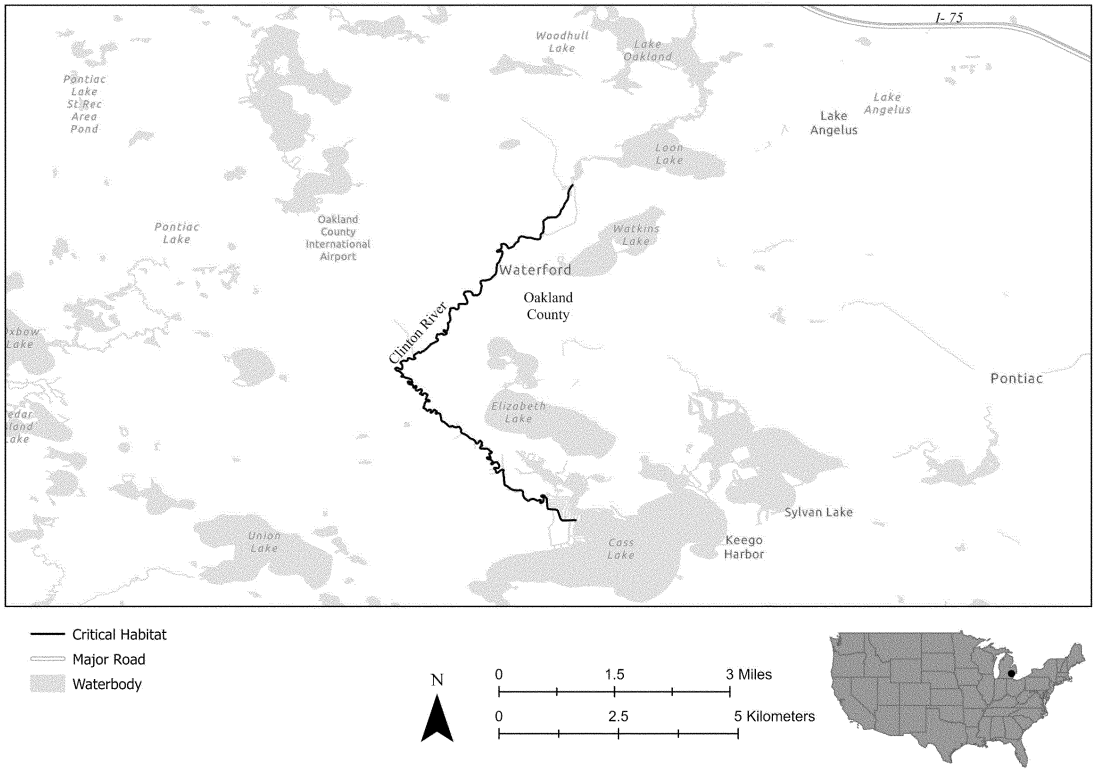
(10) RABE 5: Clinton River; Oakland County, Michigan.

(i) RABE 5 consists of 8 rmi (13 rkm) of the Clinton River in Oakland County, Michigan. This unit extends from downstream of the fish hatchery at Waterford Township downstream to Cass Lake east of the unincorporated community of Four Towns, in Oakland County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of RABE 5 follows:

Figure 6 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (10)(ii)

Critical Habitat for Rayed Bean
RABE 5 Clinton River; Oakland County, Michigan



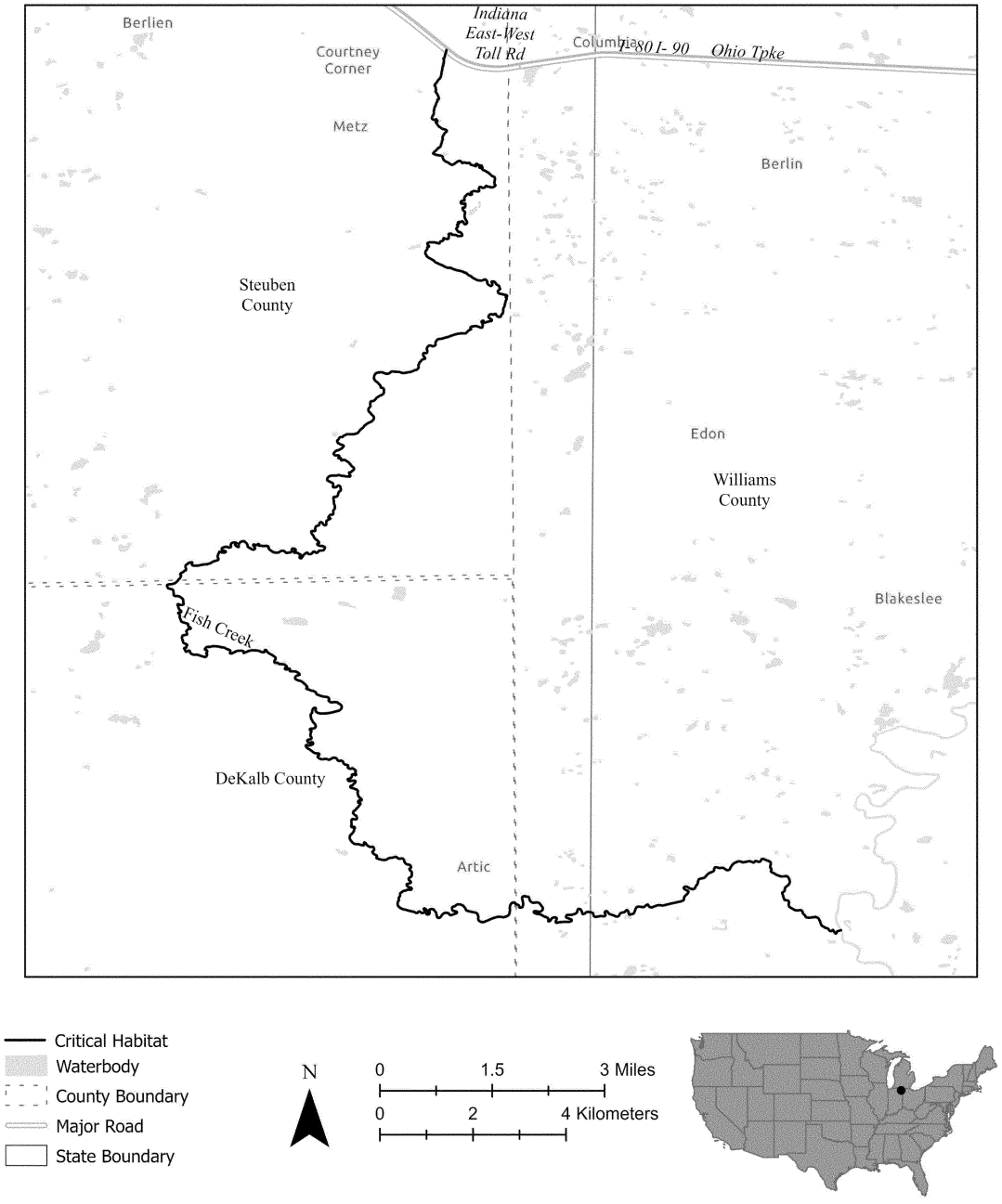
(11) RABE 6: Fish Creek; Steuben and DeKalb Counties, Indiana, and Williams County, Ohio.

(i) RABE 6 consists of 31 rmi (50 rkm) of Fish Creek in Steuben and DeKalb Counties, Indiana, and Williams County, Ohio. This unit extends from the Ohio Turnpike Interstate 80/Interstate 90 Bridge in Steuben County, Indiana, downstream to the confluence of Fish Creek with St. Joseph River north of the village of Edgerton in Williams County, Ohio. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of RABE 6 follows:

Figure 7 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (11)(ii)

Critical Habitat for Rayed Bean
RABE 6 Fish Creek; Steuben and DeKalb Counties, Indiana and Williams County, Ohio



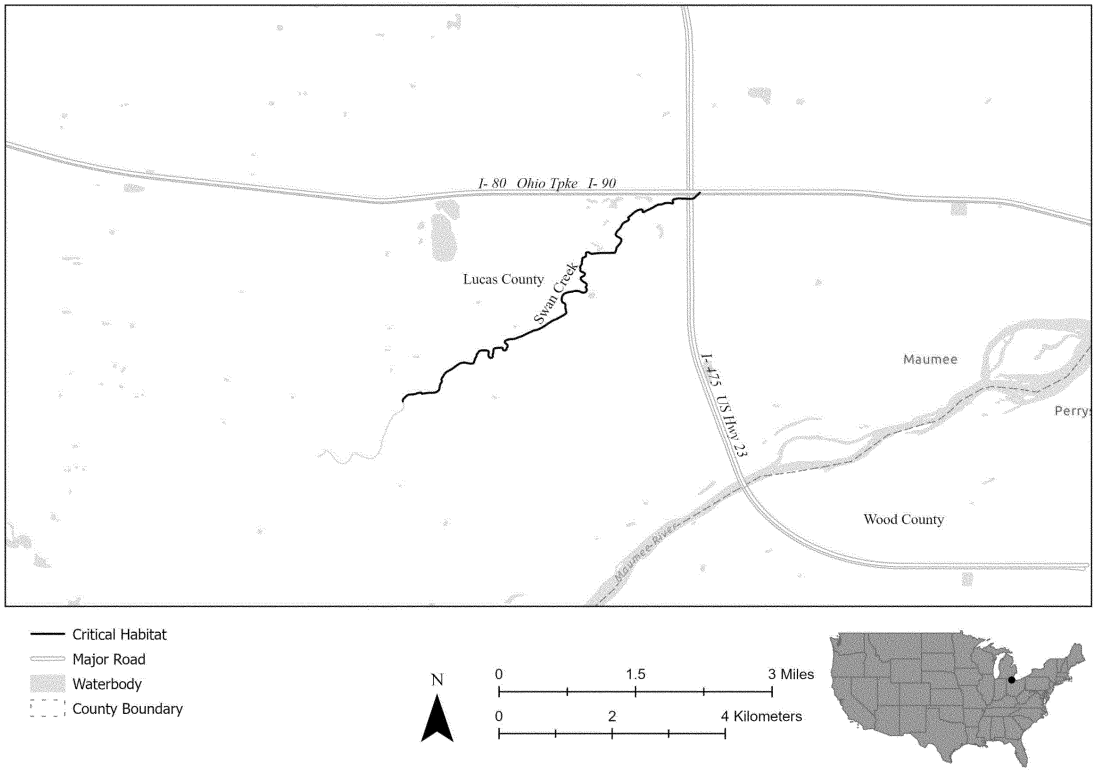
(12) RABE 7: Swan Creek; Lucas County, Ohio.

(i) RABE 7 consists of 4 rmi (7 rkm) of Swan Creek in Lucas County, Ohio. This unit extends from the Monclova Road Bridge in city of Maumee downstream to the Ohio Turnpike Interstate 80/Interstate 90 Bridge in city of Maumee, in Lucas County, Ohio. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of RABE 7 follows:

Figure 8 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (12)(ii)

Critical Habitat for Rayed Bean
RABE 7 Swan Creek; Lucas County, Ohio



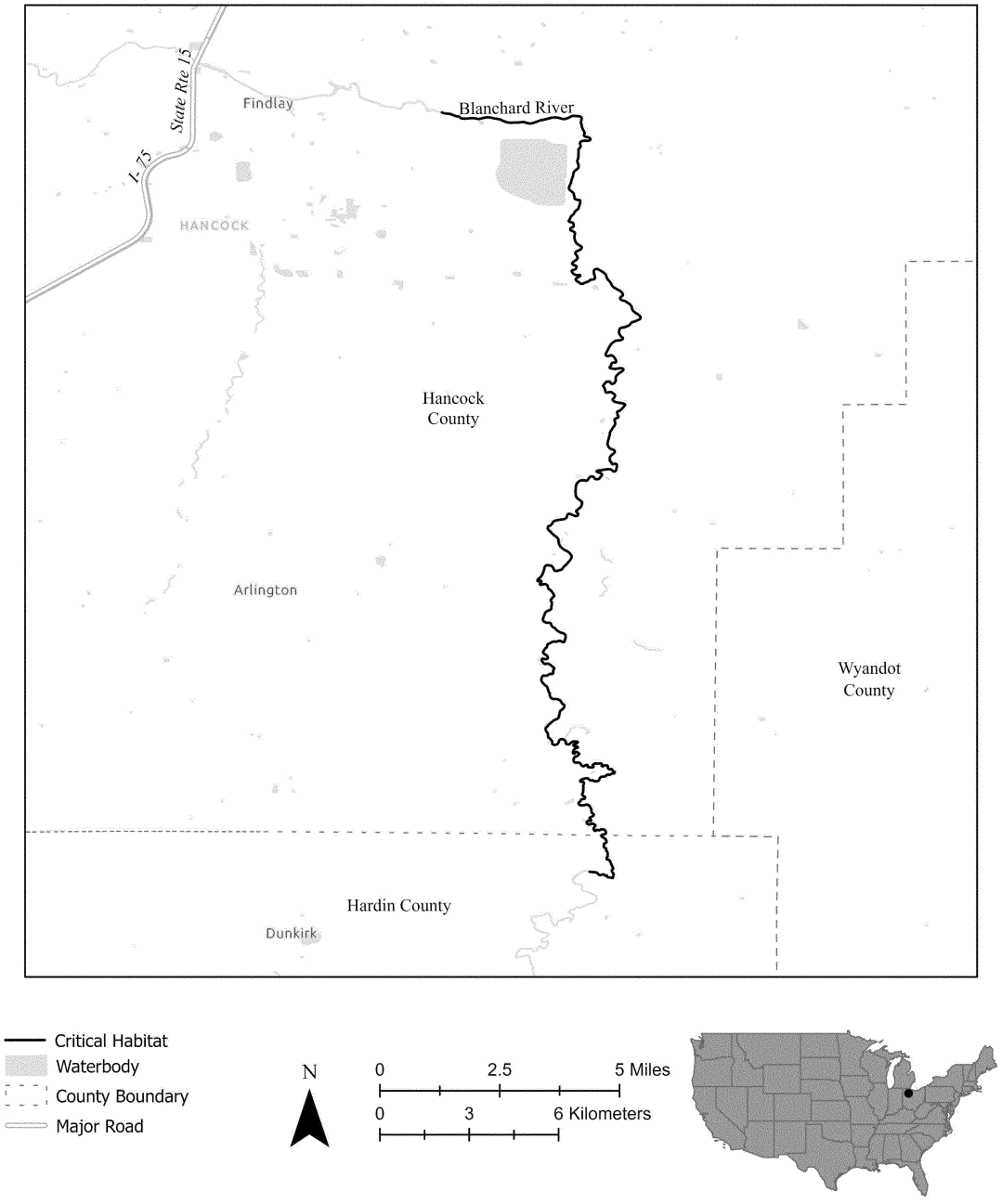
(13) RABE 8: Blanchard River; Hardin and Hancock Counties, Ohio.

(i) RABE 8 consists of 28 rmi (45 rkm) of the Blanchard River in Hardin and Hancock Counties, Ohio. This unit extends from the County Road 183 Bridge in Jackson Township (Hardin County, Ohio) downstream to the State Route 568 Bridge (Carey Road Bridge) in city of Findlay (Hancock County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of RABE 8 follows:

Figure 9 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (13)(ii)

Critical Habitat for Rayed Bean
RABE 8 Blanchard River; Hardin and Hancock Counties, Ohio



(14) RABE 9: Allegheny River; Allegany and Cattaraugus Counties, New York, and McKean and Potter Counties, Pennsylvania.

(i) RABE 9 consists of 82 rmi (131 rkm) of the Allegheny River, Honeoye Creek, Olean Creek, Oil Creek, and Oswayo Creek in Allegany and Cattaraugus Counties, New York, and McKean and Potter Counties, Pennsylvania. The unit includes the river channel up to the ordinary high-water mark.

(A) The Allegheny River portion of this unit includes approximately 47 rmi (76 rkm) of the Allegheny River from its confluence with Sartwell Creek near the unincorporated community of Burtville in McKean County, Pennsylvania downstream to the Interstate 86 Bridge in the village of Allegany, in Cattaraugus County, New York.

(B) The Olean Creek portion of this unit includes 8 rmi (14 rkm) in Cattaraugus County, New York, from the confluence with Oil Creek in the town of Hinsdale downstream to the confluence with Allegheny River in the city of Olean.

(C) The Oil Creek portion of this unit includes 7 rmi (11 rkm) from the Interstate 86 Bridge near the Cattaraugus County/Allegany County line in New York downstream to the confluence with Olean Creek in the town of Hinsdale, in Cattaraugus County, New York.

(D) The Oswayo Creek portion of this unit includes 12 rmi (19 rkm) from its

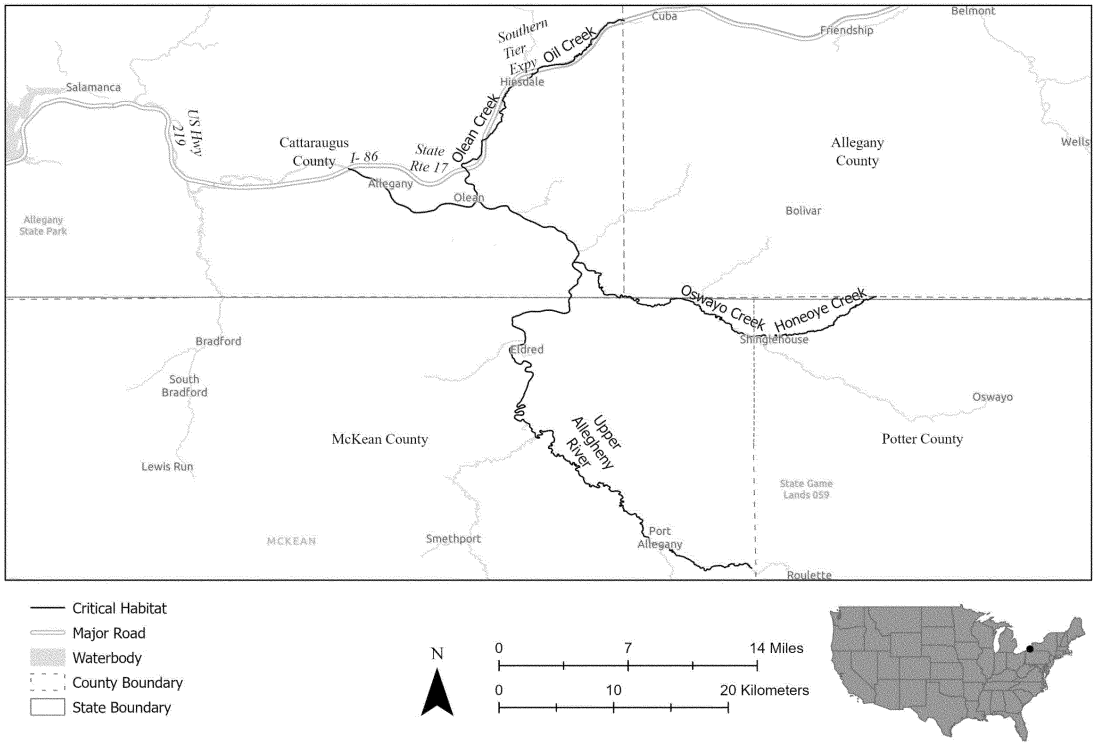
confluence with the Honeoye Creek in Potter County, Pennsylvania downstream to its confluence with Allegheny River just west of the village of Portville in Cattaraugus County, New York.

(E) The Honeoye Creek portion of this unit includes 7 rmi (11 rkm) of Honeoye Creek from the New York/Pennsylvania State Line in Allegany County, New York and Potter County, Pennsylvania, downstream to its confluence with Oswayo Creek in Potter County, Pennsylvania.

(ii) Map of RABE 9 follows:

Figure 10 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (14)(ii)

Critical Habitat for Rayed Bean
RABE 9 Allegheny River; Allegany and Cattaraugus Counties, New York and McKean and Potter Counties, Pennsylvania



(15) RABE 10: Middle Allegheny River; Armstrong, Butler, Clarion, Forest, Venango, Warren, and Westmoreland Counties, Pennsylvania.

(i) RABE 10 consists of 176 rmi (283 rkm) of the Allegheny River and Oil Creek in Armstrong, Butler, Clarion, Forest, Venango, and Warren Counties, Pennsylvania. The unit includes the river channel up to the ordinary high-water mark.

(A) The Allegheny River portion of this unit extends approximately 171 rmi (275 rkm) from the Kinzua Dam in Warren County, Pennsylvania, downstream to the mouth of the Kiskiminetas River in Armstrong and Westmoreland Counties, Pennsylvania.

(B) The Oil Creek portion of this unit includes approximately 5 rmi (8 rkm) from the Oil Creek State Park Ice Control Dam in Venango County, Pennsylvania downstream to Oil Creek's confluence with the Allegheny River in Oil City in Venango County, Pennsylvania. The unit includes the river channel up to the ordinary high-water mark.

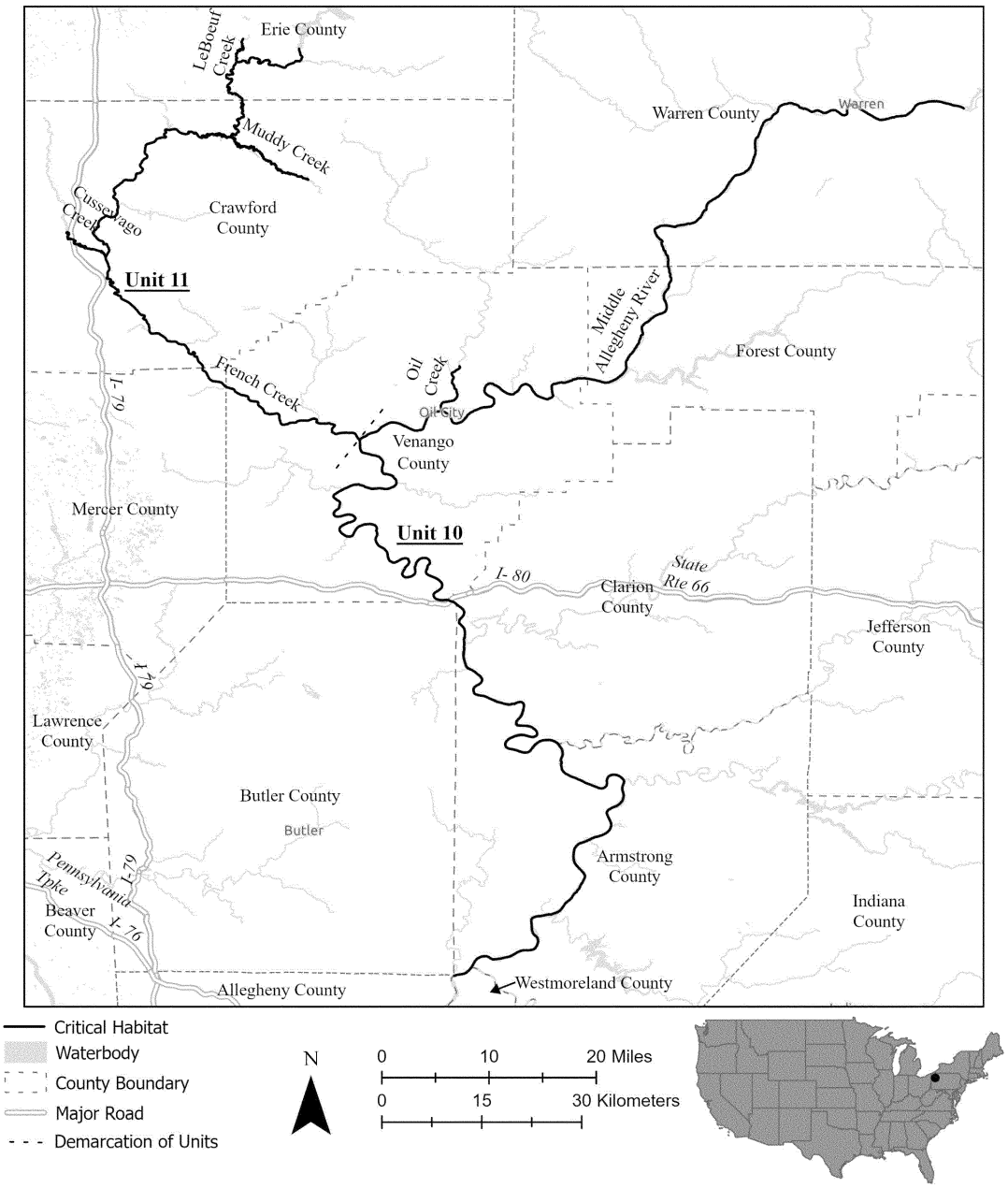
(ii) Map of RABE 10 follows:

Figure 11 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (15)(ii)

Critical Habitat for Rayed Bean

RABE 10 Middle Allegheny River; Armstrong, Butler, Clarion, Forest, Venango, Warren, and Westmoreland Counties, Pennsylvania

RABE 11 French Creek; Crawford, Erie, Mercer, and Venango Counties, Pennsylvania



(16) RABE 11: French Creek; Crawford, Erie, Mercer, and Venango Counties, Pennsylvania.

(i) RABE 11 consists of 100 rmi (161 rkm) of French Creek, LeBoeuf Creek, Muddy Creek, and Cussewago Creek in Crawford, Erie, Mercer, and Venango Counties, Pennsylvania. The unit includes the river channel up to the ordinary high-water mark.

(A) The French Creek portion of this unit includes 77 rmi (124 rkm) from the Union City Reservoir Dam northeast of Union City (Erie County, Pennsylvania) downstream to the confluence with Allegheny River near the city of Franklin (Venango County, Pennsylvania).

(B) The LeBoeuf Creek portion of this unit includes 3 rmi (5 rkm) in Erie County, Pennsylvania, from the State Highway 97 Bridge in Waterford Township downstream to the confluence with French Creek in LeBoeuf Township.

(C) The Muddy Creek portion of this unit includes 14 rmi (23 rkm) in Crawford County, Pennsylvania, from Pennsylvania Highway 77 near the unincorporated community of Little Cooley downstream to the confluence with French Creek east of the borough of Cambridge Springs, in Crawford County, Pennsylvania.

(D) The Cussewago Creek portion of this unit includes 6 rmi (10 rkm) in Crawford County, Pennsylvania, from the Rogers Ferry Road Bridge in

Hayfield Township downstream to the confluence with French Creek in the city of Meadville, in Crawford County, Pennsylvania.

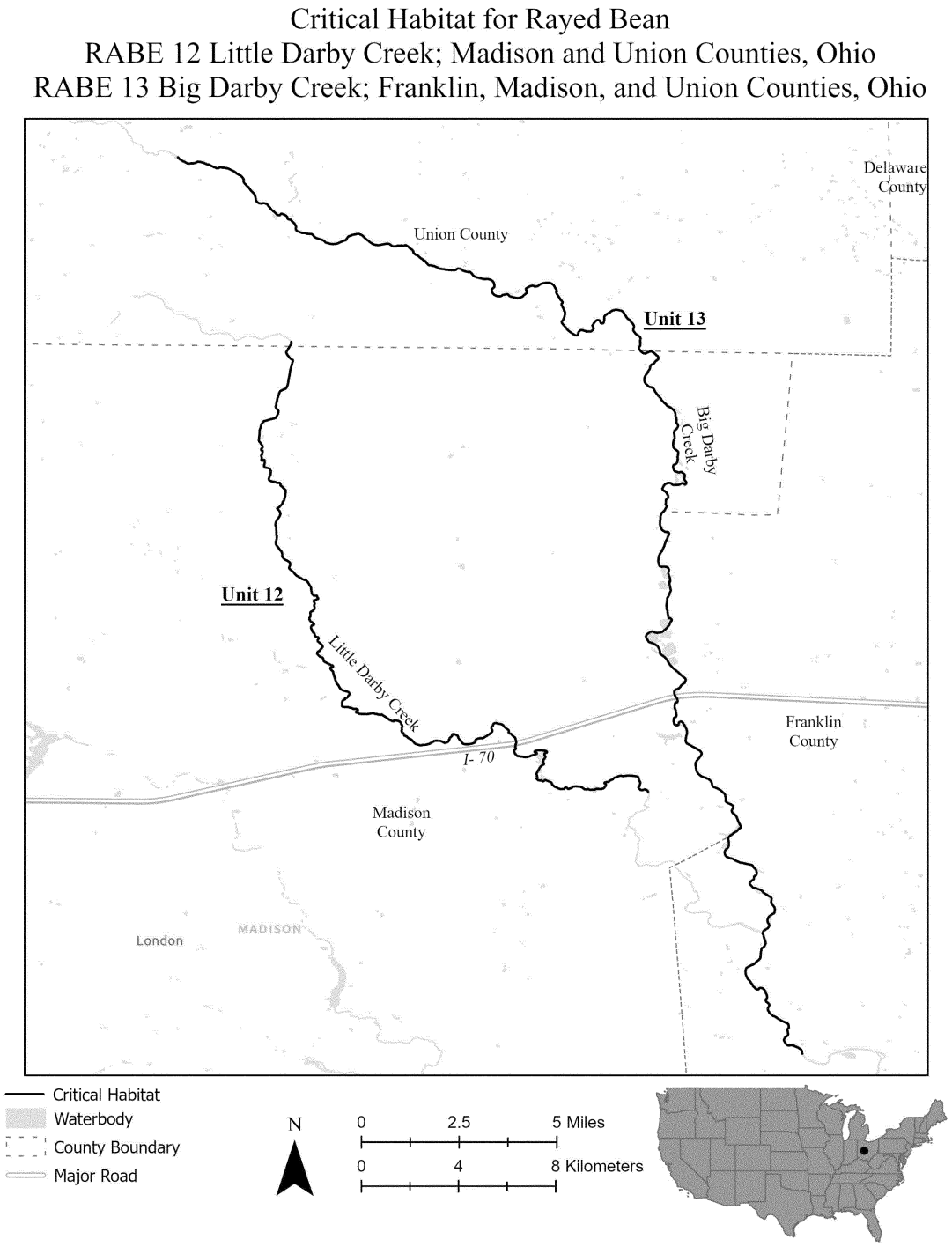
(ii) Map of RABE 11 is provided at paragraph (15)(ii) of this entry.

(17) RABE 12: Little Darby Creek; Madison and Union Counties, Ohio.

(i) RABE 12 consists of 21 rmi (35 rkm) of Little Darby Creek in Madison and Union Counties, Ohio. This unit extends from the Ohio Highway 161 Bridge near the unincorporated community of Chuckery (Union County, Ohio) downstream to the U.S. Highway 40 Bridge near the village of West Jefferson (Madison County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of RABE 12 follows:

Figure 12 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (17)(ii)



(18) RABE 13: Big Darby Creek; Franklin, Madison, and Union Counties, Ohio.

(i) RABE 13 consists of 38 rmi (60 rkm) of Big Darby Creek in Franklin, Madison, and Union Counties, Ohio. This unit extends from the Highway 36 Bridge in the village of Milford Center (Union County, Ohio) downstream to the State Route 665 Bridge (London Groveport Road) by the unincorporated

community of Darbydale (Franklin County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of RABE 13 is provided at paragraph (17)(ii) of this entry.

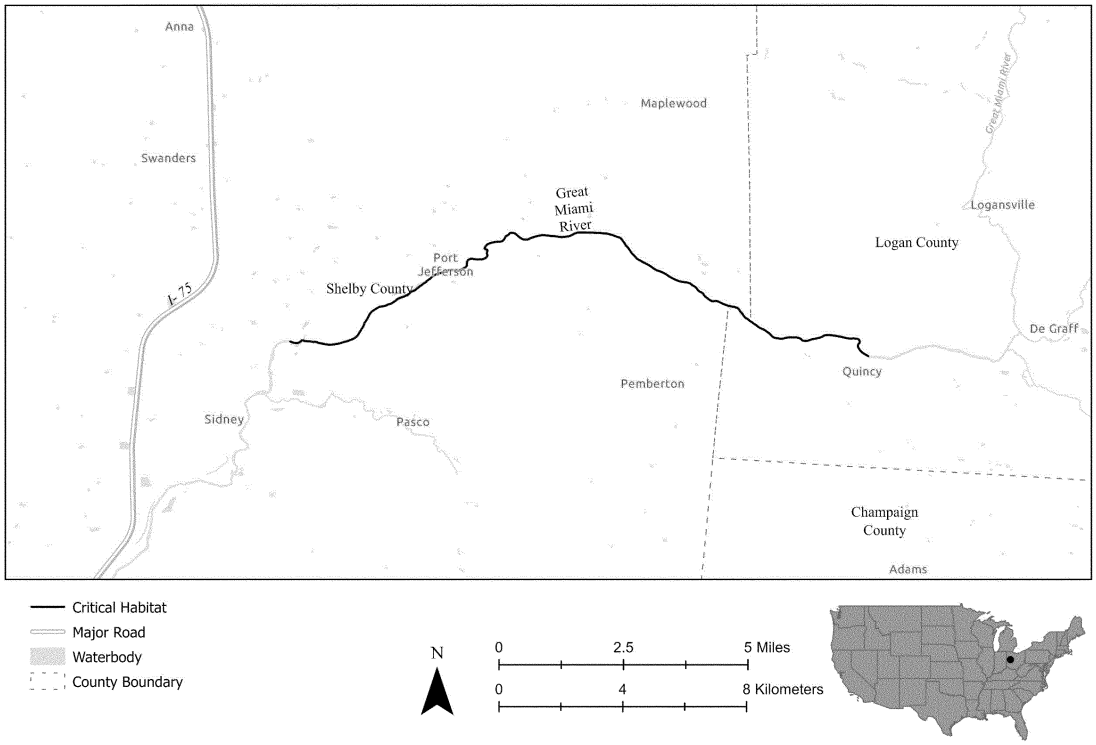
(19) RABE 14: Great Miami River; Logan and Shelby Counties, Ohio.

(i) RABE 14 consists of approximately 11 rmi (18 rkm) of the Great Miami River in Logan and Shelby Counties, Ohio. This unit extends from the dam at Riverside Park in the village of Quincy (Logan County, Ohio) downstream to the Route 47 Bridge (Riverside Drive) in the city of Sidney (Shelby County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of RABE 14 follows:

Figure 13 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (19)(ii)

Critical Habitat for Rayed Bean
RABE 14 Great Miami River; Logan and Shelby Counties, Ohio



(20) RABE 15: Tippecanoe River; Carroll, Pulaski, Tippecanoe, and White Counties, Indiana.

(i) RABE 15 consists of 47 rmi (76 rkm) of the Tippecanoe River in Carroll, Pulaski, Tippecanoe, and White Counties, Indiana. This unit is composed of two subunits and each subunit includes the river channel up to the ordinary high-water mark.

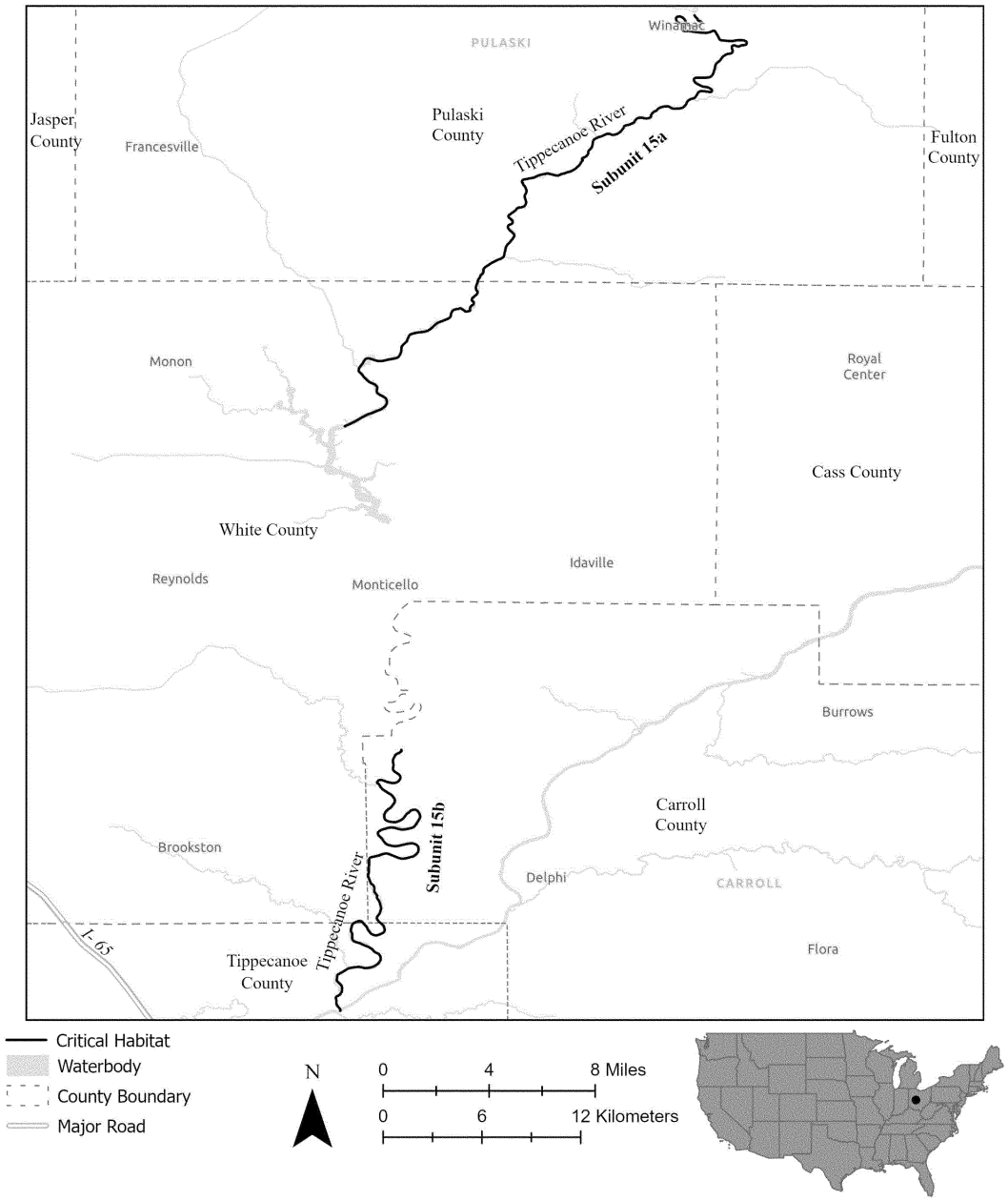
(A) Subunit RABE 15a includes 28 rmi (45 rkm) of the Tippecanoe River from the State Highway 14 Bridge near the town of Winamac (Pulaski County, Indiana) downstream to the Lowes Bridge Road crossing in White County, Indiana.

(B) Subunit RABE 15b includes 19 rmi (31 rkm) of the Tippecanoe River from the Oakdale Dam in Carroll County, Indiana, downstream to the confluence of the Tippecanoe River with the Wabash River northeast of the town of Battle Ground (Tippecanoe County, Indiana)

(ii) Map of RABE 15 follows:

Figure 14 to Rayed Bean Mussel (*Villosa fabalis*) paragraph (20)(ii)

Critical Habitat for Rayed Bean
RABE 15a Tippecanoe River; Pulaski and White Counties, Indiana
RABE 15b Tippecanoe River; Carroll and Tippecanoe Counties, Indiana



* * * * *

Sheepnose (*Plethobasus cyphyus*)

(1) Critical habitat units are depicted for Grundy, Kankakee, and Will Counties, Illinois; Fulton, Marshall, Pulaski, Starke, and White Counties, Indiana; Butler, Edmonson, Green, Hart, Livingston, Marshall, McCracken, Taylor, and Warren Counties, Kentucky; Bolivar and Sunflower Counties, Mississippi; Franklin, Jefferson, and Saint Louis Counties, Missouri; Coshocton County, Ohio; Forest and Venango Counties, Pennsylvania; Claiborne and Hancock Counties, Tennessee; Lee, Russell, Scott, and Wise Counties, Virginia; and Buffalo, Dunn, Eau Claire, and Pepin Counties, Wisconsin, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of the sheepnose consist of the following components within waters and streambeds up to the ordinary high-water mark:

(i) Adequate flows, or a hydrological flow regime (magnitude, timing, frequency, duration, rate of change, and overall seasonality of discharge over time), necessary to maintain benthic habitats where the species is found and to maintain stream connectivity.

(ii) Suitable substrates and connected instream habitats, characterized by geomorphologically stable stream channels and banks (*i.e.,* channels that maintain lateral dimensions, longitudinal profiles, and sinuosity patterns over time without an aggrading or degrading bed elevation) that support the sheepnose and its host fishes. For sheepnose, suitable substrates are firm

or stable coarse sand, gravel, or rock free from excessive silt.

(iii) Water and sediment quality necessary to sustain natural physiological processes for normal behavior, growth, and viability of all life stages, including appropriate levels of dissolved oxygen (generally above 2 to 3 parts per million (ppm)), salinity (generally below 2 to 4 ppm), and temperature (generally below 86 °F (30 °C)). Additionally, concentrations of contaminants, including (but not limited to) ammonia, nitrate, copper, and chloride, are below acute toxicity levels for mussels.

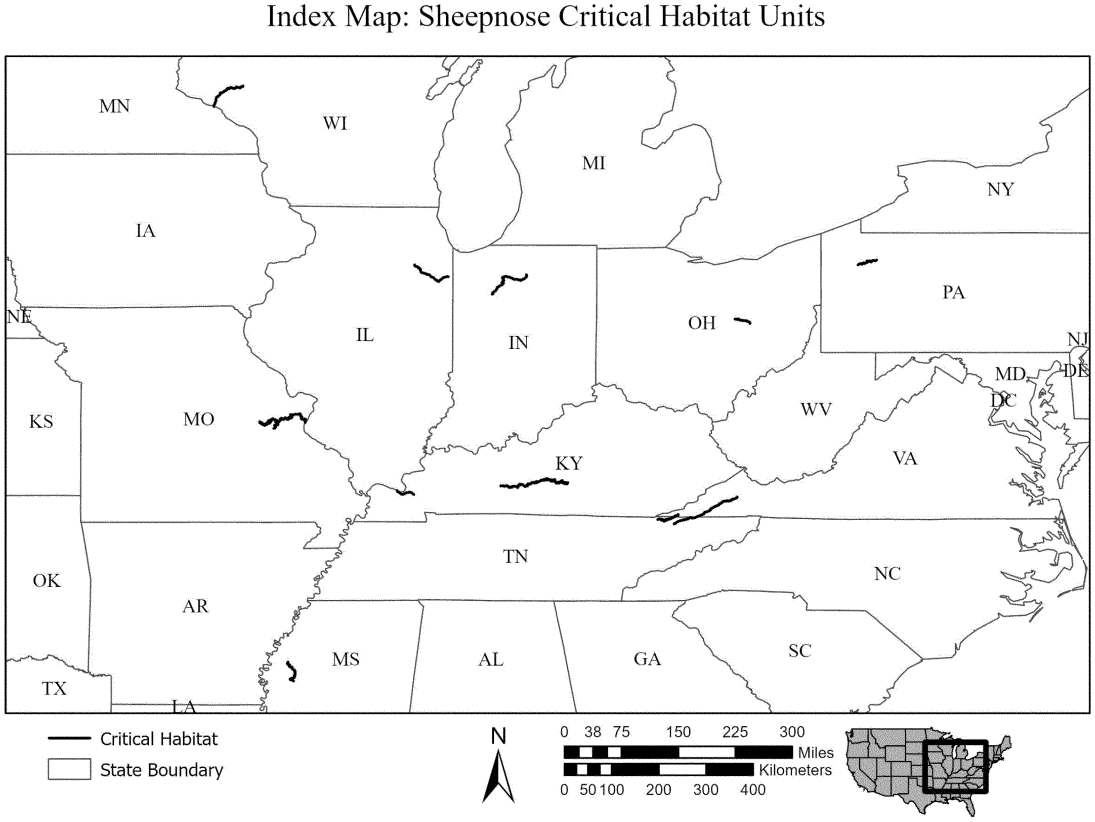
(iv) The presence and abundance of host fishes necessary for recruitment of sheepnose (mimic shiner (*Notropis volucellus*) and sauger (*Sander canadensis*)).

(3) Critical habitat does not include human-made structures (such as buildings, aqueducts, runways, roads, and other paved areas and existing in-water pilings, docks, and sea walls) and the land on which they are located existing within the legal boundaries on May 27, 2026.

(4) Data layers defining map units were created using the 1984 World Geographic System ellipsoid or the 1983 North American datum, and the associated geographic coordinate system. The National Hydrography Dataset Plus High Resolution was used to create the critical habitat units. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at *https://www.regulations.gov* at Docket No. FWS–R3–ES–2024–0144 and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Index map follows:

Figure 1 to Sheepnose (*Plethobasus cyphyus*) paragraph (5)



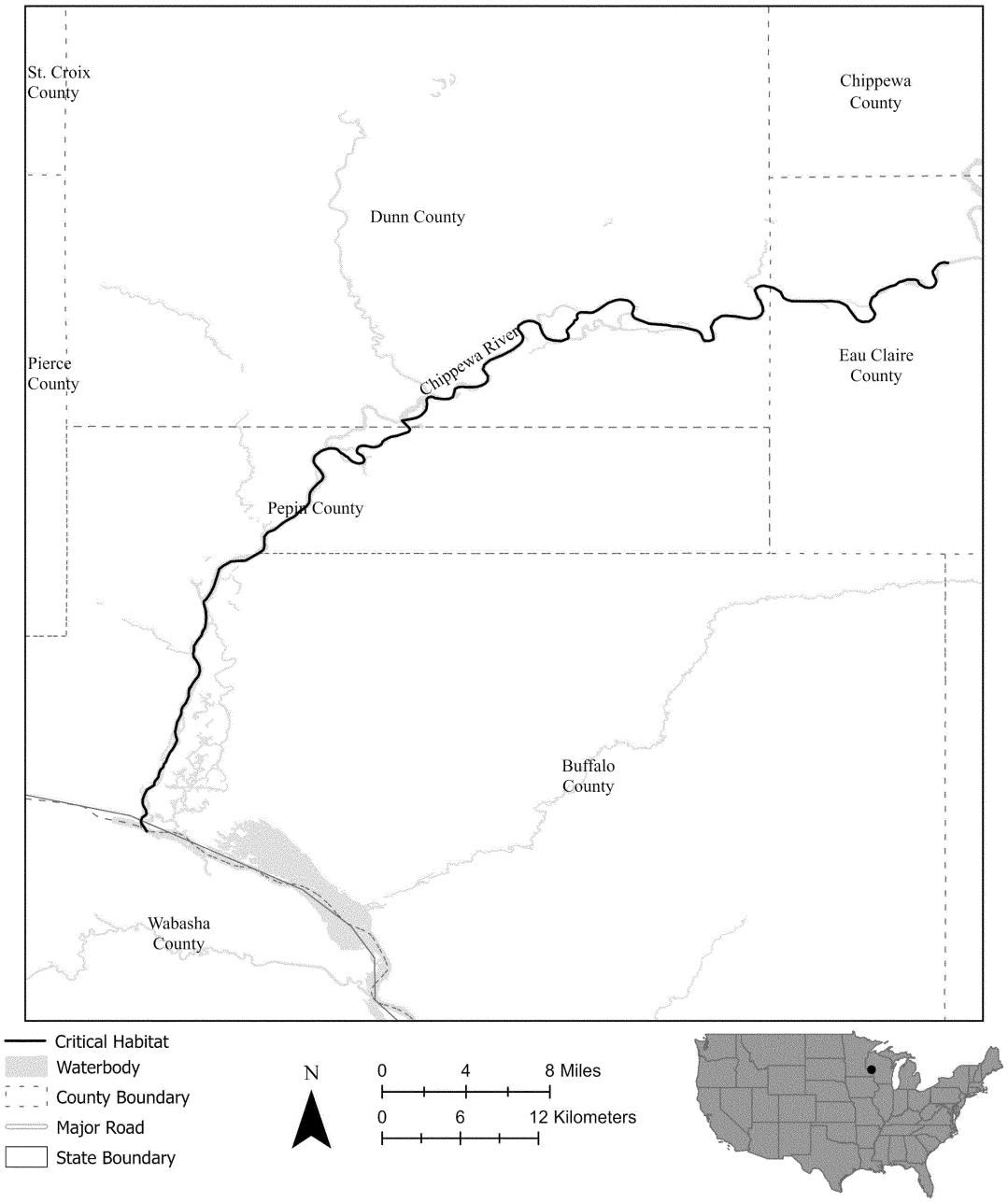
(6) SHNO 1: Lower Chippewa River; Buffalo, Dunn, Eau Claire, and Pepin, Counties, Wisconsin.

(i) SHNO 1 consists of 57 river miles (rmi) (92 river kilometers (rkm)) of the lower Chippewa River in Buffalo, Dunn, Eau Claire, and Pepin Counties, Wisconsin. This unit extends from the confluence of the lower Chippewa River with the Eau Claire River (Eau Claire County, Wisconsin) downstream to its confluence with the Mississippi River (Buffalo/Pepin Counties, Wisconsin). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SHNO 1 follows:

Figure 2 to Sheepnose (*Plethobasus cyphyus*) paragraph (6)(ii)

Critical Habitat for Sheepnose
SHNO 1 Lower Chippewa River; Buffalo, Dunn, Eau Claire, and Pepin, Counties, Wisconsin



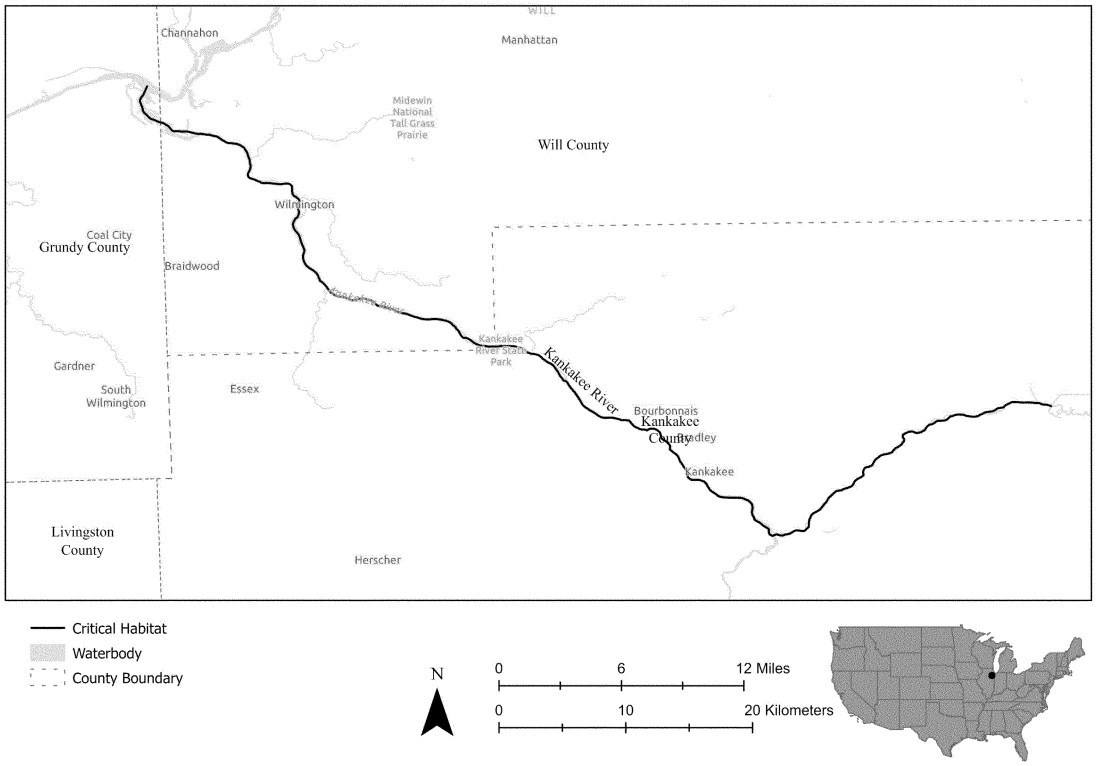
(7) SHNO 2: Kankakee River; Grundy, Kankakee, and Will Counties, Illinois.

(i) SHNO 2 consists of 51 rmi (82 rkm) of the Kankakee River in Grundy, Kankakee, and Will Counties, Illinois. This unit extends from the confluence of the Kankakee River with West Creek (Kankakee County, Illinois) downstream to its confluence with the Illinois River (Grundy County, Illinois). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SHNO 2 follows:

Figure 3 to Sheepnose (*Plethobasus cyphyus*) paragraph (7)(ii)

Critical Habitat for Sheepnose
SHNO 2 Kankakee River; Grundy, Kankakee, and Will Counties, Illinois



(8) SHNO 3: Meramec and Bourbeuse Rivers; Franklin, Jefferson, Phelps, and Saint Louis Counties, Missouri.

(i) SHNO 3 consists of 153 rmi (246 rkm) of the Meramec and Bourbeuse Rivers in Franklin, Jefferson, and Saint Louis Counties, Missouri. The unit includes the river channel up to the ordinary high-water mark.

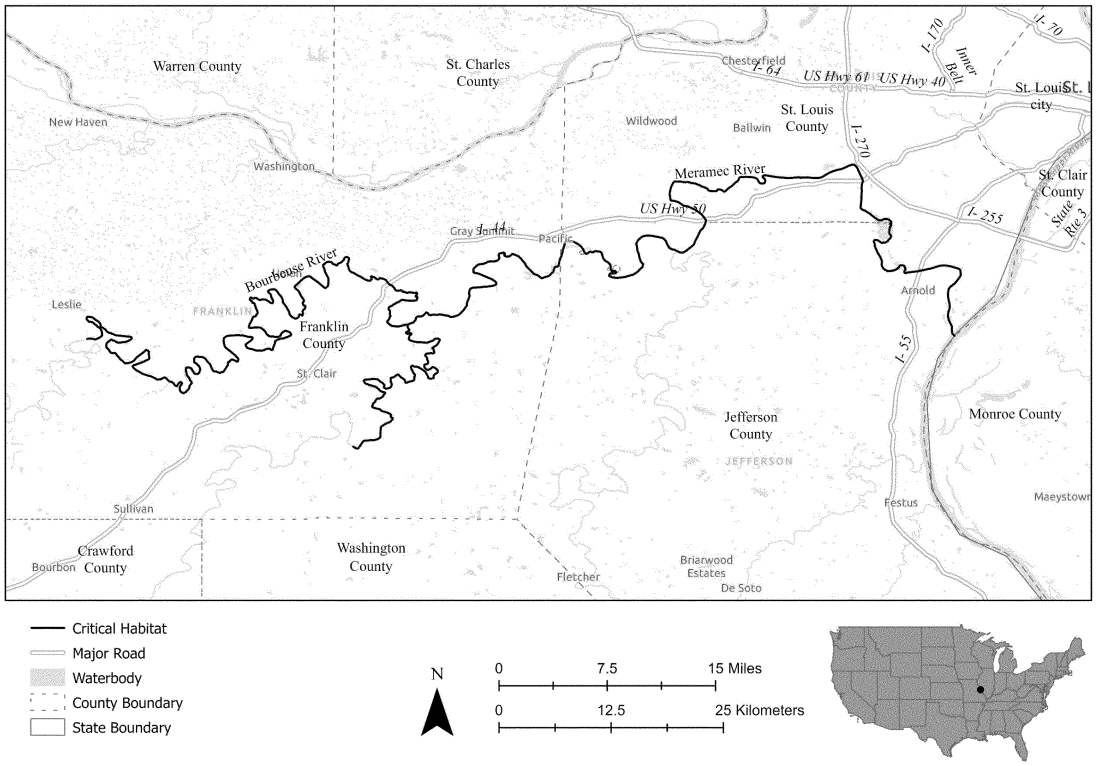
(A) This unit contains 90 rmi (145 rkm) of the Meramec River from its confluence with Rye Creek (Franklin County, Missouri) downstream to its confluence with the Mississippi River (Jefferson County, Missouri).

(B) This unit contains 63 rmi (101 rkm) of the Bourbeuse River from its confluence with Little Creek downstream to its confluence with the Meramec River, in Franklin County, Missouri.

(ii) Map of SHNO 3 follows:

Figure 4 to Sheepnose (*Plethobasus cyphyus*) paragraph (8)(ii)

Critical Habitat for Sheepnose
SHNO 3 Meramec and Bourbeuse Rivers; Franklin, Jefferson, and St. Louis Counties, Missouri



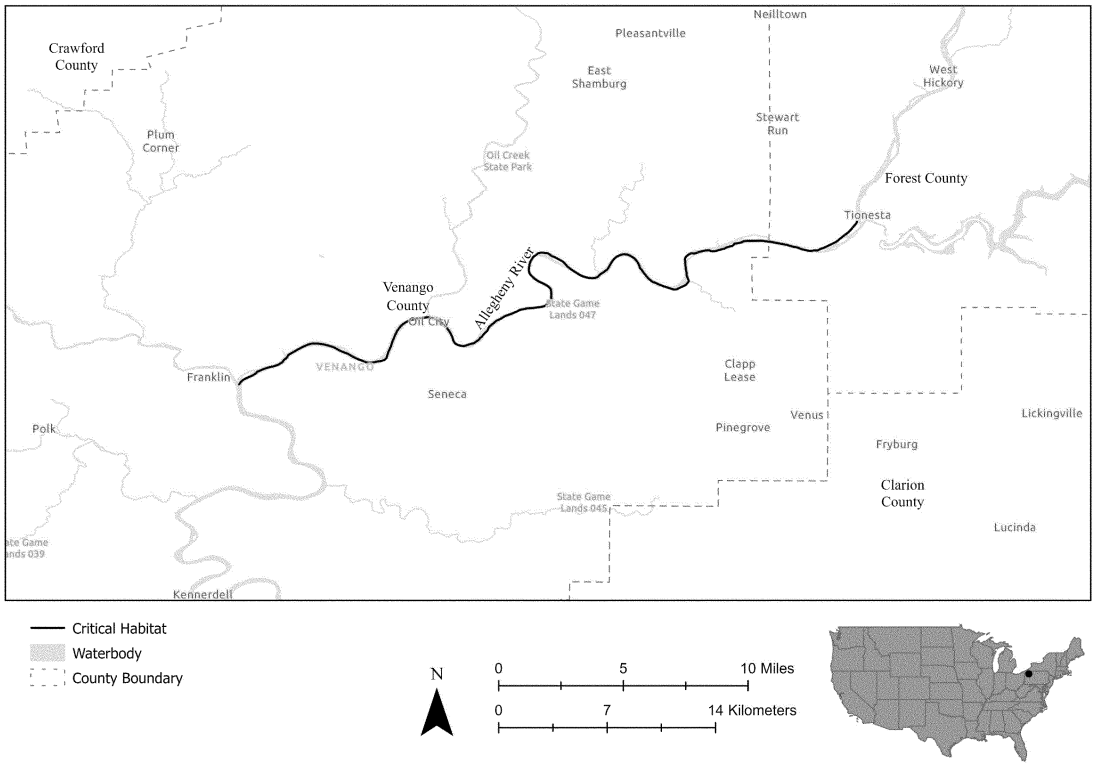
(9) SHNO 4: Middle Allegheny-Tionesta; Forest and Venango Counties, Pennsylvania.

(i) SHNO 4 consists of 28 rmi (45 rkm) of the Allegheny River in Forest and Venango Counties, Pennsylvania. This units extends from the confluence of the Allegheny River with Tionesta Creek (Forest County, Pennsylvania) downstream to its confluence with French Creek (Venango County, Pennsylvania). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SHNO 4 follows:

Figure 5 to Sheepnose (*Plethobasus cyphyus*) paragraph (9)(ii)

Critical Habitat for Sheepnose
SHNO 4 Middle Allegheny-Tionesta; Forest and Venango Counties, Pennsylvania



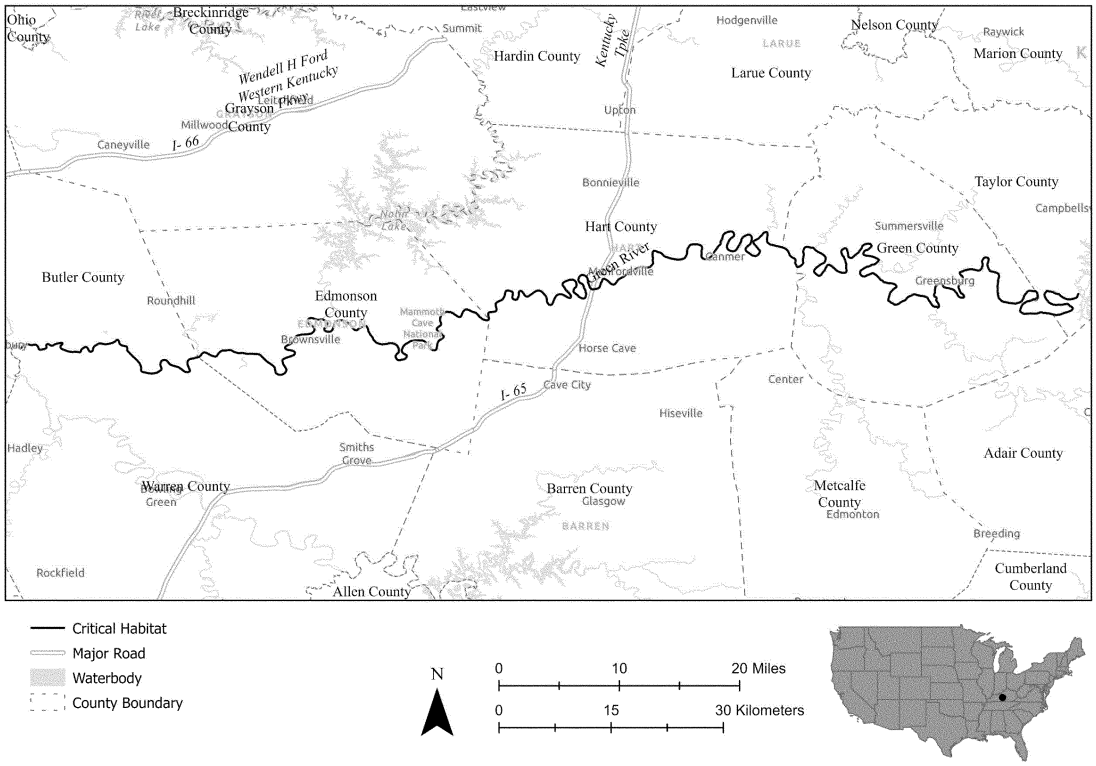
(10) SHNO 5: Upper Green; Butler, Edmonson, Green, Hart, Taylor, and Warren Counties, Kentucky.

(i) SHNO 5 consists of 157 rmi (253 rkm) of the Green River in Butler, Edmonson, Green, Hart, Taylor, and Warren Counties, Kentucky. This unit extends from the confluence of the Green River with the Barren River (Taylor County, Kentucky) downstream to the Green River Dam (Butler County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SHNO 5 follows:

Figure 6 to Sheepnose (*Plethobasus cyphyus*) paragraph (10)(ii)

Critical Habitat for Sheepnose
SHNO 5 Upper Green; Butler, Edmonson, Green, Hart, Taylor, and Warren Counties, Kentucky



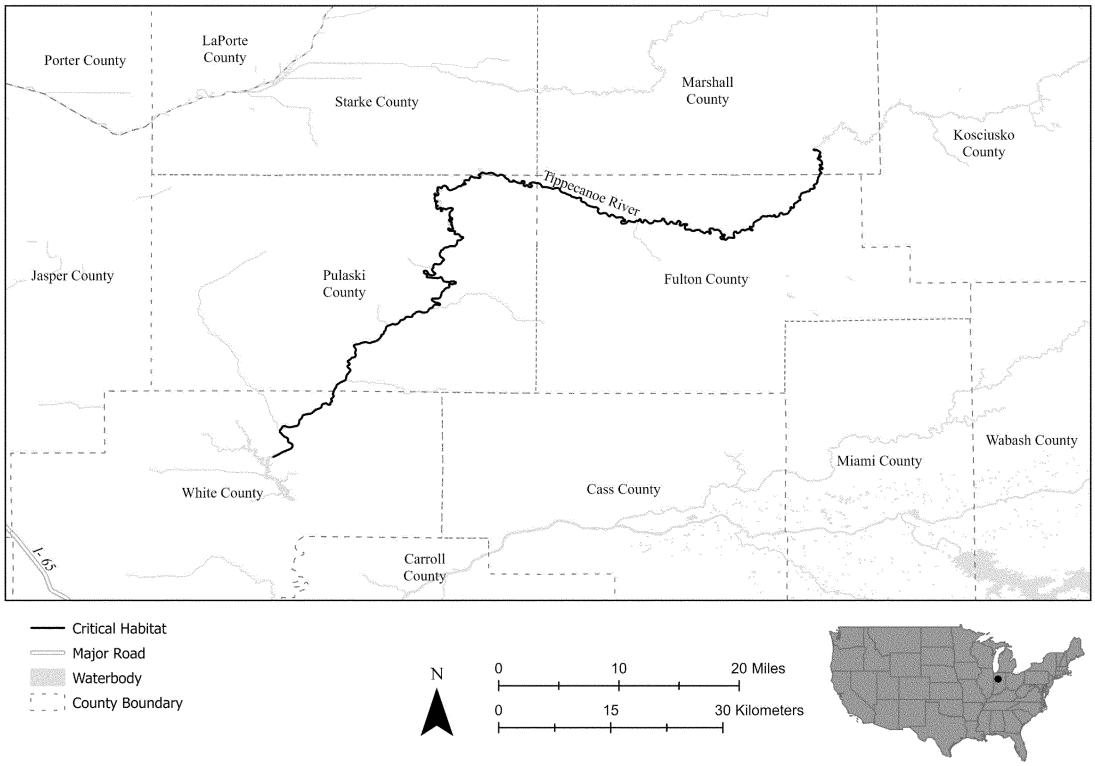
(11) SHNO 6: Tippecanoe River; Fulton, Marshall, Pulaski, Starke, and White Counties, Indiana.

(i) SHNO 6 consists of 84 rmi (135 rkm) of the Tippecanoe River in Fulton, Marshall, Pulaski, Starke, and White Counties, Indiana. This unit extends from the confluence of the Tippecanoe River with Outlet Creek (Marshall County, Indiana) downstream to Lake Freeman (White County, Indiana). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SHNO 6 follows:

Figure 7 to Sheepnose (*Plethobasus cyphyus*) paragraph (11)(ii)

Critical Habitat for Sheepnose
SHNO 6 Tippecanoe River; Fulton, Marshall, Pulaski, Starke, and White Counties, Indiana



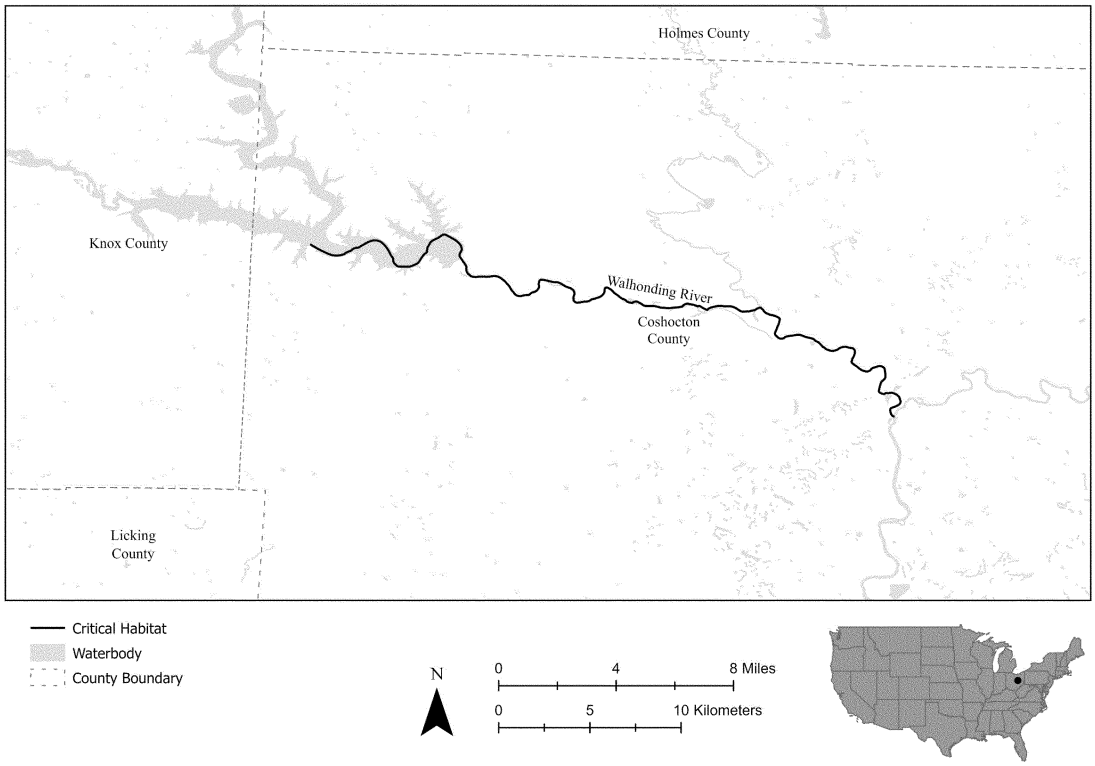
(12) SHNO 7: Walhonding River; Coshocton County, Ohio.

(i) SHNO 7 consists of 24 rmi (38 rkm) of the Walhonding River in Coshocton County, Ohio. This unit extends from the confluence of the Kokosing River and the Mohican River at the unincorporated community of Walhonding downstream to the confluence with the Tuscarawas River, in Coshocton County, Ohio. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SHNO 7 follows:

Figure 8 to Sheepnose (*Plethobasus cyphyus*) paragraph (12)(ii)

Critical Habitat for Sheepnose
SHNO 7 Walhonding River; Coshocton County, Ohio



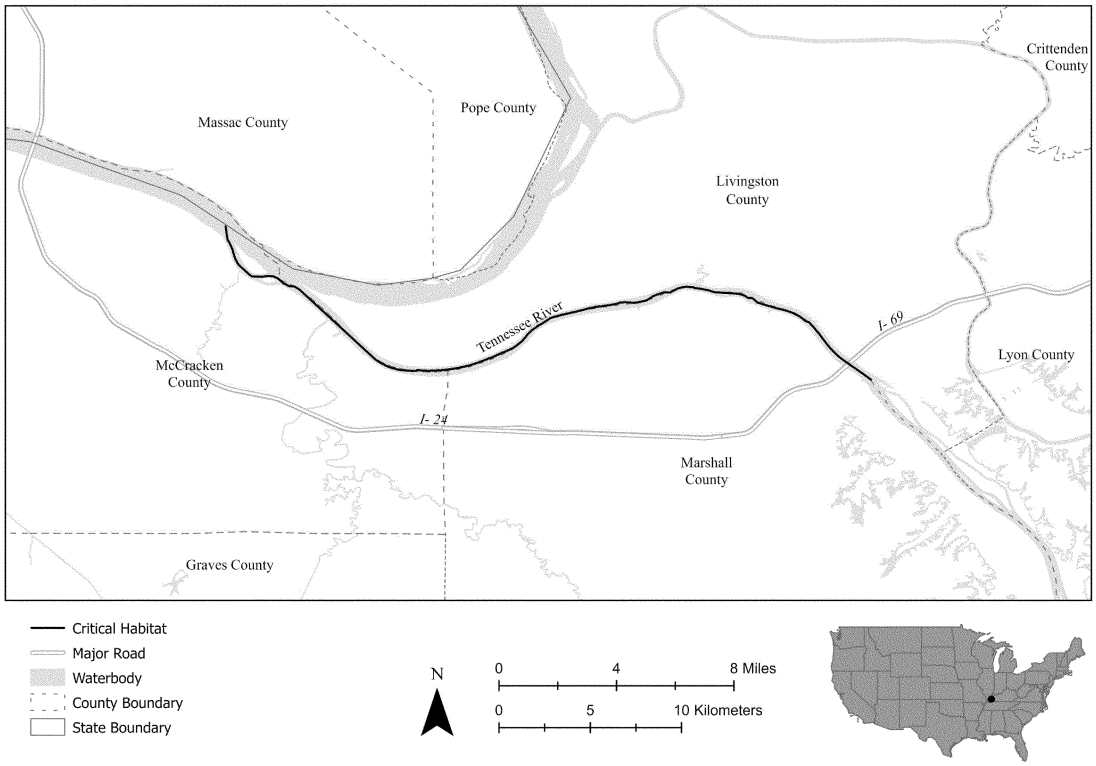
(13) SHNO 8: Lower Tennessee River; Livingston, Marshall, and McCracken Counties, Kentucky.

(i) SHNO 8 consists of 23 rmi (36 rkm) of the Tennessee River in Livingston, Marshall, and McCracken Counties, Kentucky. This unit extends from the Kentucky Dam (Marshall/Livingston Counties, Kentucky) downstream to the confluence of the lower Tennessee River with the Ohio River (McCracken County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SHNO 8 follows:

Figure 9 to Sheepnose (*Plethobasus cyphyus*) paragraph (13)(ii)

Critical Habitat for Sheepnose
SHNO 8 Lower Tennessee River; Livingston, Marshall and McCracken Counties, Kentucky



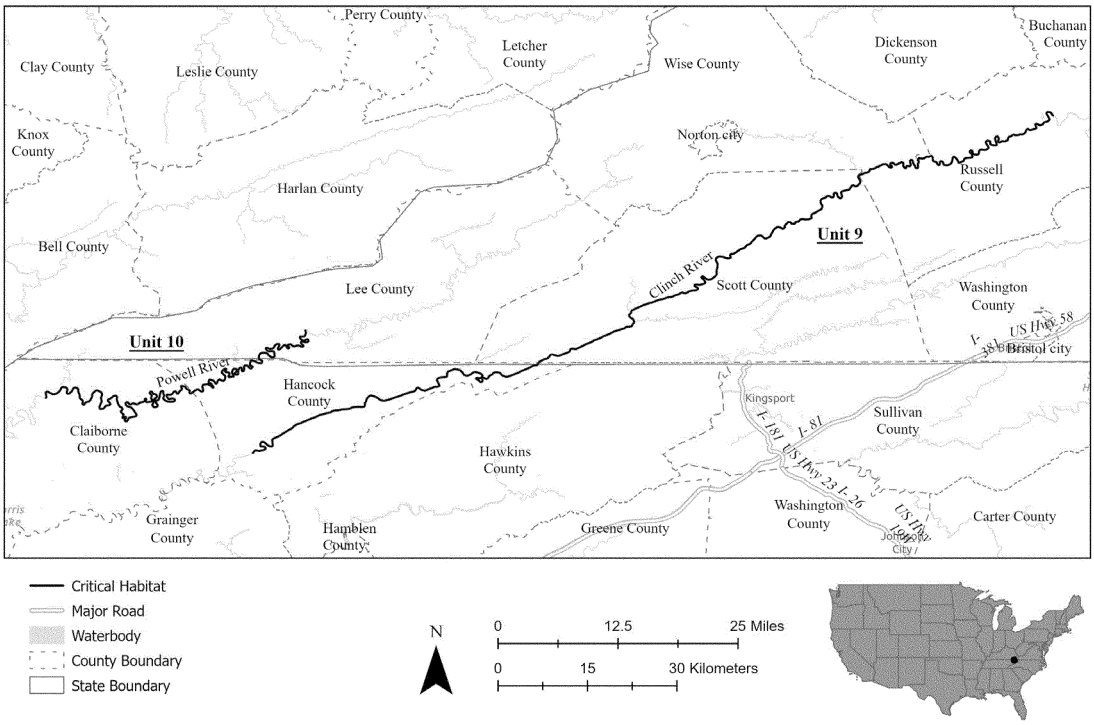
(14) SHNO 9: Upper Clinch River; Russell, Scott, and Wise Counties, Virginia, and Hancock County, Tennessee.

(i) SHNO 9 consists of 106 rmi (171 rkm) of the Clinch River in Russell, Scott, and Wise Counties, Virginia, and Hancock County, Tennessee. This unit extends from the confluence of the upper Clinch River with Thompson Creek (Russell County, Virginia) downstream to its confluence with Big Creek (Hancock County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SHNO 9 follows:

Figure 10 to Sheepnose (*Plethobasus cyphyus*) paragraph (14)(ii)

Critical Habitat for Sheepnose
SHNO 9 Upper Clinch River; Russell, Scott, and Wise Counties, Virginia and Hancock County, Tennessee
SHNO 10 Powell River; Lee County, Virginia and Claiborne and Hancock Counties, Tennessee



(15) SHNO 10: Powell River; Lee County, Virginia, and Claiborne and Hancock Counties, Tennessee.

(i) SHNO 10 consists of 63 rmi (101 rkm) of the Powell River in Lee County, Virginia, and Claiborne and Hancock County, Tennessee. This unit extends from the confluence of the Powell River with Little Yellow Branch (Lee County, Virginia) downstream to Highway 25E (Dixie Highway E) (Claiborne County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SHNO 10 is provided at paragraph (14)(ii) of this entry.

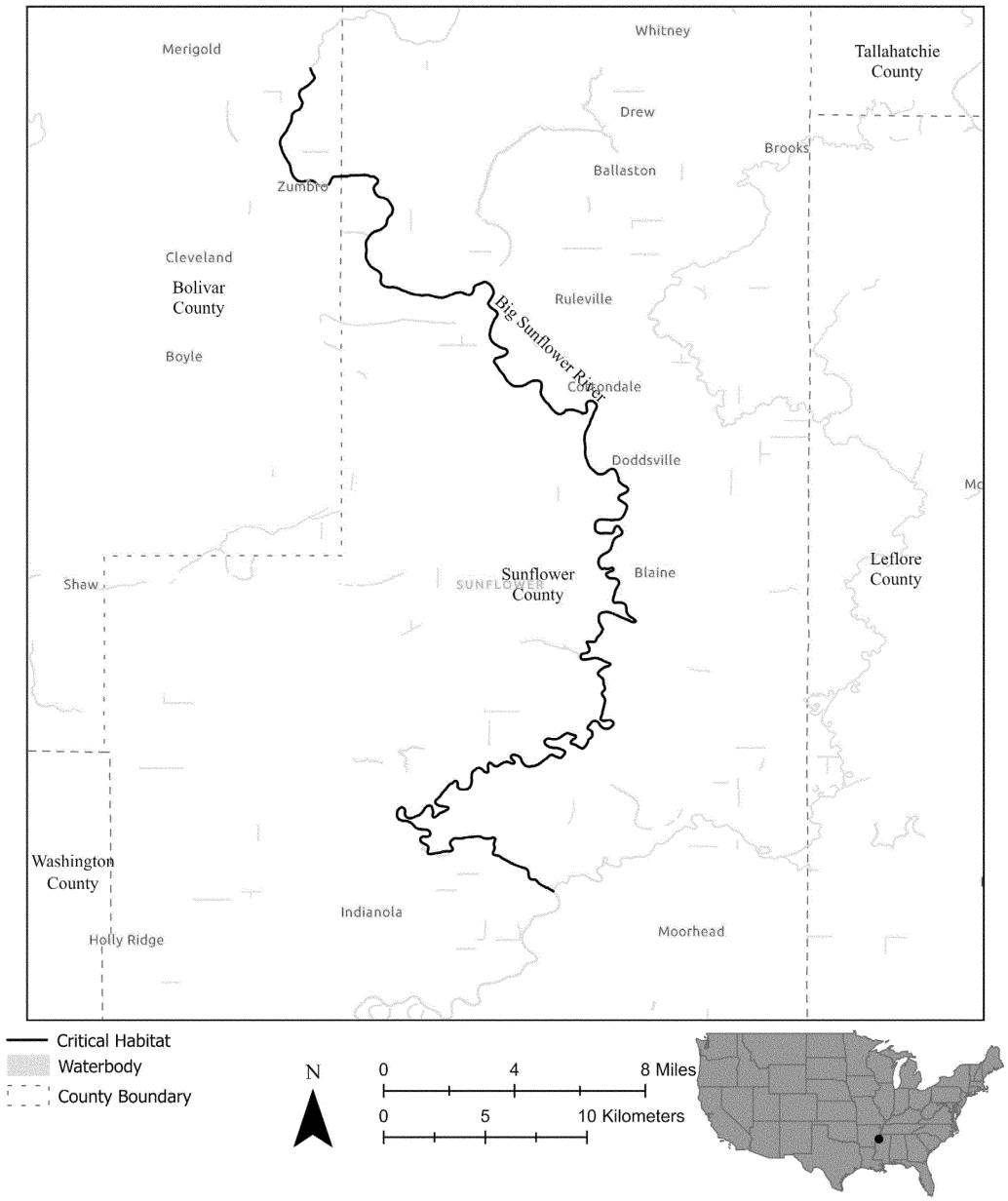
(16) SHNO 11: Big Sunflower River; Bolivar and Sunflower Counties, Mississippi.

(i) SHNO 11 consists of 56 rmi (90 rkm) of the Big Sunflower River in Bolivar and Sunflower Counties, Mississippi. This unit begins where Merigold-Drew Road crosses the Big Sunflower River (Bolivar County, Mississippi) and extends downstream to the confluence of the Big Sunflower River with the Quiver River (Sunflower County, Mississippi). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SHNO 11 follows:

Figure 11 to Sheepnose (*Plethobasus cyphyus*) paragraph (16)(ii)

Critical Habitat for Sheepnose
SHNO 11 Big Sunflower River; Bolivar and Sunflower Counties, Mississippi



Snuffbox Mussel (*Epioblasma triquetra*)

(1) Critical habitat units for the snuffbox mussel are depicted on the maps in this entry for Jackson, Madison, and Marshall Counties, Alabama; Lawrence, Randolph, and Sharp Counties, Arkansas; Coles, Cumberland, and Douglas Counties, Illinois; Carroll, Huntington, Pulaski, Tippecanoe, and White Counties, Indiana; Bath, Bracken, Bullitt, Butler, Campbell, Carter, Clay, Edmonson, Fleming, Green, Greenup, Hardin, Harrison, Hart, Kenton, LaRue, Lee, Leslie, Lewis, Marion, Menifee, Montgomery, Nelson, Nicholas, Owsley, Pendleton, Powell, Robertson, Rowan, Taylor, Warren, and Wolfe Counties, Kentucky; Ionia, Kent, Livingston, and Oakland Counties, Michigan; Chisago and Washington Counties, Minnesota; Franklin, Gasconade, Jefferson, Madison, Phelps, Saint Louis, and Wayne Counties, Missouri; Ashtabula, Franklin, Lake, Madison, Marion, Miami, Montgomery, Pickaway, and Union Counties, Ohio; Crawford, Erie, Mercer, and Venango Counties, Pennsylvania; Claiborne, Giles, Grainger, Hancock, Lincoln, Marshall, and Maury Counties, Tennessee; Lee, Russell, Scott, Tazewell, and Wise Counties, Virginia; Braxton, Calhoun, Clay, Doddridge, Gilmer, Harrison, Kanawha, Lewis, Pleasants, Ritchie, Tyler, and Wirt Counties, West Virginia; and Pierce, Polk, Shawano, St. Croix, and Waupaca Counties, Wisconsin.

(2) Within these areas, the physical or biological features essential to the conservation of the snuffbox mussel consist of the following components within waters and streambeds up to the ordinary high-water mark:

(i) Adequate flows, or a hydrological flow regime (magnitude, timing, frequency, duration, rate of change, and overall seasonality of discharge over

time), necessary to maintain benthic habitats where the species is found and to maintain stream connectivity.

(ii) Suitable substrates and connected instream habitats, characterized by geomorphologically stable stream channels and banks (*i.e.,* channels that maintain lateral dimensions, longitudinal profiles, and sinuosity patterns over time without an aggrading or degrading bed elevation) that support the snuffbox mussel and its host fishes. For the snuffbox mussel, suitable substrates are stable gravel and sand with moderate flow and aquatic vegetation in and adjacent to riffles and shoals.

(iii) Water and sediment quality necessary to sustain natural physiological processes for normal behavior, growth, and viability of all life stages, including appropriate levels of dissolved oxygen (generally above 2 to 3 parts per million (ppm)), salinity (generally below 2 to 4 ppm), and temperature (generally below 86 °F (30 °C)). Additionally, concentrations of contaminants, including (but not limited to) ammonia, nitrate, copper, and chloride, are below acute toxicity levels for mussels.

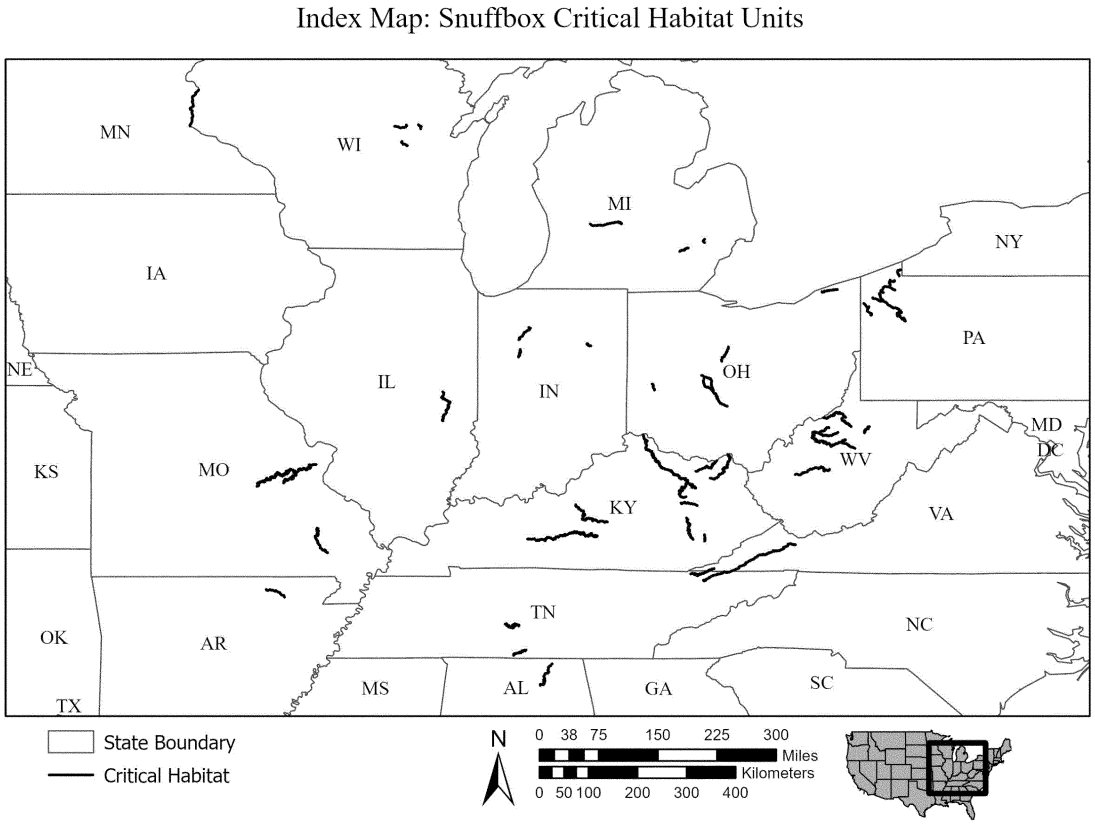
(iv) The presence and abundance of host fishes necessary for recruitment of the snuffbox mussel (logperch (*Percina caprodes*) and darter and sculpin species).

(3) Critical habitat does not include human-made structures (such as buildings, aqueducts, runways, roads, and other paved areas and existing in-water pilings, docks, and sea walls) and the land on which they are located existing within the legal boundaries on May 27, 2026.

(4) Data layers defining map units were created using the 1984 World Geographic System ellipsoid or the 1983 North American datum, and the associated geographic coordinate system. The National Hydrography Dataset Plus High Resolution was used to create the critical habitat units. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at *https://www.regulations.gov* at Docket No. FWS–R3–ES–2024–0144 and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Index map follows:

Figure 1 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (5)



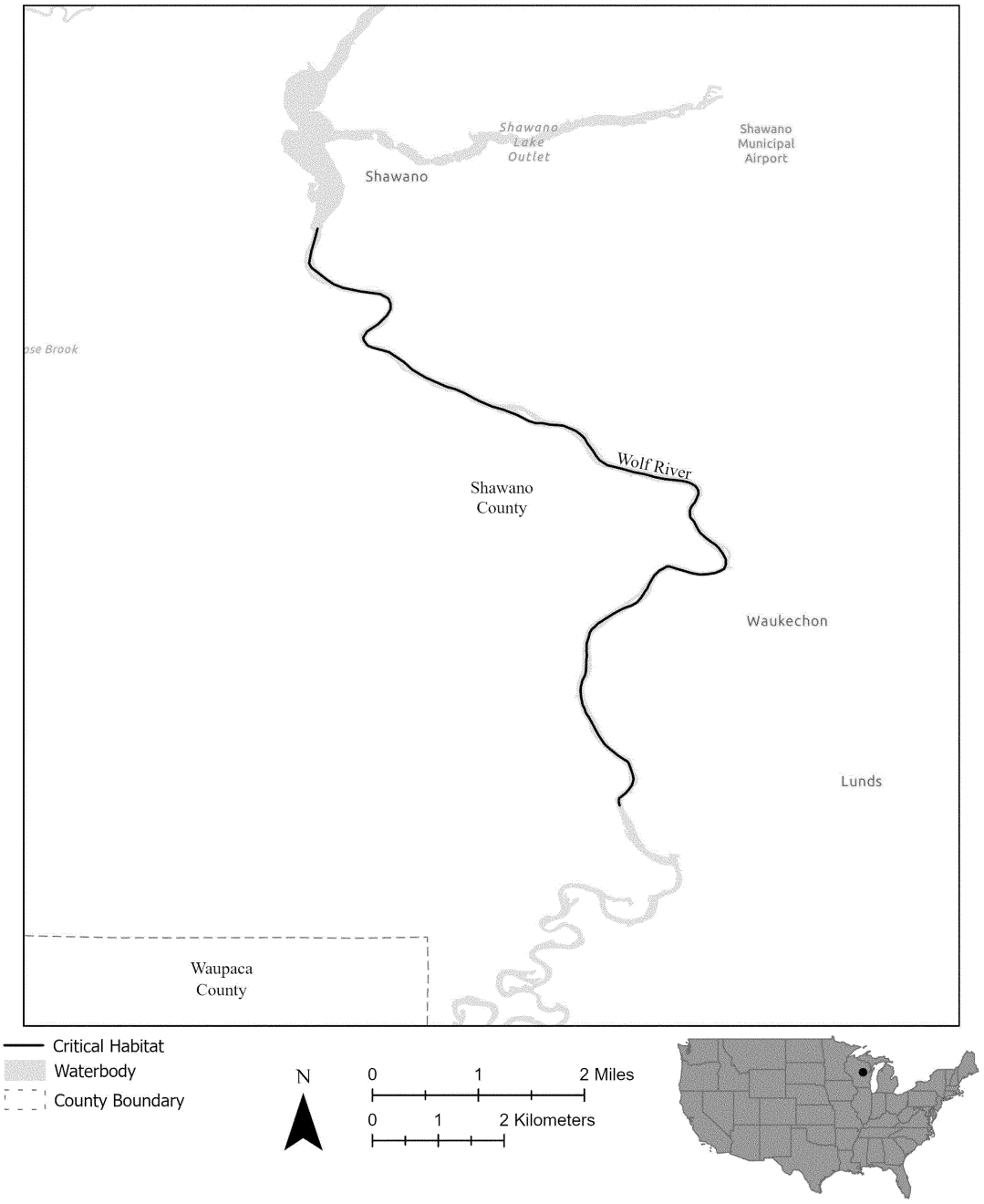
(6) SNBO 1: Wolf River; Shawano County, Wisconsin.

(i) SNBO 1 consists of 8 river miles (rmi) (13 river kilometers (rkm)) of the Wolf River in Shawano County, Wisconsin. This unit extends from the Shawano Dam downstream to the County Road CCC Bridge near the town of Waukechon, in Shawano County, Wisconsin. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 1 follows:

Figure 2 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (6)(ii)

Critical Habitat for Snuffbox
SNBO 1 Wolf River; Shawano County, Wisconsin



(7) SNBO 2: Embarrass River; Shawano County, Wisconsin.

(i) SNBO 2 consists of 18 rmi (29 rkm) of the Embarrass River, South Branch Embarrass River, and North Branch Embarrass River in Shawano County, Wisconsin. This unit is composed of two subunits, and each subunit includes the river channel up to the ordinary high-water mark.

(A) Subunit 2a includes approximately 12 rmi (19 rkm) the South Branch Embarrass River in Shawano County, Wisconsin, from Spaulding Street (County Road M) in Tigerton downstream to its confluence with Embarrass River in the town of Grant.

(B) Subunit 2b includes approximately 7 rmi (10 rkm) of the Embarrass River and the North Fork Embarrass River in Shawano County, Wisconsin.

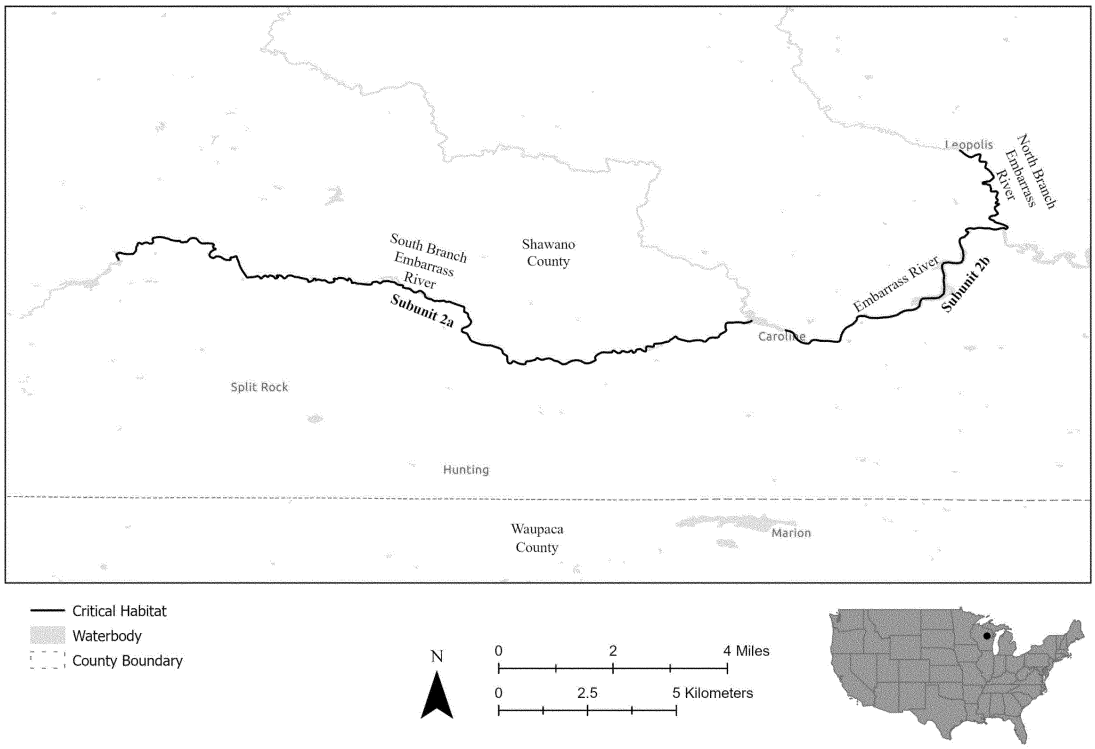
(*1*) The Embarrass River portion of this unit includes 5 rmi (7 rkm) from the Caroline Dam in the town of Grant downstream to its confluence with North Branch Embarrass River.

(*2*) The North Branch Embarrass River portion of this unit includes 2 rmi (3 rkm) in Shawano County, Wisconsin, from the dam in the unincorporated community of Leopolis downstream to its confluence with the Embarrass River.

(ii) Map of SNBO 2 follows:

Figure 3 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (7)(ii)

Critical Habitat for Snuffbox
SNBO 2a Embarrass River; Shawano County, Wisconsin
SNBO 2b Embarrass River; Shawano County, Wisconsin



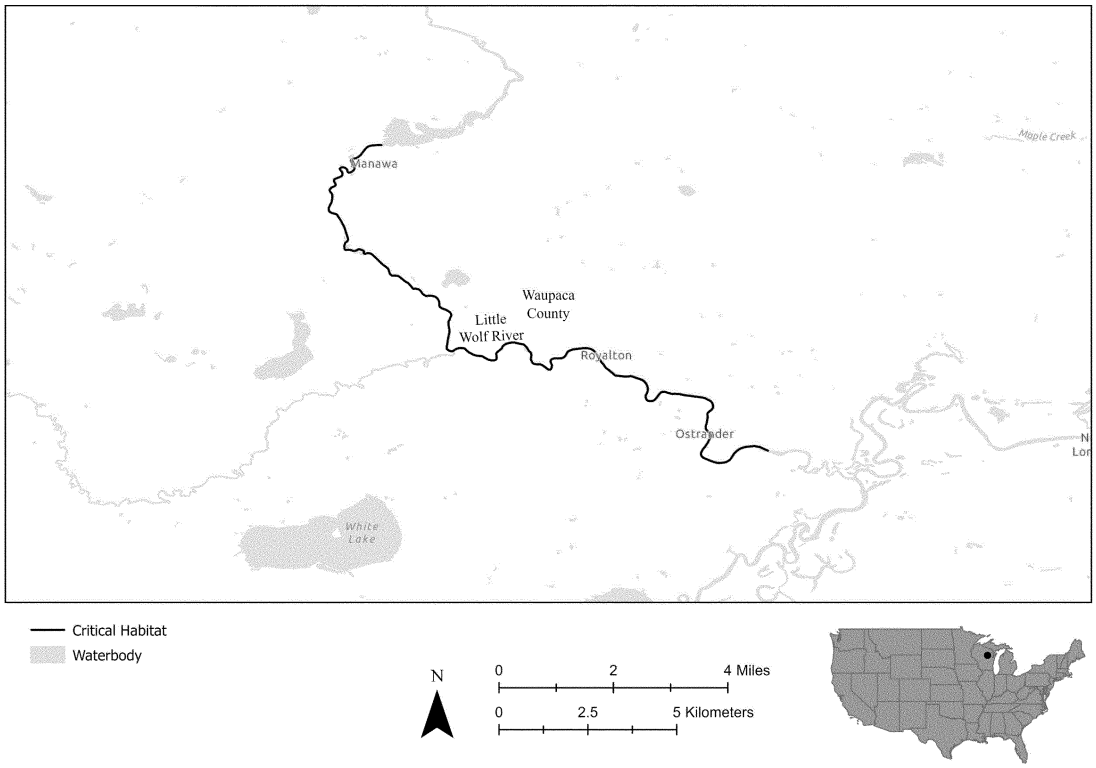
(8) SNBO 3: Little Wolf River; Waupaca County, Wisconsin.

(i) SNBO 3 consists of 12 rmi (19 rkm) of the Little Wolf River in Waupaca County, Wisconsin. This unit extends from the Manawa Mill Pond Dam in the city of Manawa downstream to the Highway X Bridge in the town of Mukwa, in Waupaca County, Wisconsin. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 3 follows:

Figure 4 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (8)(ii)

Critical Habitat for Snuffbox
SNBO 3 Little Wolf River; Waupaca County, Wisconsin



(9) SNBO 4: Grand River (Michigan); Ionia and Kent Counties, Michigan.

(i) SNBO 4 consists of 41 rmi (65 rkm) of the Grand River and the Flat River in Ionia and Kent Counties, Michigan. The unit includes the river channel up to the ordinary high-water mark.

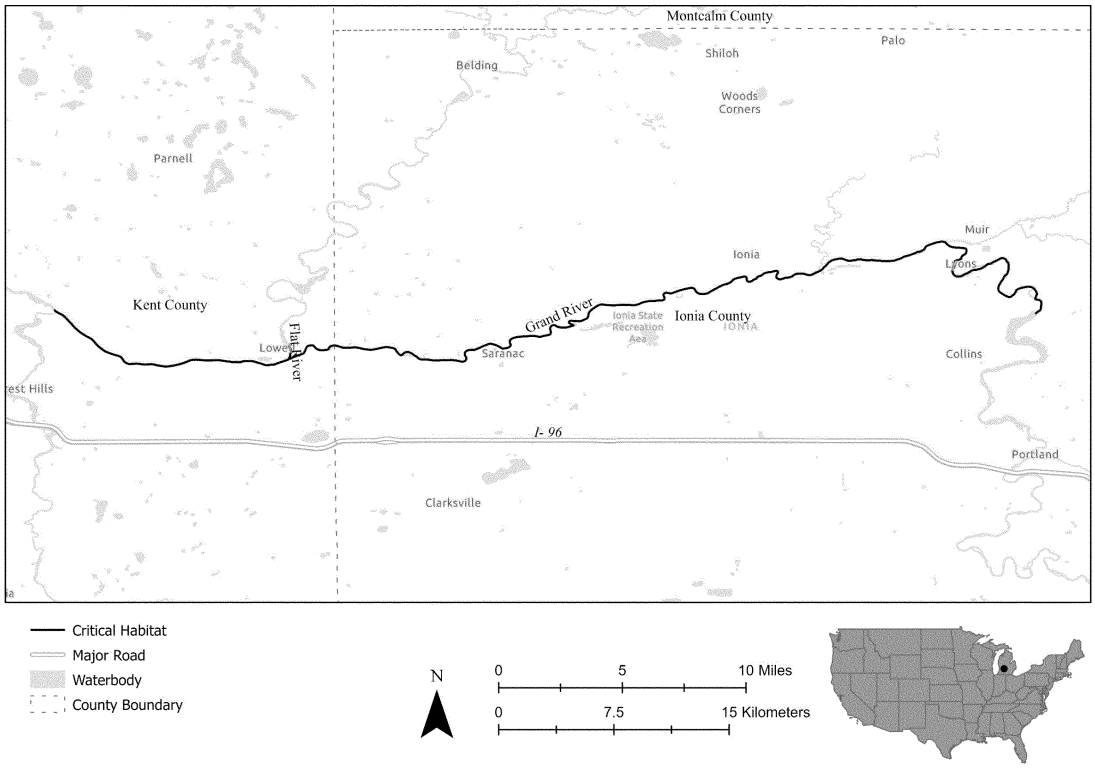
(A) The Grand River portion of this unit includes 40 rmi (64 rkm) and extends from the Webber Dam upstream of the village of Lyons (Ionia County, Michigan) downstream to its confluence with the Thornapple River in the unincorporated community of Ada (Kent County, Michigan).

(B) The Flat River portion of this unit includes 0.5 rmi (0.8 rkm) in Kent County, Michigan, from West State Highway 21 in the city of Lowell downstream to its confluence with the Grand River in the city of Lowell.

(ii) Map of SNBO 4 follows:

Figure 5 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (9)(ii)

Critical Habitat for Snuffbox
SNBO 4 Grand River (Michigan); Ionia and Kent Counties, Michigan



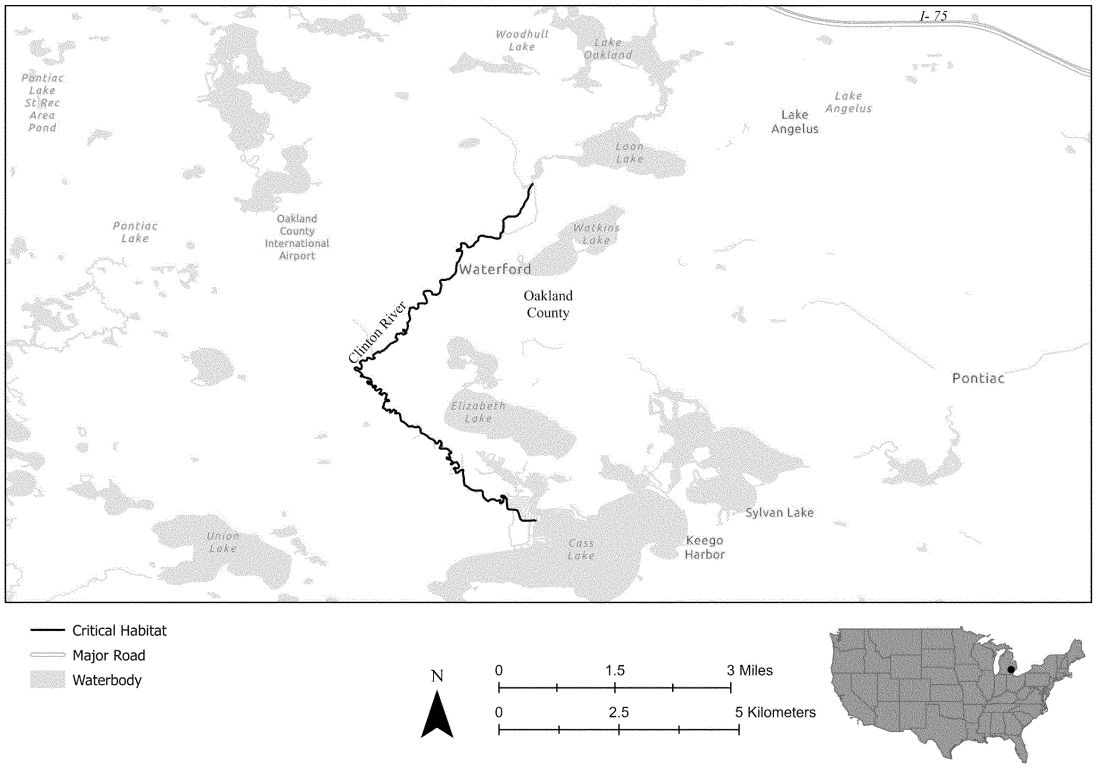
(10) SNBO 5: Clinton River; Oakland County, Michigan.

(i) SNBO 5 consists of 8 rmi (13 rkm) of the Clinton River in Oakland County, Michigan. This unit extends from downstream of the fish hatchery at Waterford Township downstream to Cass Lake east of the unincorporated community of Four Towns, in Oakland County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 5 follows:

Figure 6 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (10)(ii)

Critical Habitat for Snuffbox
SNBO 5 Clinton River; Oakland County, Michigan



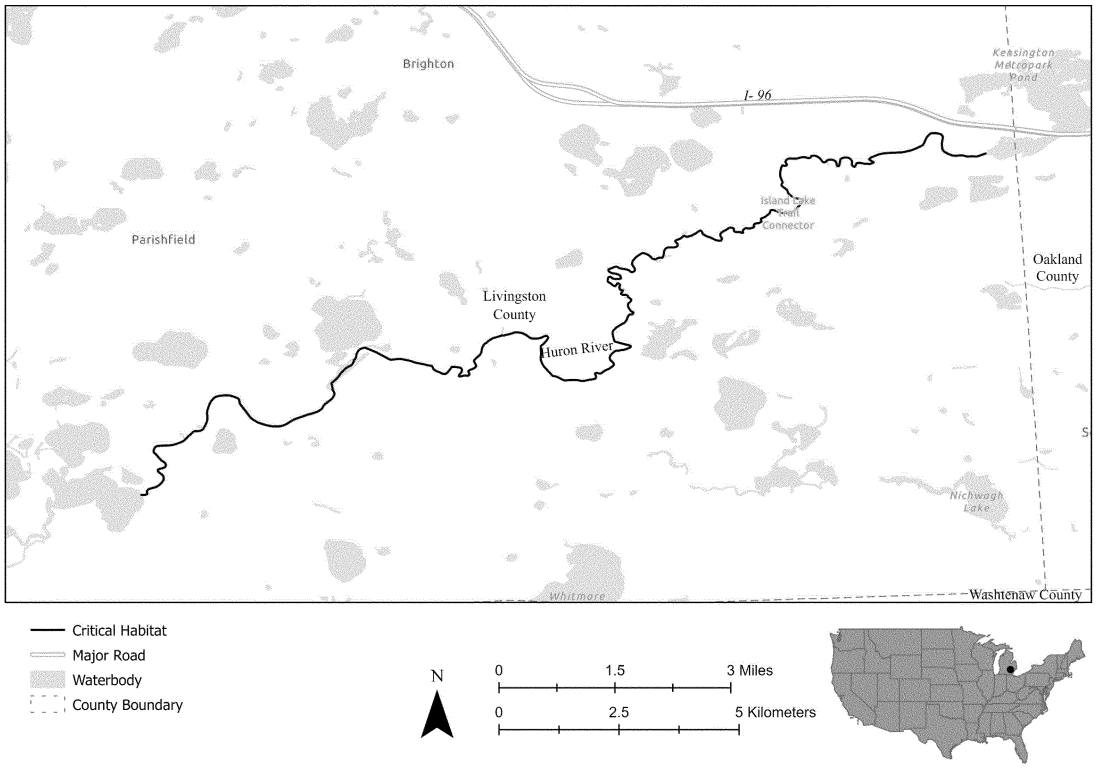
(11) SNBO 6: Huron River; Livingston County, Michigan.

(i) SNBO 6 consists of 16 rmi (26 rkm) of the Huron River in Livingston County, Michigan. This unit extends from Strawberry Lake downstream to the Kent Lake Dam, in Livingston County, Michigan. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 6 follows:

Figure 7 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (11)(ii)

Critical Habitat for Snuffbox
SNBO 6 Huron River; Livingston County, Michigan



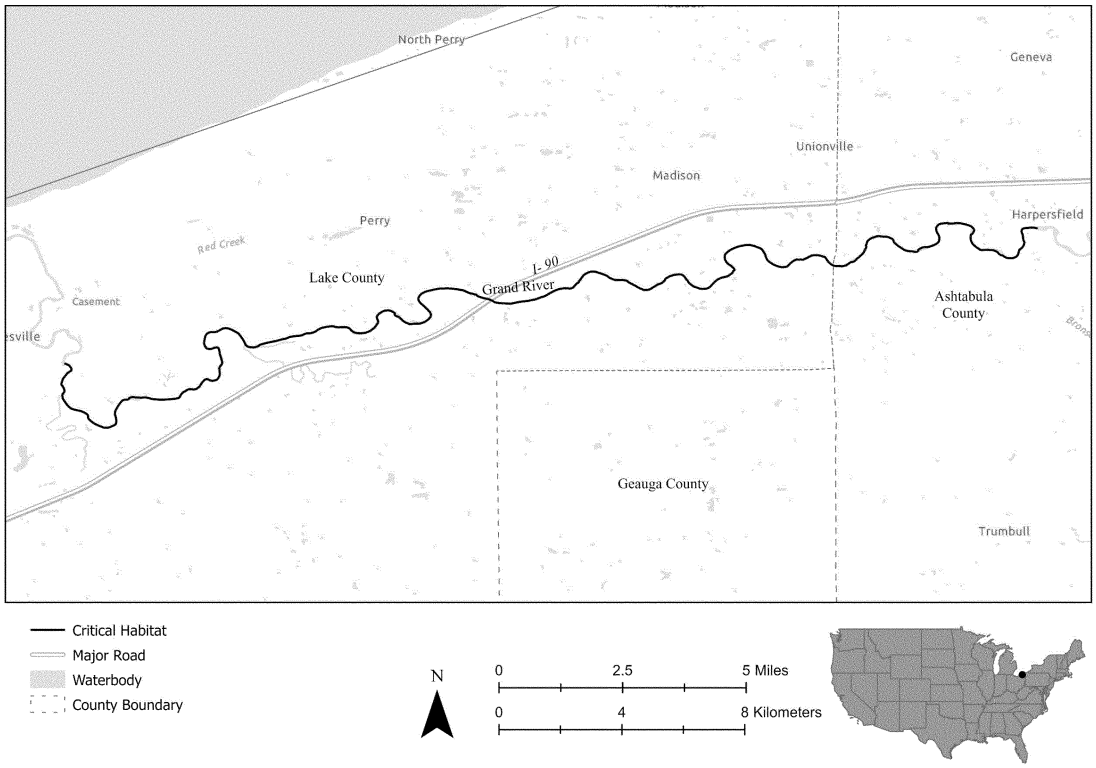
(12) SNBO 7: Grand River (Ohio); Ashtabula and Lake Counties, Ohio.

(i) SNBO 7 consists of 23 rmi (37 rkm) of the Grand River in Ashtabula and Lake Counties, Ohio. This unit extends from the Harpersfield Dam in the unincorporated community of Harpersfield (Ashtabula County, Ohio) downstream to the Norfolk and Western Railroad Trestle (Lake County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 7 follows:

Figure 8 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (12)(ii)

Critical Habitat for Snuffbox
SNBO 7 Grand River (Ohio); Ashtabula and Lake Counties, Ohio



(13) SNBO 8: Allegheny River; Venango County, Pennsylvania.

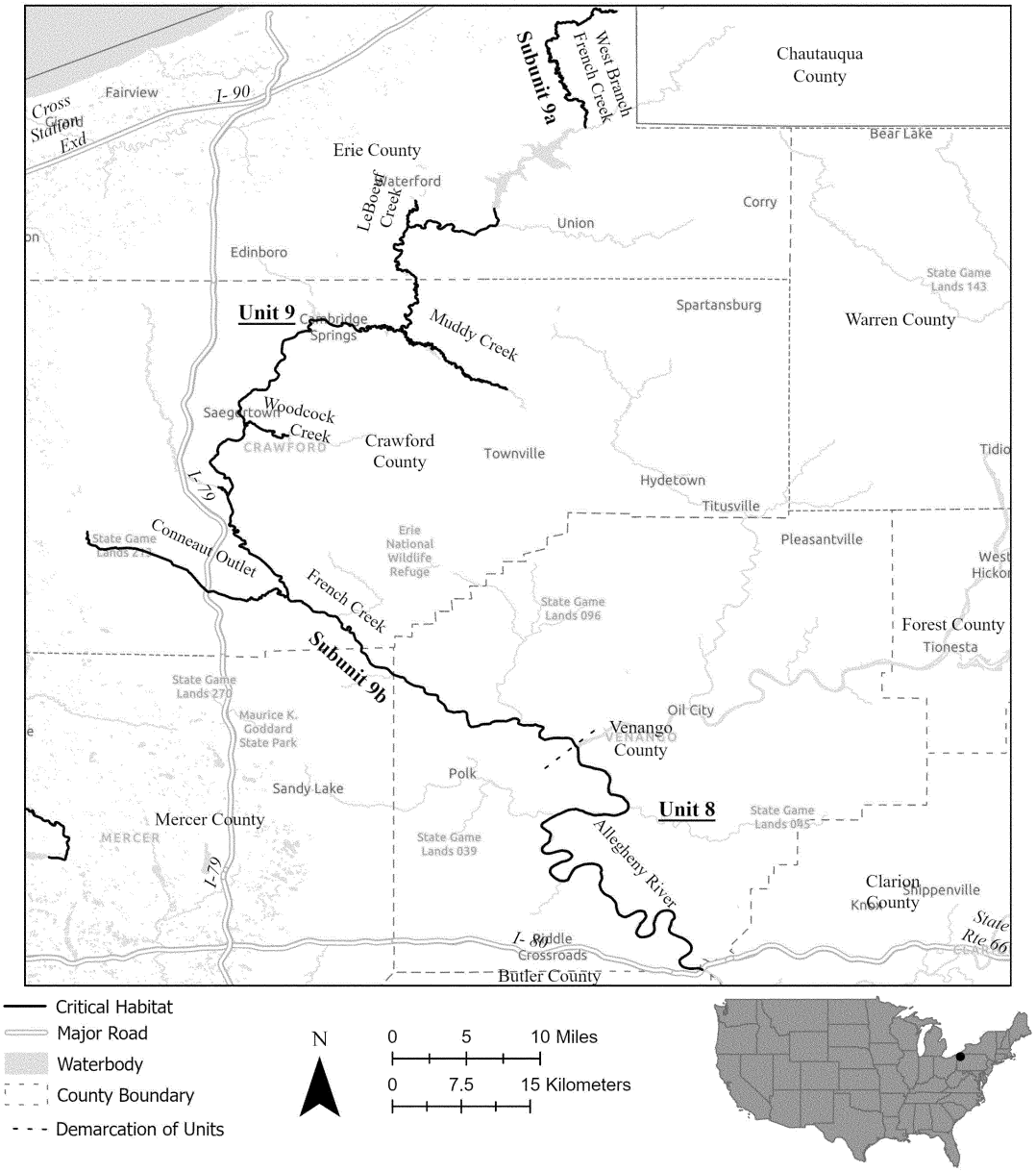
(i) SNBO 8 consists of 35 rmi (57 rkm) of the Allegheny River in Venango County, Pennsylvania. This unit extends from the Allegheny River's confluence with French Creek near the city of Franklin downstream to Interstate 80 near the borough of Emlenton, in Venango County, Pennsylvania. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 8 follows:

Figure 9 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (13)(ii)

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Critical Habitat for Snuffbox
SNBO 8 Allegheny River; Venango County, Pennsylvania
SNBO 9a French Creek; Erie County, Pennsylvania
SNBO 9b French Creek; Crawford, Erie, Mercer, and Venango Counties, Pennsylvania



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(14) SNBO 9: French Creek; Crawford, Erie, Lebanon, Mercer, and Venango Counties, Pennsylvania.

(i) SNBO 9 consists of 130 rmi (209 rkm) of French Creek, West Branch French Creek, LeBoeuf Creek, Cussewago Creek, Woodcock Creek, Muddy Creek, and Conneaut Outlet in Erie, Crawford, Mercer, and Venango Counties, Pennsylvania. This unit is composed of two subunits. The unit includes the river channel up to the ordinary high-water mark.

(A) Subunit SNBO 9a includes 19 rmi (30 rkm) of West Branch French Creek in Erie County, Pennsylvania, from the Aston Road Bridge in Greenfield Township just west of the New York/Pennsylvania State line downstream to its confluence with French Creek in Wattsburg (Erie County, Pennsylvania).

(B) Subunit SNBO 9b includes 111 rmi (179 rkm) of the French Creek, LeBoeuf Creek, Cussewago Creek, Woodcock Creek, Muddy Creek and Conneaut Outlet in Erie, Crawford, Mercer, and Venango Counties, Pennsylvania.

(*1*) The French Creek portion of this unit includes 75 rmi (121 rkm) from the Union City Reservoir Dam northeast of Union City (Erie County, Pennsylvania) downstream to its confluence with Allegheny River near Franklin (Venango County, Pennsylvania).

(*2*) The LeBoeuf Creek portion of this unit includes 3 rmi (5 rkm) in Erie County, Pennsylvania, from U.S. Highway 19 downstream to its

confluence with French Creek in Le Boeuf Township.

(*3*) The Cussewago Creek portion of this unit includes 1 rmi (2 rkm) in Crawford County, Pennsylvania, from Dunham Road in Fredericksburg downstream to its confluence with French Creek in the city of Meadville.

(*4*) The Woodcock Creek portion of this unit includes 4 rmi (6 rkm) in Crawford County, Pennsylvania, from the Woodcock Dam downstream to its confluence with French Creek in the borough of Saegertown.

(*5*) The Muddy Creek portion of this unit includes 14 rmi (22 rkm) in Crawford County, Pennsylvania, from Pennsylvania Highway 77 near the unincorporated community of Little Cooley downstream to its confluence with French Creek east of the borough of Cambridge Springs.

(*6*) The Conneaut Outlet portion of this unit includes 14 rmi (23 rkm) in Crawford County, Pennsylvania, from Conneaut Lake downstream to its confluence with French Creek in Fairfield Township.

(ii) Map of SNBO 9 is provided at paragraph (13)(ii) of this entry.

(15) SNBO 10: West Fork River; Harrison and Lewis Counties, West Virginia.

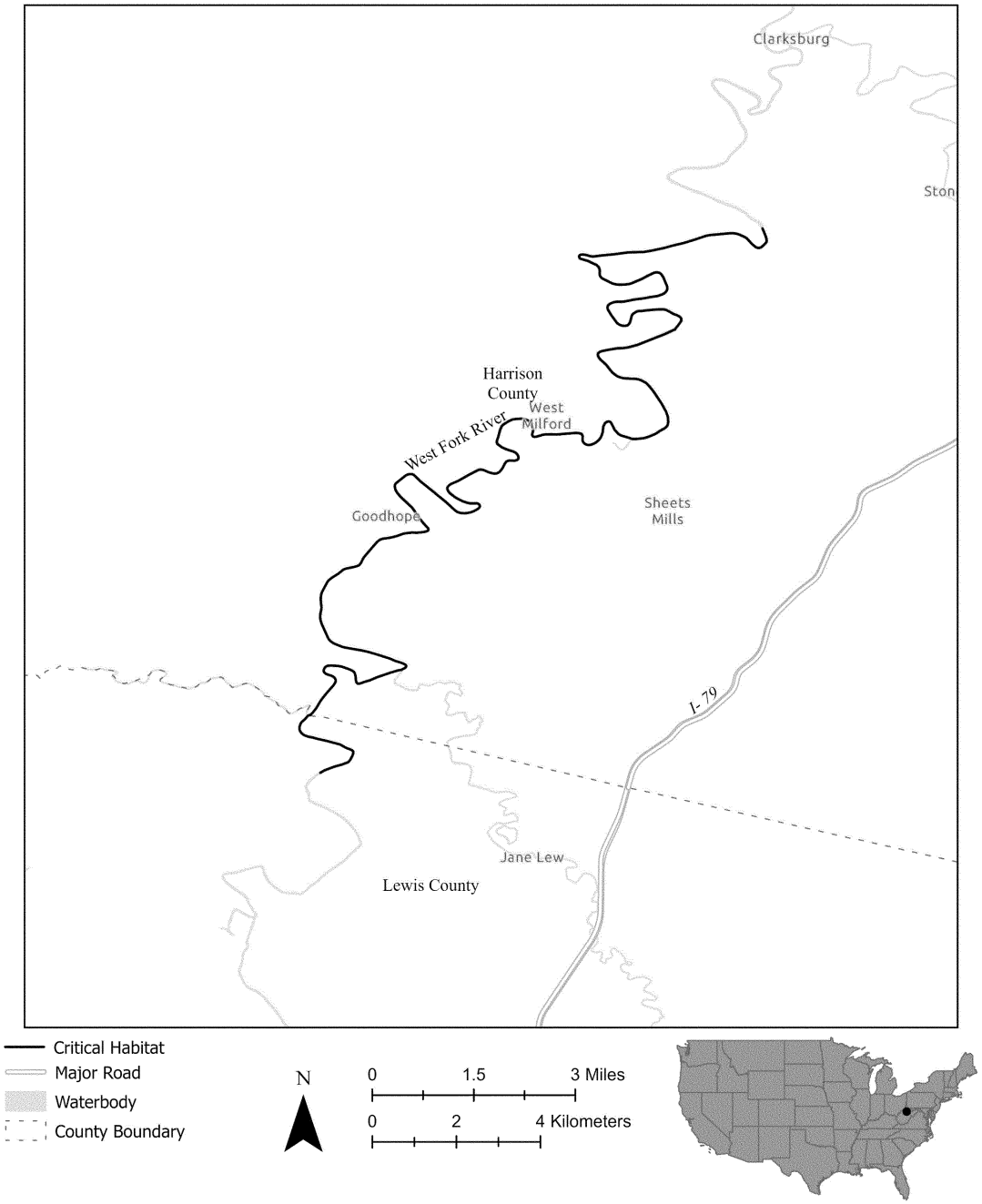
(i) SNBO 10 consists of 22 rmi (35 rkm) of the West Fork River in Lewis and Harrison Counties, West Virginia. This unit extends from the Broad Run Road Bridge (County Road 8) in Lewis County, West Virginia, downstream to the Trolley Car Lane Bridge in the city of Clarksburg (Harrison County, West Virginia). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 10 follows:

Figure 10 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (15)(ii)

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Critical Habitat for Snuffbox
SNBO 10 West Fork River; Harrison and Lewis Counties, West Virginia



(16) SNBO 11: Shenango River; Crawford and Mercer Counties, Pennsylvania.

(i) SNBO 11 consists of 28 rmi (45 rkm) of the Shenango River and the Little Shenango River in Crawford and Mercer Counties, Pennsylvania. The unit includes the river channel up to the ordinary high-water mark.

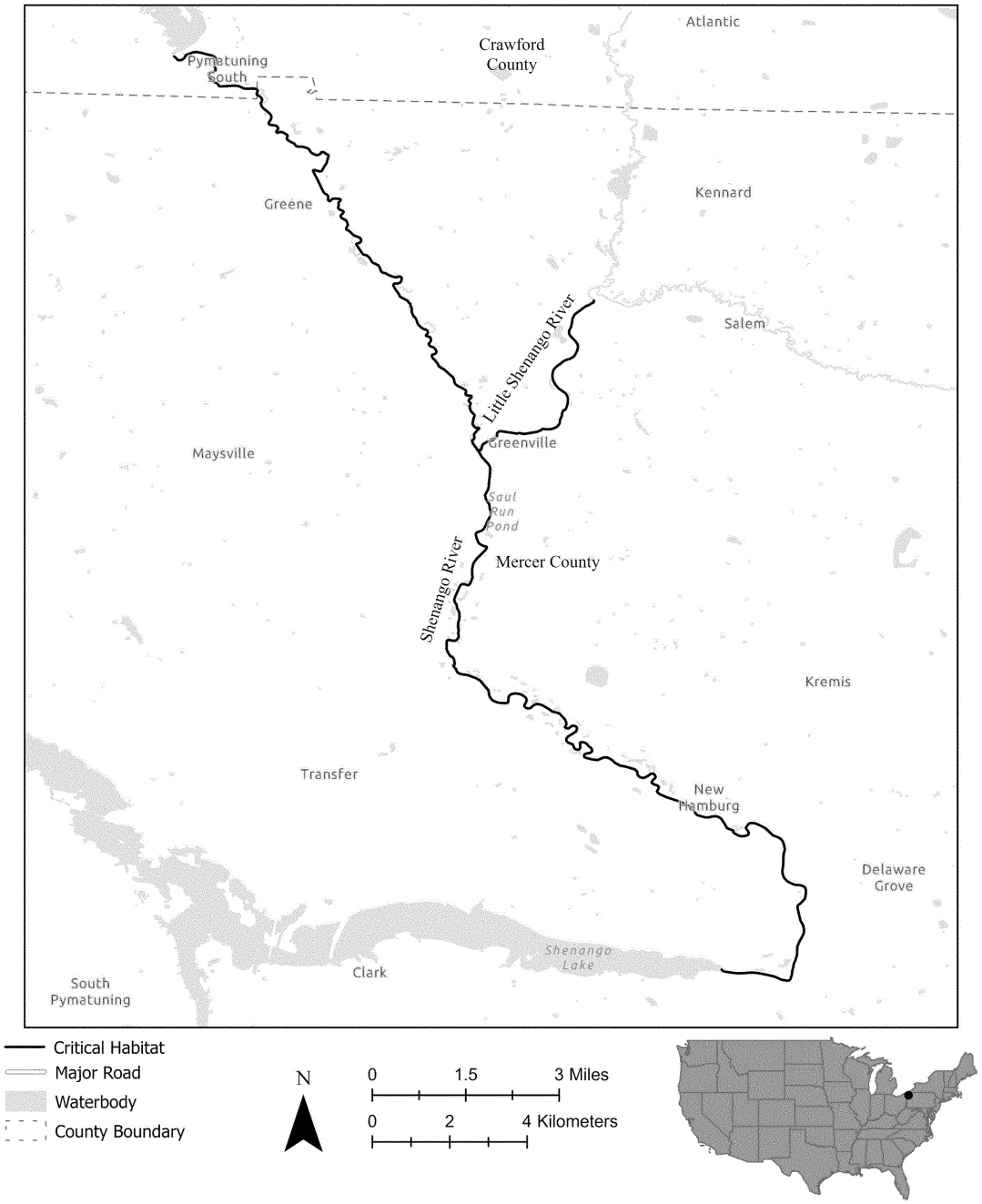
(A) The Shenango River portion of the unit includes 24 rmi (39 rkm) from Dam Road at the Pymatuning Reservoir Dam outlet (Crawford County, Pennsylvania) downstream to the point of inundation by Shenango River Lake near Big Bend (Mercer County, Pennsylvania).

(B) The Little Shenango River portion of this unit includes 4 rmi (6 rkm) in Mercer County, Pennsylvania, from the County Road 4017 Bridge (Werner Road Bridge) downstream to its confluence with the Shenango River in the borough of Greenville.

(ii) Map of SNBO 11 follows:

Figure 11 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (16)(ii)

Critical Habitat for Snuffbox
SNBO 11 Shenango River; Crawford and Mercer Counties, Pennsylvania



(17) SNBO 12: Middle Island Creek; Doddridge, Tyler, and Pleasants Counties, West Virginia.

(i) SNBO 12 consists of 87 rmi (140 rkm) of Middle Island Creek, Meathouse Fork, and McElroy Creek in Doddridge, Tyler, and Pleasants Counties, West Virginia. The unit includes the river channel up to the ordinary high-water mark.

(A) The Middle Island Creek portion of this unit includes approximately 76 rmi (122 rkm) from the beginning of Middle Island Creek (*i.e.,* where Meathouse Fork and Beaver Creek join forming Middle Island Creek), south of the unincorporated community of Smithburg (Doddridge County, West Virginia), downstream to its confluence with the Ohio River at the city of St. Mary's (Pleasants County, West Virginia).

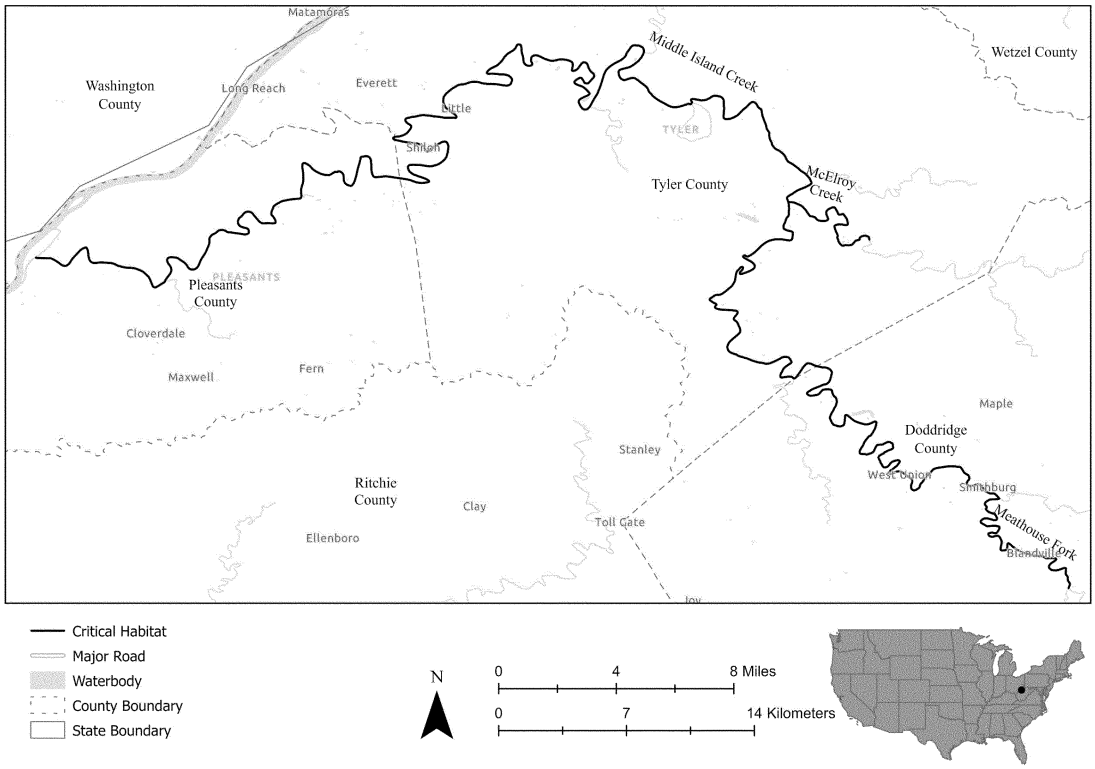
(B) The Meathouse Fork portion of this unit includes approximately 7 rmi (11 rkm) in Doddridge County, West Virginia, from the State Highway 18 Bridge southeast of the unincorporated community of Blandville downstream to where Beaver Creek and Meathouse Creek join and form Middle Island Creek.

(C) The McElroy Creek portion of this unit includes approximately 5 rmi (8 rkm) in Tyler County, West Virginia, from the Whitetail Lane Bridge to its confluence with Middle Island Creek in the unincorporated community of Alma.

(ii) Map of SNBO 12 follows:

Figure 12 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (17)(ii)

Critical Habitat for Snuffbox
SNBO 12 Middle Island Creek; Doddridge, Tyler, and Pleasants Counties, West Virginia



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(18) SNBO 13: Little Kanawha River; Braxton, Calhoun, Gilmer, Ritchie, and Wirt Counties, West Virginia.

(i) SNBO 13 consists of 200 rmi (322 rkm) of the Little Kanawha River, Leading Creek, Hughes River, North Fork Hughes River, and South Fork Hughes River in Braxton, Calhoun, Gilmer, Ritchie, and Wirt Counties, West Virginia. The unit includes the river channel up to the ordinary high-water mark.

(A) The Little Kanawha River portion of this unit includes approximately 109 rmi (175 rkm) from the Burnsville Dam (Braxton County, West Virginia) downstream to its confluence with the Hughes River in Wirt County, West Virginia.

(B) The Leading Creek portion of this unit includes approximately 12 rmi (20 rkm) in Gilmer County, West Virginia, from the Ellis Run Road Bridge southwest of the unincorporated community of Troy downstream to the confluence with the Little Kanawha River northwest of the town of Glenville.

(C) The Hughes River portion of this unit includes approximately 7 rmi (11 rkm) in Wirt County, West Virginia, from the convergence of the North and South Forks Hughes River in Freeport downstream to its confluence with the Little Kanawha River in the unincorporated community of Greencastle.

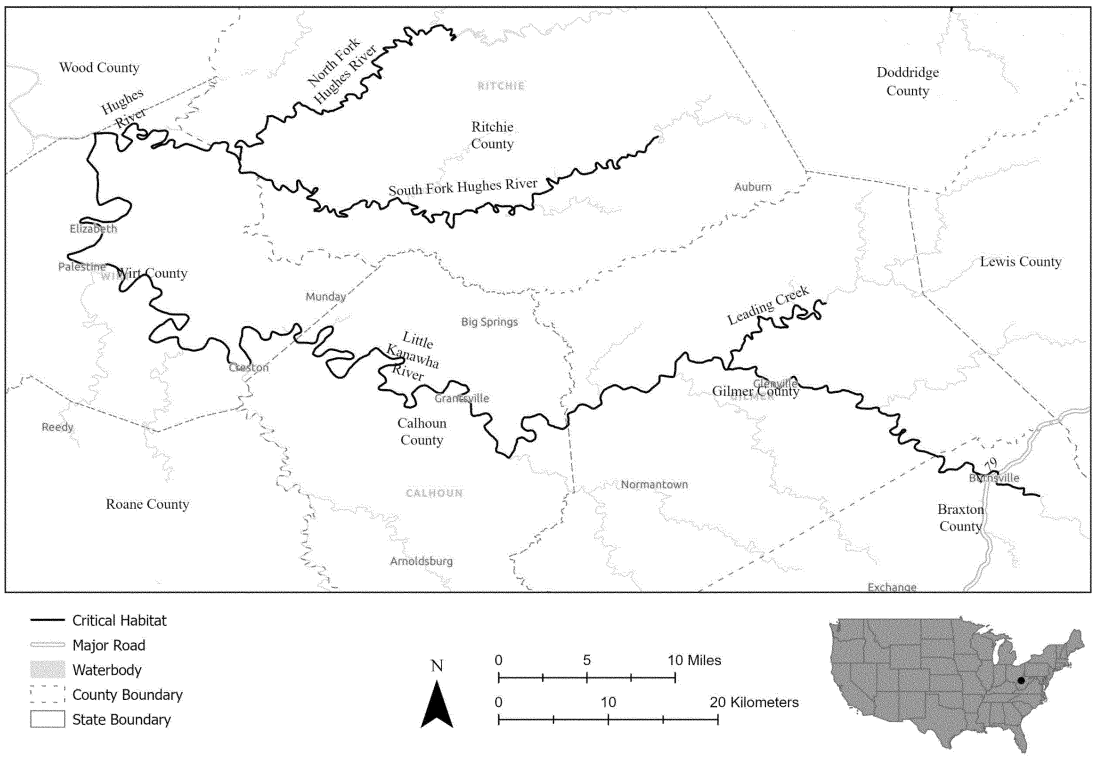
(D) The North Fork Hughes River portion of this unit includes approximately 28 rmi (45 rkm) from the North Bend Dam near the town of Harrisville (Ritchie County, West Virginia) downstream to its convergence with the South Fork Hughes River in the unincorporated community of Freeport (Wirt County, West Virginia).

(E) The South Fork Hughes River portion of this unit includes approximately 44 rmi (71 rkm) from the State Route 74 Bridge in Ritchie County, West Virginia, downstream to its convergence with the North Fork Hughes River in the unincorporated community of Freeport (Wirt County, West Virginia).

(ii) Map of SNBO 13 follows:

Figure 13 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (18)(ii)

Critical Habitat for Snuffbox
SNBO 13 Little Kanawha River; Braxton, Calhoun, Gilmer, Ritchie, and Wirt Counties, West Virginia



(19) SNBO 14: Kanawha River; Clay and Kanawha Counties, West Virginia.

(i) SNBO 14 consists of 58 rmi (93 rkm) of the Kanawha River and the Elk River in Clay and Kanawha Counties, West Virginia. The unit includes the river channel up to the ordinary high-water mark.

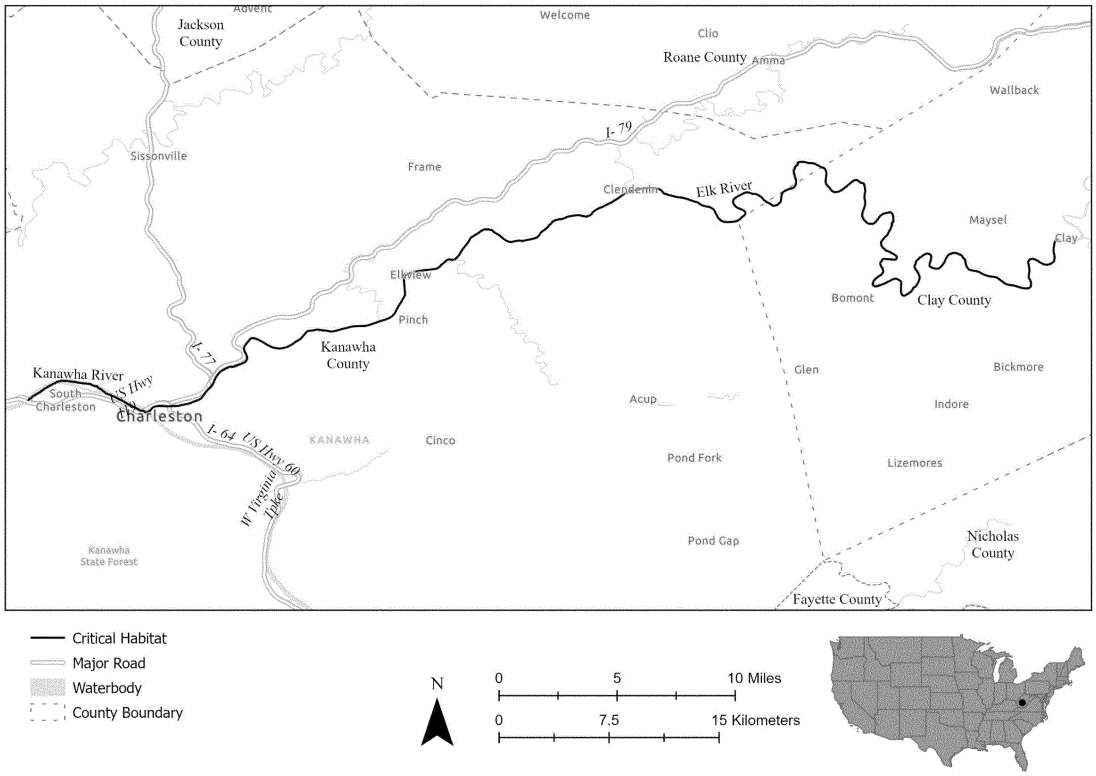
(A) The Kanawha River portion of this unit includes 5 rmi (8 rkm) in Kanawha County, West Virginia, from its confluence with the Elk River in the city of Charleston downstream to the westbound crossing of Interstate 64 in western Charleston.

(B) The Elk River portion of this unit includes 53 rmi (85 rkm) from the Pisgah Ridge Road/Elk Street crossing in Clay County, West Virginia, downstream to its confluence with the Kanawha River in the city of Charleston (Kanawha County, West Virginia).

(ii) Map of SNBO 14 follows:

Figure 14 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (19)(ii)

Critical Habitat for Snuffbox
SNBO 14 Kanawha River; Clay and Kanawha Counties, West Virginia



(20) SNBO 15: Olentangy River; Marion County, Ohio.

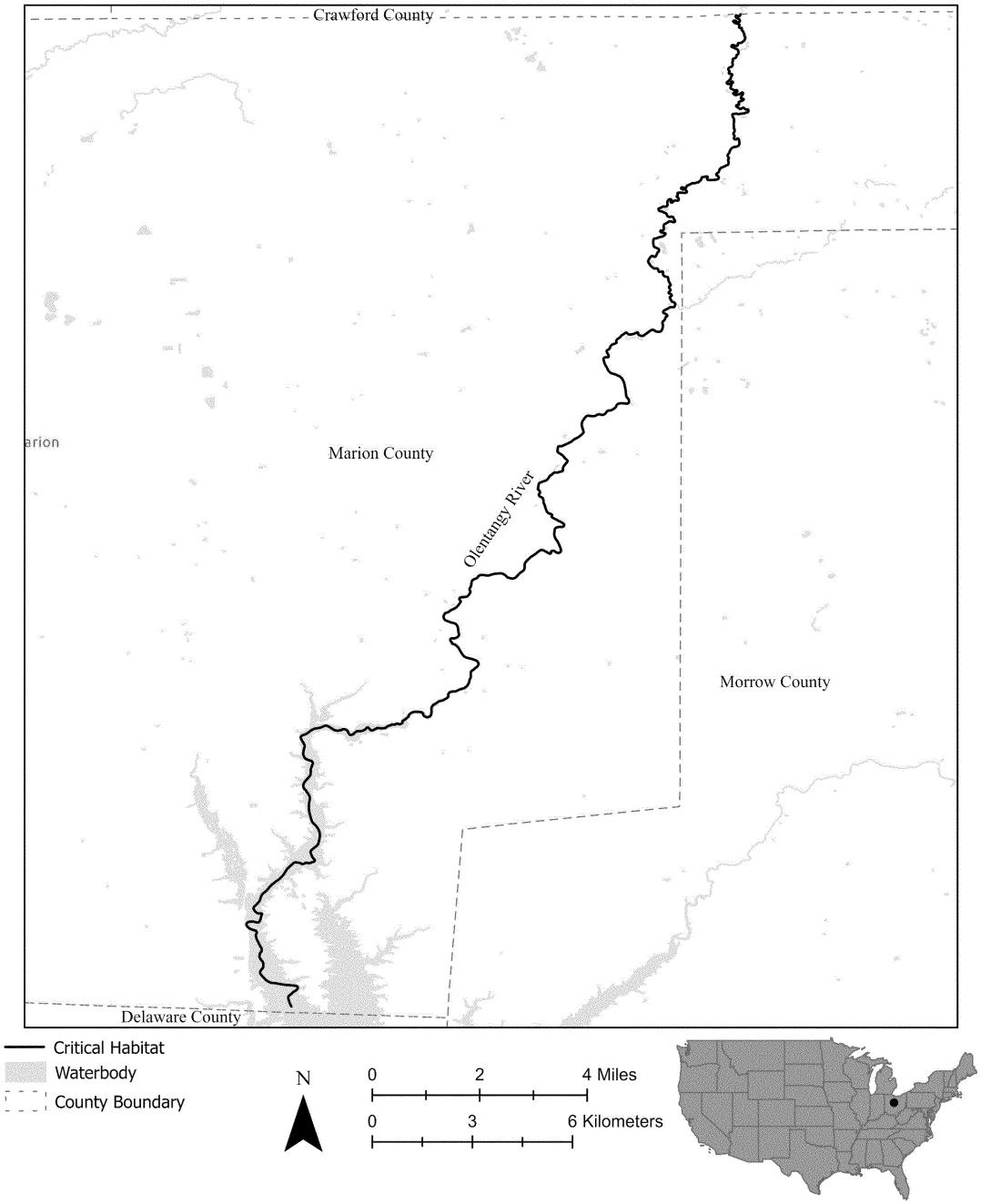
(i) SNBO 15 consists of 30 rmi (48 rkm) of the Olentangy River in Marion County, Ohio. This unit extends from the Crawford-Marion Line Road Bridge at the Crawford and Marion County line downstream to the Delaware Dam impoundment (Marion/Delaware County Line, Ohio). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 15 follows:

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Figure 15 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (20)(ii)

Critical Habitat for Snuffbox
SNBO 15 Olentangy River; Marion County, Ohio



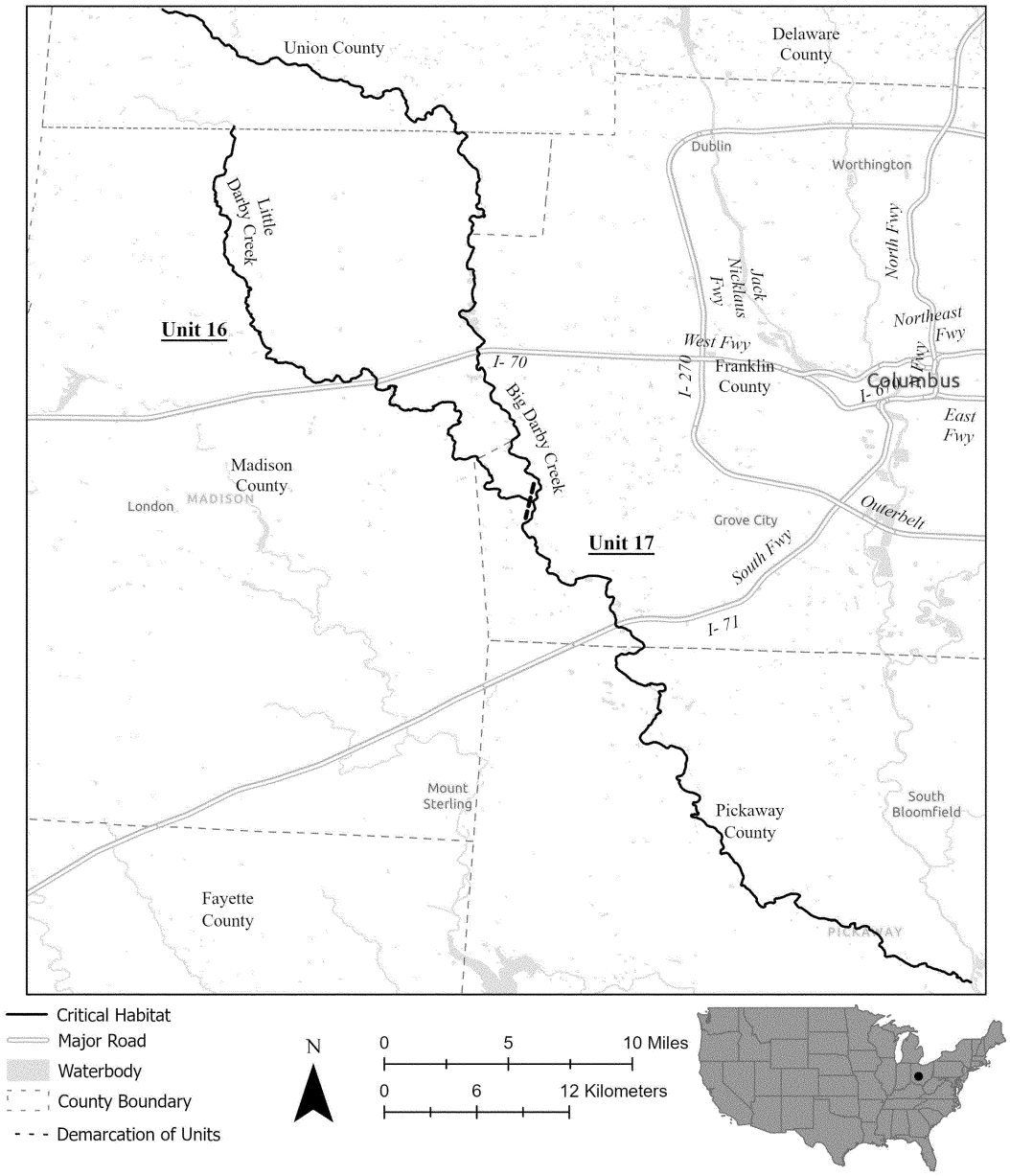
(21) SNBO 16: Little Darby Creek; Franklin, Madison, and Union Counties, Ohio.

(i) SNBO 16 consists of 28 rmi (45 rkm) of Little Darby Creek in Franklin, Madison, and Union Counties, Ohio. This unit extends from the Ohio Highway 161 Bridge near the unincorporated community of Chuckery (Union County, Ohio) downstream to its confluence with Big Darby Creek in Franklin County, Ohio. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 16 follows:

Figure 16 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (21)(ii)

Critical Habitat for Snuffbox
SNBO 16 Little Darby Creek; Franklin, Madison and Union Counties, Ohio
SNBO 17 Big Darby Creek; Franklin, Madison, Pickaway, and Union Counties, Ohio



(22) SNBO 17: Big Darby Creek; Franklin, Madison, Pickaway, and Union Counties, Ohio.

(i) SNBO 17 consists of 69 rmi (111 rkm) of Big Darby Creek in Franklin, Madison, Pickaway, and Union Counties, Ohio. This unit extends from the U.S. Highway 36 Bridge in village of Milford Center (Union County, Ohio) downstream to its confluence with the Scioto River near city of Circleville (Pickaway County, Ohio. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 17 is provided at paragraph (21)(ii) of this entry.

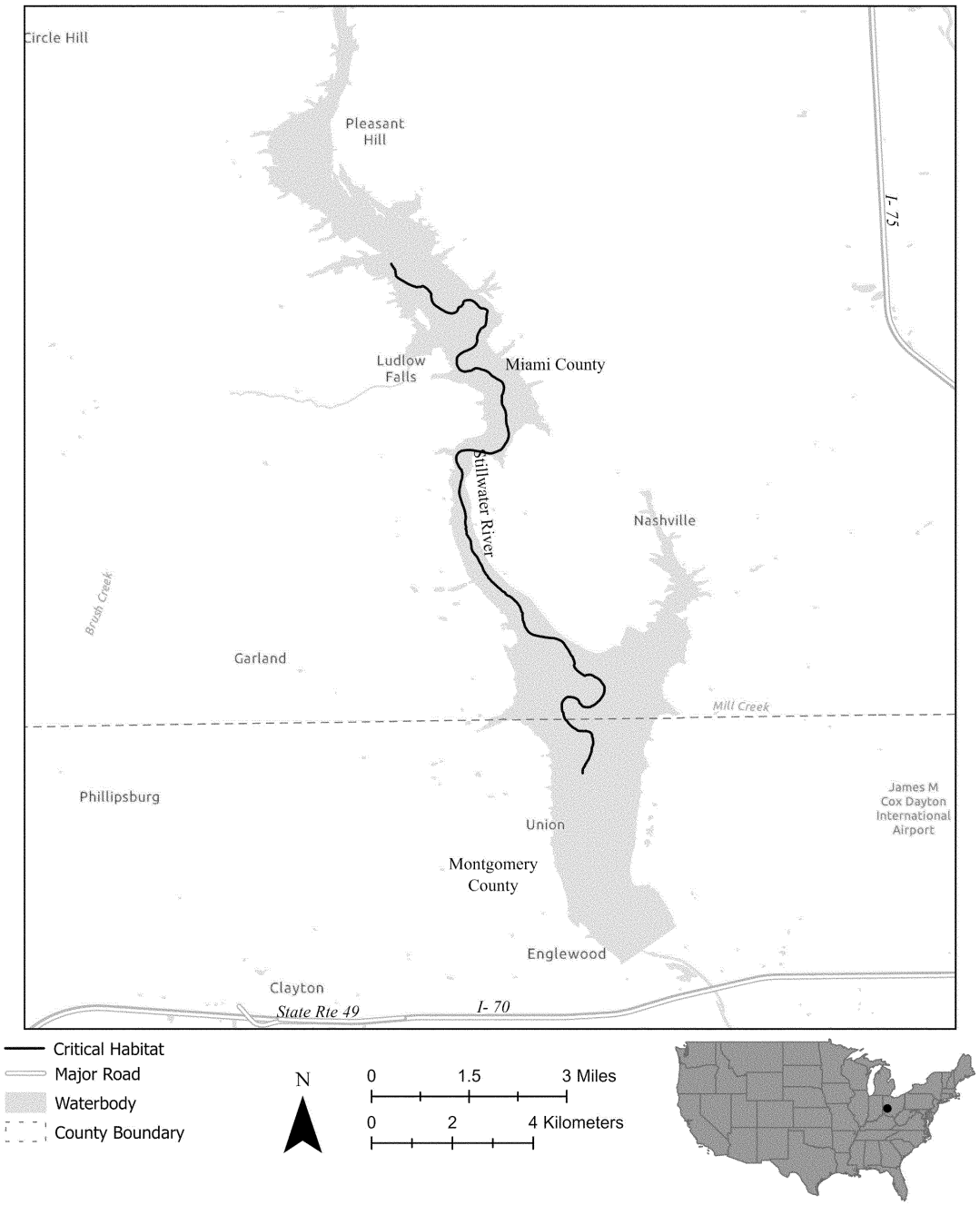
(23) SNBO 18: Stillwater River; Miami and Montgomery Counties, Ohio.

(i) SNBO 18 consists of 12 rmi (19 rkm) of the Stillwater River in Miami and Montgomery Counties, Ohio. This unit extends from the Fenner Road Bridge (County Road 37) in Miami County, Ohio, downstream to the Old Springfield Road Bridge in Union City (Montgomery County, Ohio). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 18 follows:

Figure 17 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (23)(ii)

Critical Habitat for Snuffbox
SNBO 18 Stillwater River; Miami and Montgomery Counties, Ohio



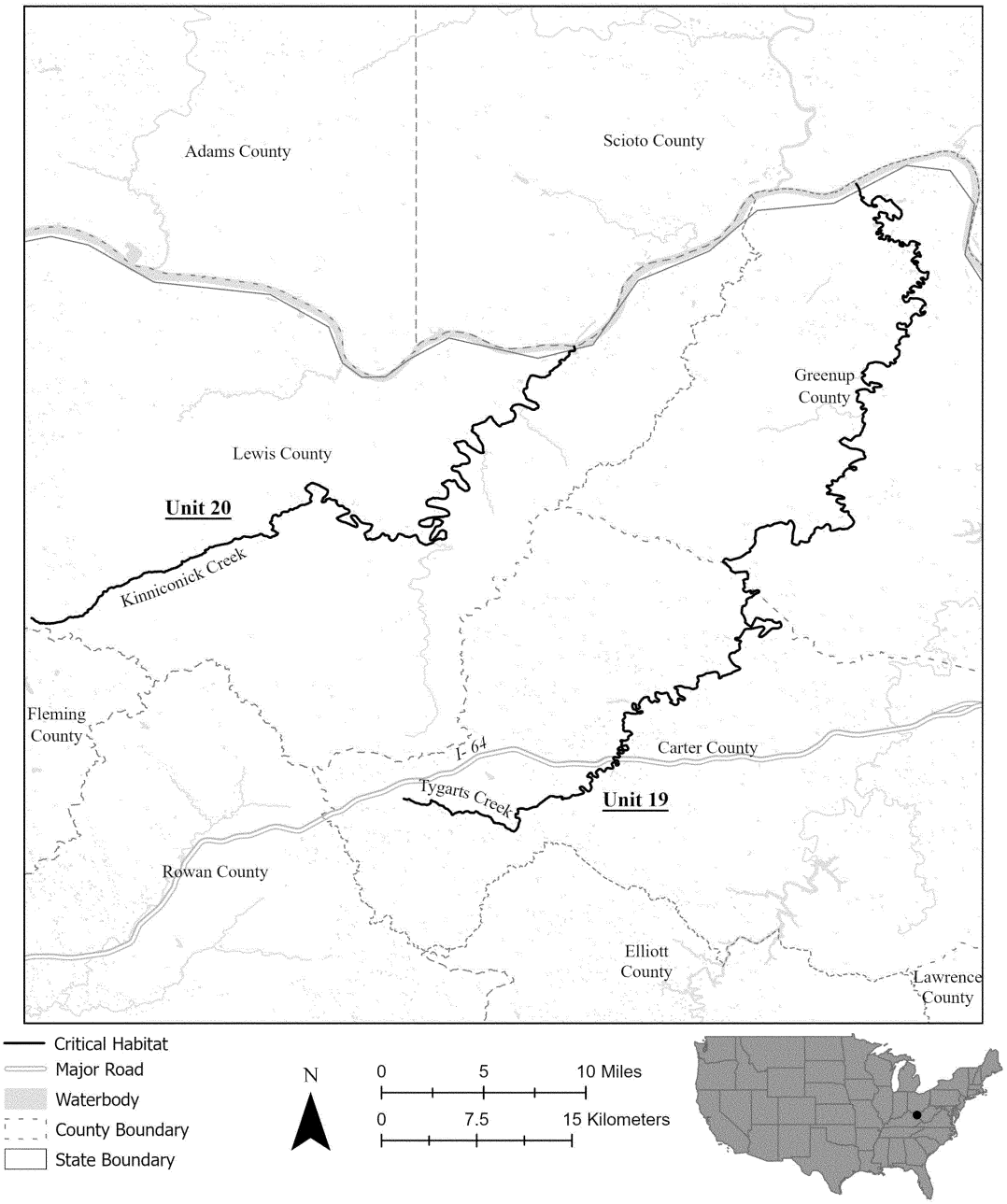
(24) SNBO 19: Tygarts Creek; Carter and Greenup Counties, Kentucky.

(i) SNBO 19 consists of 89 rmi (143 rkm) of Tygarts Creek in Carter and Greenup Counties, Kentucky. This unit extends from the confluence of Flat Fork just north of U.S Highway 60 in Carter County, Kentucky, downstream to the confluence with the Ohio River in South Shore (Greenup County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 19 follows:

Figure 18 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (24)(ii)

Critical Habitat for Snuffbox
SNBO 19 Tygarts Creek; Carter and Greenup Counties, Kentucky
SNBO 20 Kinniconick Creek; Lewis County, Kentucky



(25) SNBO 20: Kinniconick Creek; Lewis County, Kentucky.

(i) SNBO 20 consists of 52 rmi (84 rkm) of Kinniconick Creek in Lewis County, Kentucky. This unit extends from the headwaters of Kinniconick Creek southwest of the unincorporated community of Petersville downstream to its confluence with the Ohio River at the unincorporated community of Rexton, in Lewis County, Kentucky. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 20 provided at paragraph (24)(ii) of this entry.

(26) SNBO 21: Licking River; Bath, Bracken, Campbell, Fleming, Harrison, Kenton, Menifee, Montgomery, Nicholas, Pendleton, Robertson, and Rowan Counties, Kentucky.

(i) SNBO 21 consists of 239 rmi (385 rkm) of the Licking River and Slate Creek in Bath, Bracken, Campbell, Fleming, Harrison, Kenton, Menifee, Montgomery, Nicholas, Pendleton, Robertson, and Rowan Counties, Kentucky. The unit includes the river channel up to the ordinary high-water mark.

(A) The Licking River portion of this unit includes 179 rmi (288 rkm) from the Cave Run Dam in Bath/Rowan Counties, Kentucky, downstream to its confluence with the Ohio River in the city of Covington (Kenton County, Kentucky).

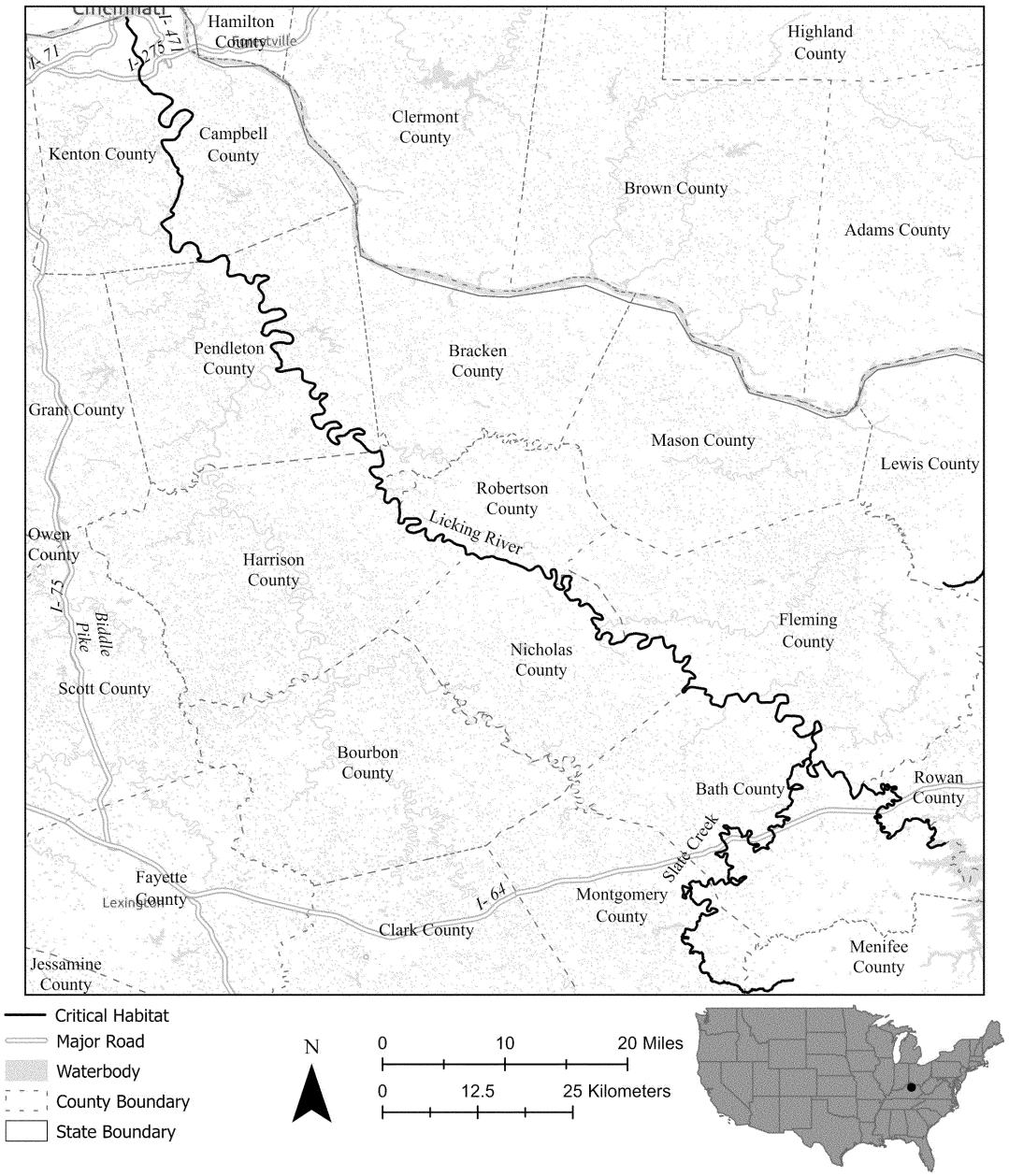
(B) The Slate Creek portion of this unit includes 60 rmi (97 rkm) from the U.S. Route 460 Bridge in Menifee

County, Kentucky, downstream to its confluence with the Licking River in Bath County, Kentucky.

(ii) Map of SNBO 21 follows:

Figure 19 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (26)(ii)

Critical Habitat for Snuffbox
SNBO 21 Licking River; Bath, Bracken, Campbell, Fleming, Harrison, Kenton, Menifee, Montgomery, Nicholas, Pendleton, Robertson, and Rowan Counties, Kentucky



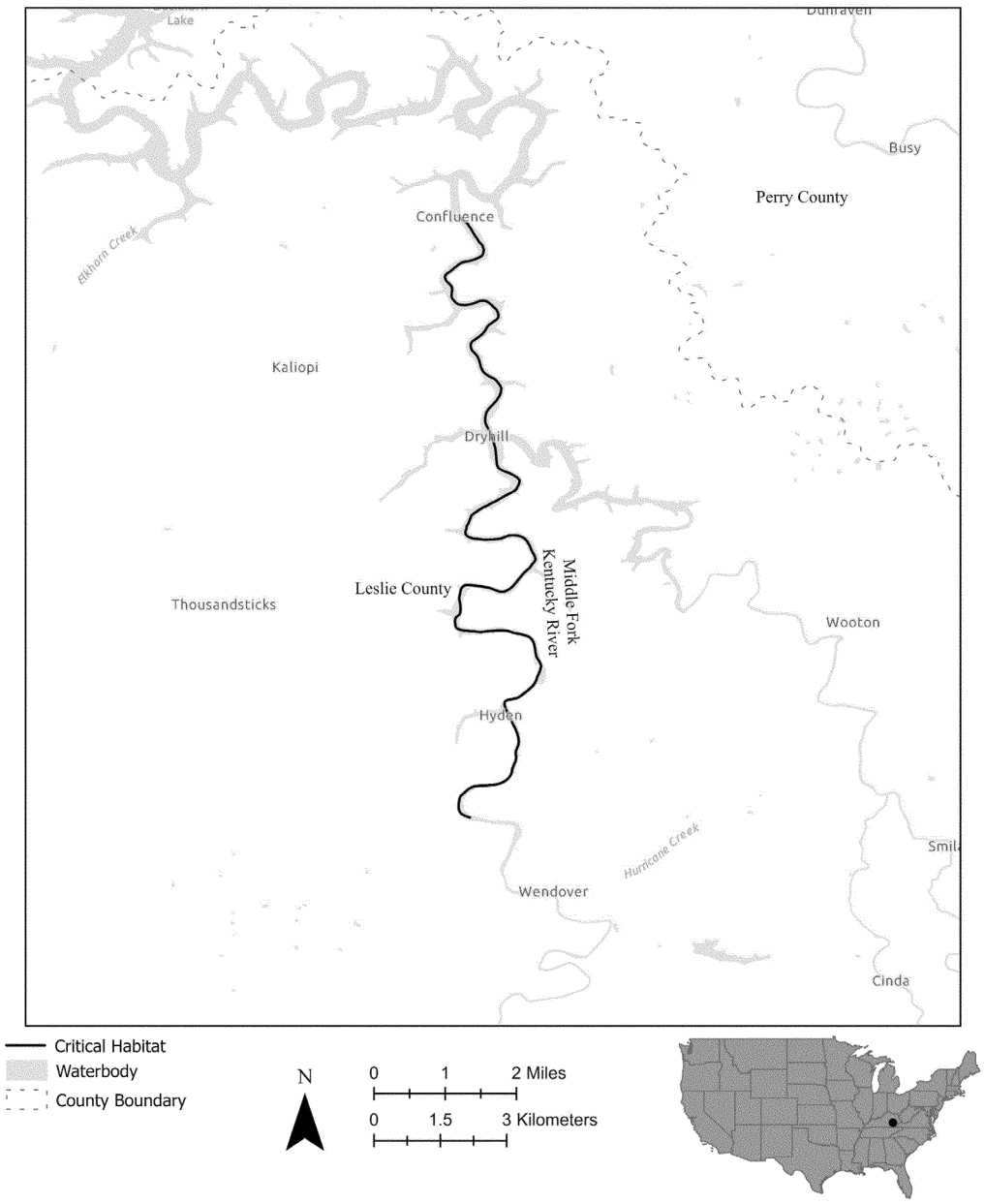
(27) SNBO 22: Middle Fork Kentucky River; Leslie County, Kentucky.

(i) SNBO 22 consists of 13 rmi (21 rkm) of the Middle Fork Kentucky River in Leslie County, Kentucky. This unit extends from the dam south of the city of Hyden downstream to County Road 1475, in Leslie County, Kentucky. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 22 follows:

Figure 20 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (27)(ii)

Critical Habitat for Snuffbox
SNBO 22 Middle Fork Kentucky River; Leslie County, Kentucky



(28) SNBO 23: Red Bird River; Clay, Lee, and Owsley Counties, Kentucky.

(i) SNBO 23 consists of 60 rmi (96 rkm) of the Red Bird River and the South Fork Kentucky River in Clay, Lee, and Owsley Counties, Kentucky. The unit includes the river channel up to the ordinary high-water mark.

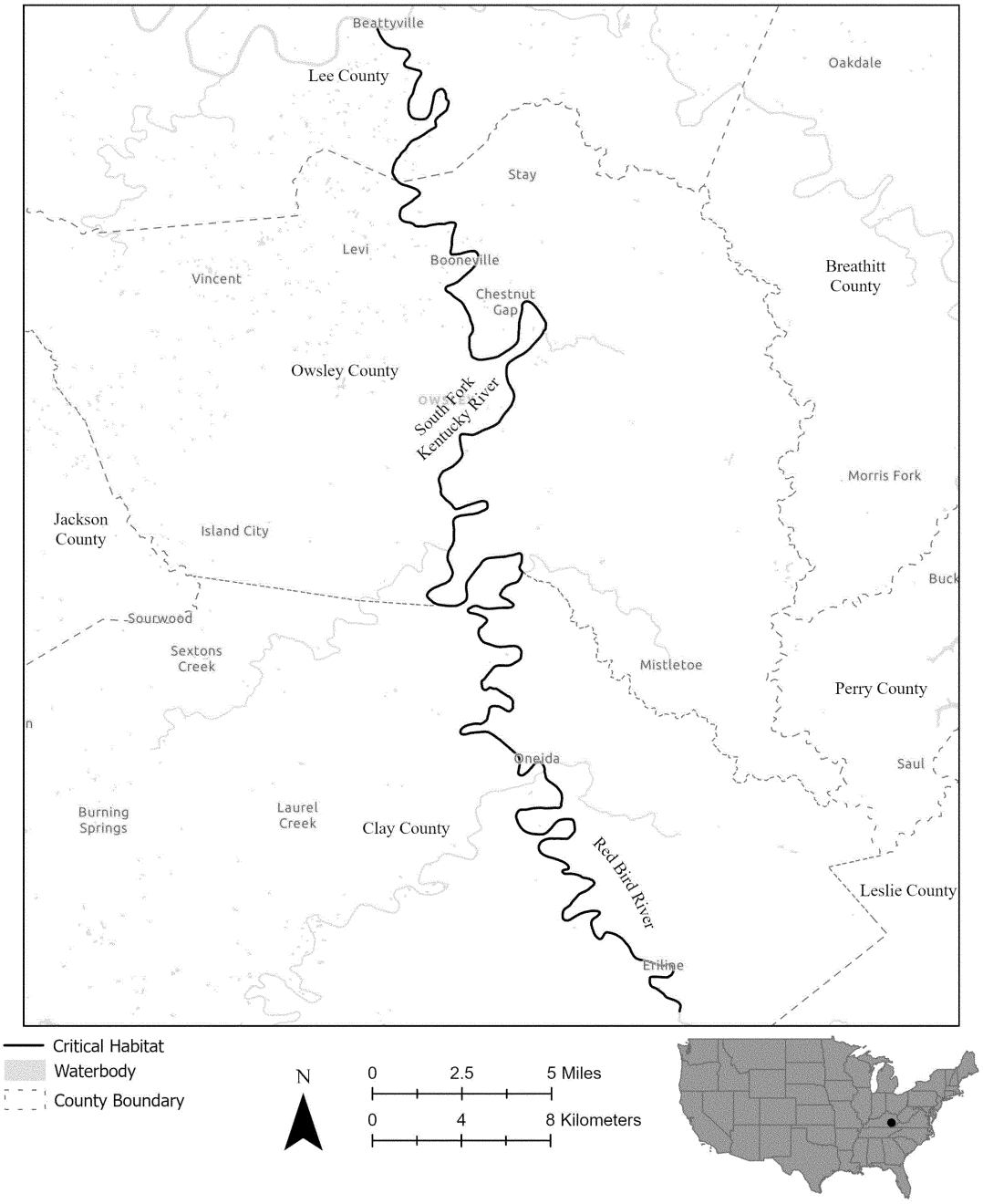
(A) The Red Bird River portion of this unit extends from the East Hal Roger Parkway downstream to its confluence with the South Fork Kentucky River near the unincorporated community of Oneida, in Clay County, Kentucky.

(B) The South Fork Kentucky River portion of this unit extends from its confluence with the Red Bird River (Clay County, Kentucky) downstream to its confluence with the North Fork Kentucky River in the city of Beattyville (Lee County, Kentucky).

(ii) Map of SNBO 23 follows:

Figure 21 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (28)(ii)

Critical Habitat for Snuffbox
SNBO 23 Red Bird River; Clay, Lee, and Owsley Counties, Kentucky



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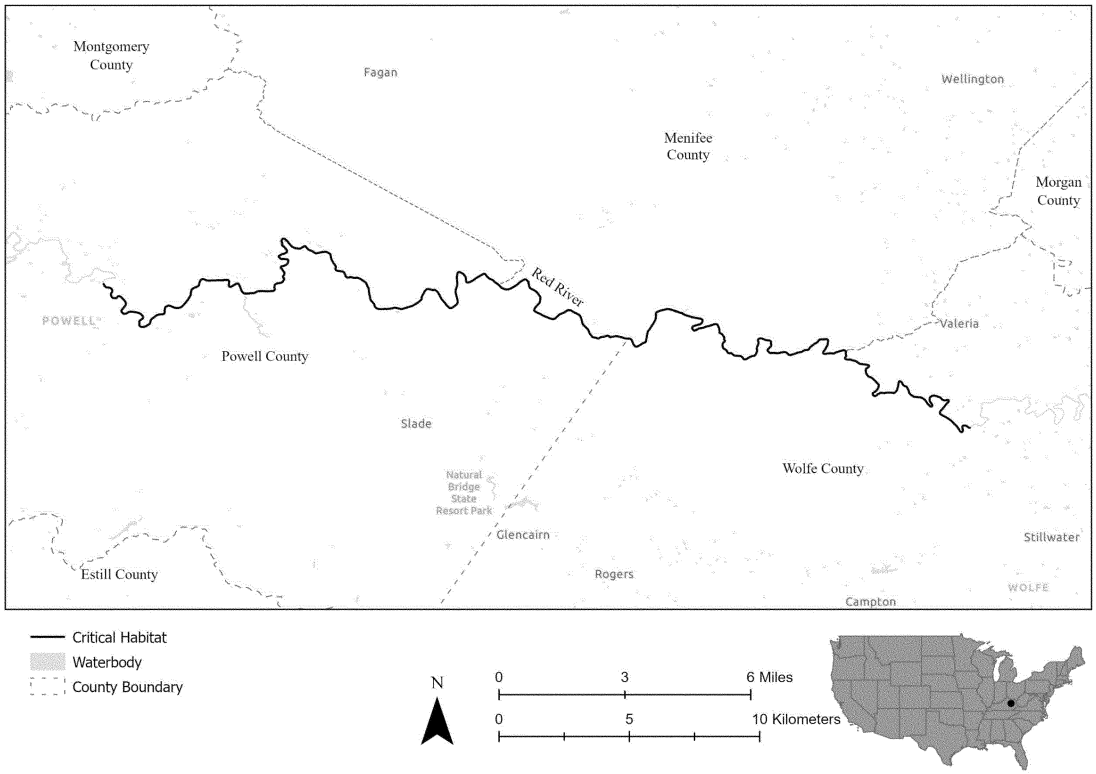
(29) SNBO 24: Red River; Menifee, Powell, and Wolfe Counties, Kentucky.

(i) SNBO 24 consists of 31 rmi (49 rkm) of the Red River in Wolfe, Menifee, and Powell Counties, Kentucky. This unit extends from the Red River's confluence with Stillwater Creek (Wolfe County, Kentucky) downstream to the Bert T. Combs Mountain Parkway Bridge (Powell County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 24 follows:

Figure 22 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (29)(ii)

Critical Habitat for Snuffbox
SNBO 24 Red River; Menifee, Powell, and Wolfe Counties, Kentucky



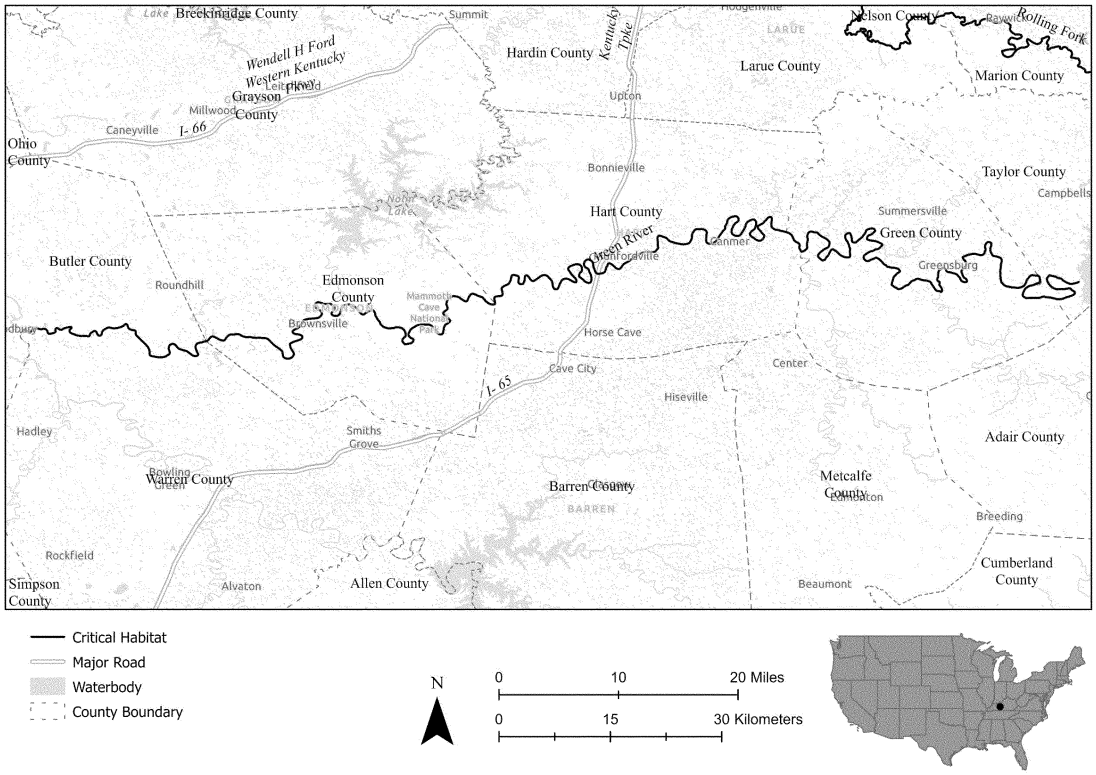
(30) SNBO 25: Green River; Butler, Edmonson, Green, Hart, Taylor, and Warren Counties, Kentucky.

(i) SNBO 25 consists of 157 rmi (253 rkm) of the Green River in Butler, Warren, Edmonson, Green, Hart, and Taylor Counties, Kentucky. This unit extends from Green River Lake Dam south of the city of Campbellsville (Taylor County, Kentucky) downstream to its confluence with the Barren River at the city of Woodbury (Warren/Butler Counties, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 25 follows:

Figure 23 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (30)(ii)

Critical Habitat for Snuffbox
SNBO 25 Green River; Butler, Edmonson, Green, Hart, Taylor, and Warren Counties, Kentucky



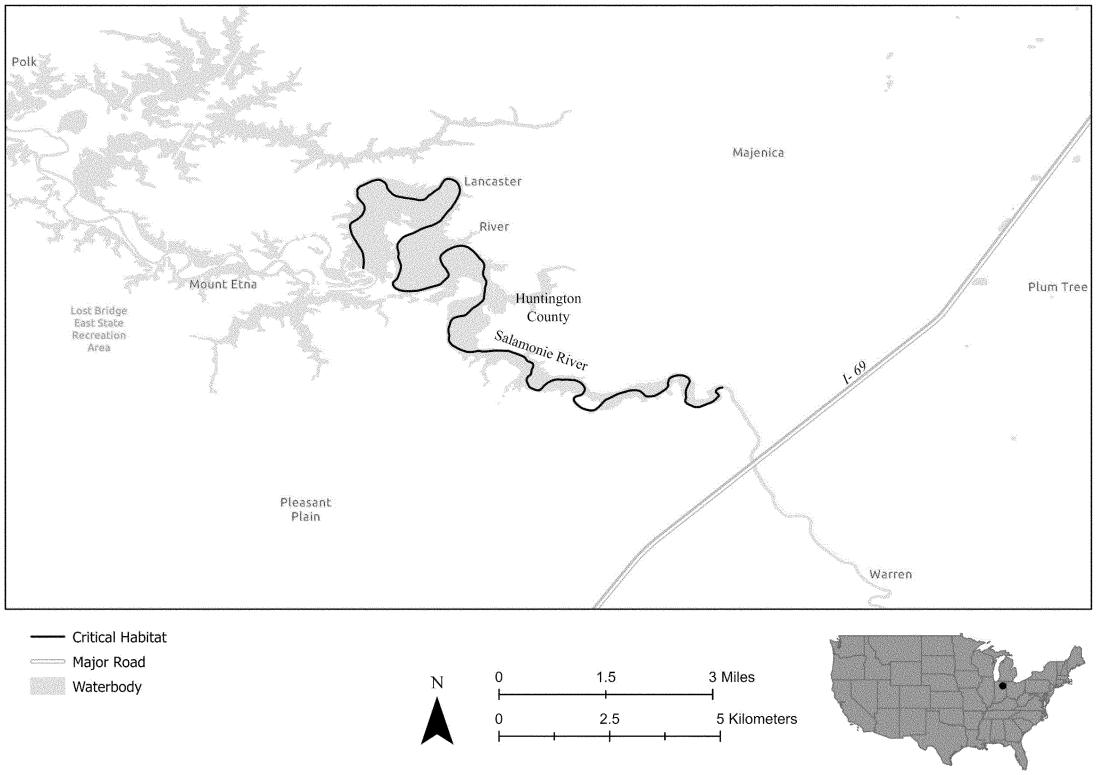
(31) SNBO 26: Salamonie River; Huntington County, Indiana.

(i) SNBO 26 consists of 12 rmi (19 rkm) of the Salamonie River in Huntington County, Indiana. The unit extends from the low-head dam by the intersection of County Road W 700 S and S Belleville Road in Jefferson Township downstream to Salamonie Lake east of the town of Mount Etna, in Huntington County, Indiana. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 26 follows:

Figure 24 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (31)(ii)

Critical Habitat for Snuffbox
SNBO 26 Salamonie River; Huntington County, Indiana



(32) SNBO 27: Tippecanoe River; Carroll, Pulaski, Tippecanoe, and White Counties, Indiana.

(i) SNBO 27 consists of 47 rmi (76 rkm) of the Tippecanoe River in Carroll, Pulaski, Tippecanoe, and White Counties, Indiana. This unit is composed of two subunits, and each subunit includes the river channel up to the ordinary high-water mark.

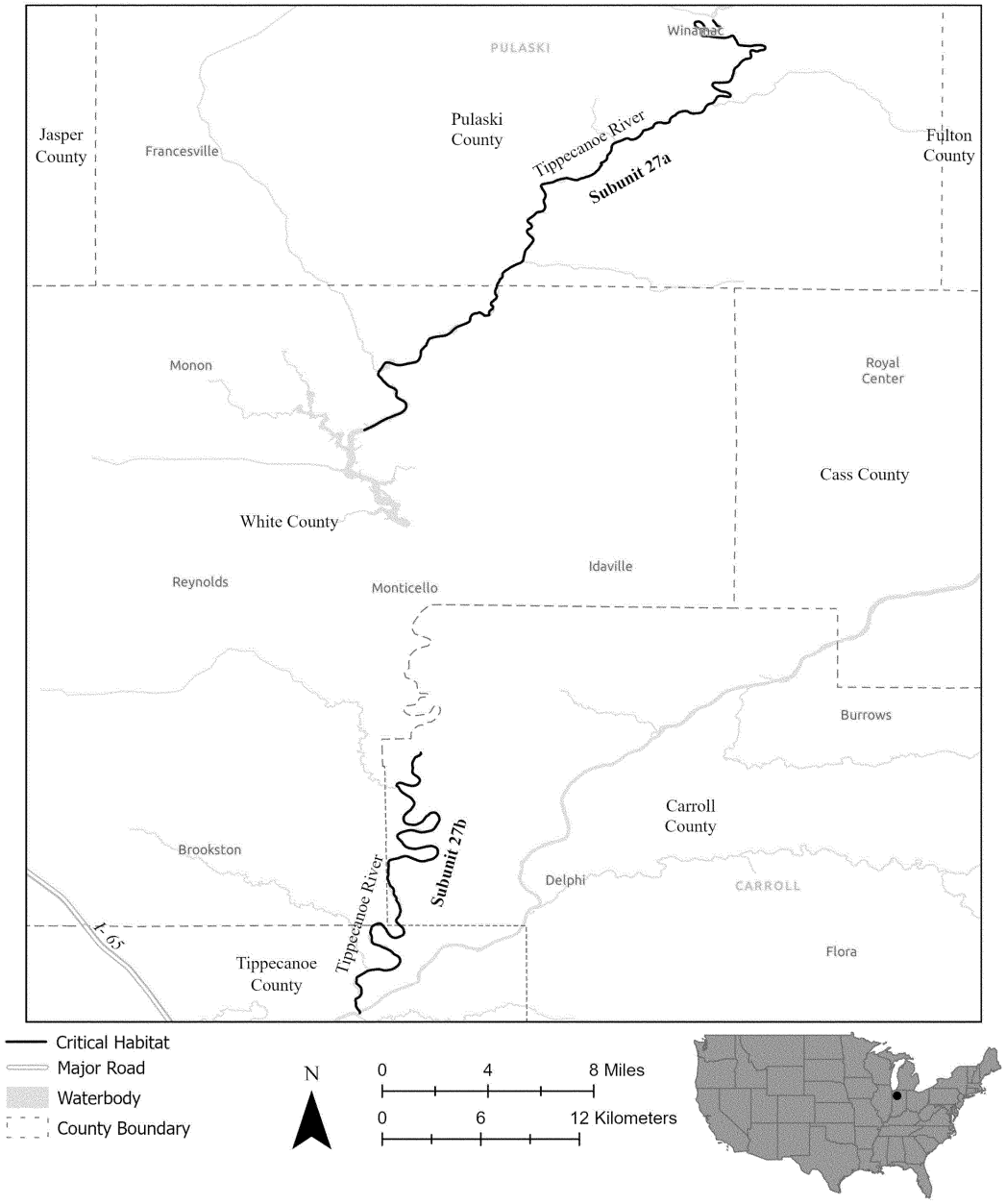
(A) Subunit SNBO 27a includes 28 rmi (45 rkm) of the Tippecanoe River from the State Highway 14 Bridge near the town of Winamac (Pulaski County, Indiana) downstream to the Lowes Bridge Road crossing in White County, Indiana.

(B) Subunit SNBO 27b includes 19 rmi (31 rkm) of the Tippecanoe River from the Oakdale Dam in Carroll County, Indiana, downstream to the confluence of the Tippecanoe River with the Wabash River northeast of the town of Battle Ground (Tippecanoe County, Indiana)

(ii) Map of SNBO 27 follows:

Figure 25 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (32)(ii)

Critical Habitat for Snuffbox
SNBO 27a Tippecanoe River; Pulaski and White Counties, Indiana
SNBO 27b Tippecanoe River; Carroll and Tippecanoe Counties, Indiana



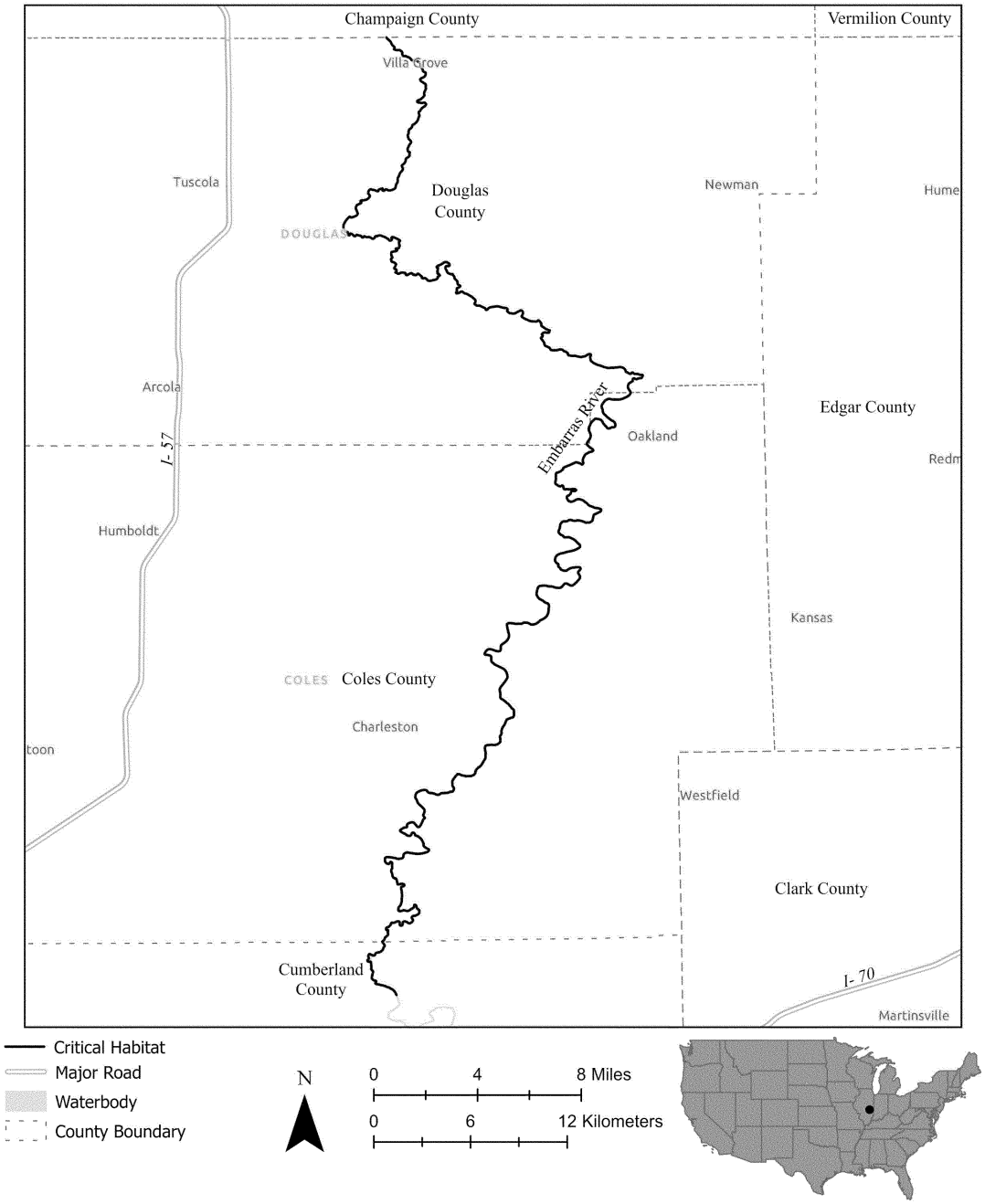
(33) SNBO 28: Embarras River; Coles, Cumberland, and Douglas Counties, Illinois.

(i) SNBO 28 consists of 71 rmi (114 rkm) of the Embarras River in Coles, Douglas, and Cumberland Counties, Illinois. The unit extends from the East County Road 1550 North Bridge on the border of Crittenden Township and Camargo Township (Douglas County, Illinois) downstream to the County Road 1200 North Bridge in Cottonwood Township (Cumberland County, Illinois). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 28 follows:

Figure 26 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (33)(ii)

Critical Habitat for Snuffbox
SNBO 28 Embarras River; Coles, Cumberland, and Douglas Counties, Illinois



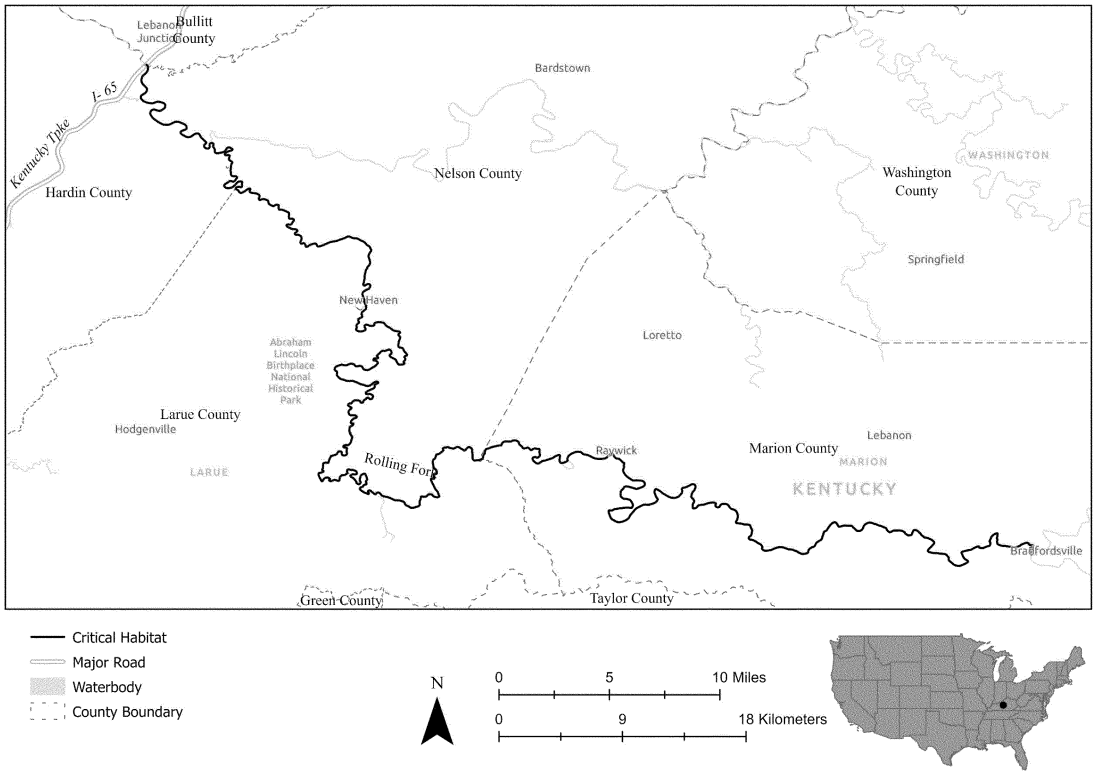
(34) SNBO 29: Rolling Fork Salt River; Bullitt, Hardin, LaRue, Marion, and Nelson Counties, Kentucky.

(i) SNBO 29 consists of 95 rmi (153 rkm) of the Rolling Fork Salt River in Marion, LaRue, Hardin, Nelson, and Bullitt Counties, Kentucky. This unit extends from its confluence with North Rolling Fork near State Highway 337 in Marion County, Kentucky, downstream to the Interstate 65 Bridge southwest of the city of Lebanon Junction (Bullitt County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 29 follows:

Figure 27 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (34)(ii)

Critical Habitat for Snuffbox
SNBO 29 Rolling Fork Salt River; Bullitt, Hardin, LaRue, Marion, and Nelson Counties, Kentucky



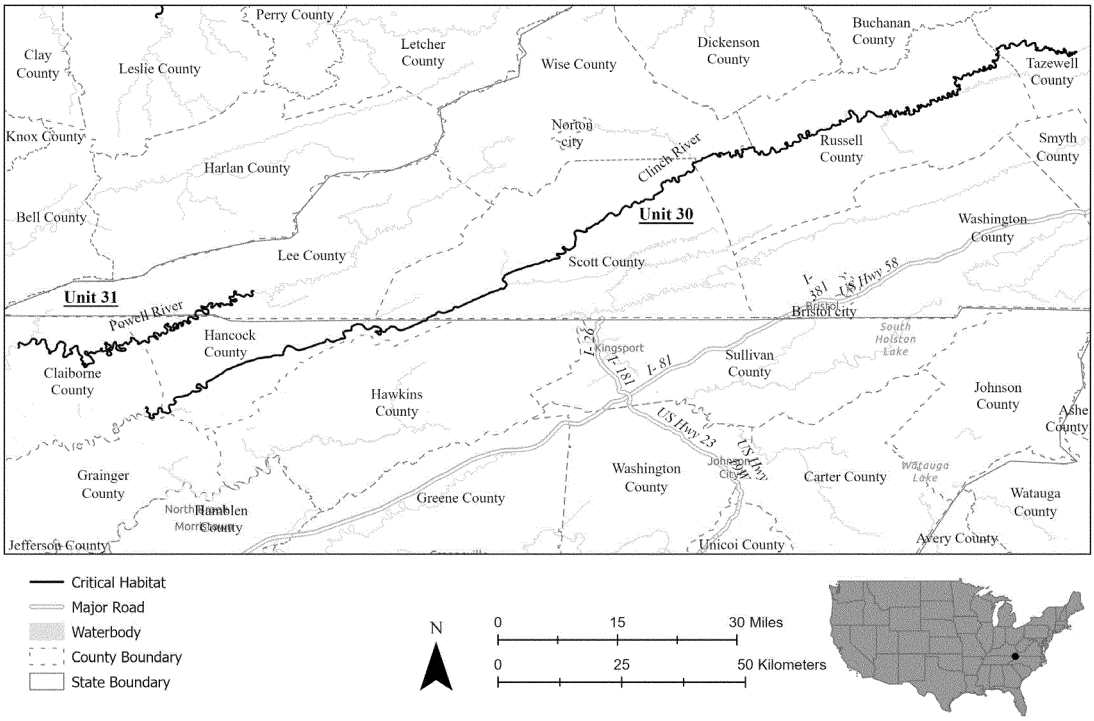
(35) SNBO 30: Clinch River; Russell, Scott, Tazewell, and Wise Counties Virginia, and Claiborne, Grainger, and Hancock Counties, Tennessee.

(i) SNBO 30 consists of 170 rmi (273 rkm) of the Clinch River in Russell, Scott, Tazewell, and Wise Counties, Virginia, and Claiborne, Grainger, and Hancock Counties, Tennessee. This unit extends from State Highway 637 west of the unincorporated community of Pounding Mill in Tazewell County, Virginia, to just downstream of Grissom Island, in Hancock County, Tennessee. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 30 follows:

Figure 28 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (35)(ii)

Critical Habitat for Snuffbox
SNBO 30 Clinch River; Russell, Scott, Tazewell, and Wise Counties, Virginia, and Claiborne, Grainger, and Hancock Counties, Tennessee
SNBO 31 Powell River; Lee County, Virginia and Claiborne and Hancock Counties, Tennessee



(36) SNBO 31: Powell River; Lee County, Virginia, and Claiborne and Hancock Counties, Tennessee.

(i) SNBO 31 consists of 66 rmi (106 rkm) of the Powell River in Lee County, Virginia, and Hancock and Claiborne Counties, Tennessee. This unit extends from the Flanary Bridge Road Bridge (State Highway 758) in Lee County, Virginia, downstream to U.S. 25E Bridge in Claiborne County, Tennessee. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 31 is provided at paragraph (35)(ii) of this entry.

(37) SNBO 32: Paint Rock River; Jackson, Madison, and Marshall Counties, Alabama.

(i) SNBO 32 consists of 53 rmi (85 rkm) of the Paint Rock River in Jackson, Madison, and Marshall Counties, Alabama. The unit extends from the convergence of Estill Fork and Hurricane Creek north of the town of Skyline (Jackson County, Alabama) downstream to U.S. Highway 431 south of the city of New Hope (Madison and Marshall Counties, Alabama). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 32 follows:

Figure 29 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (37)(ii)

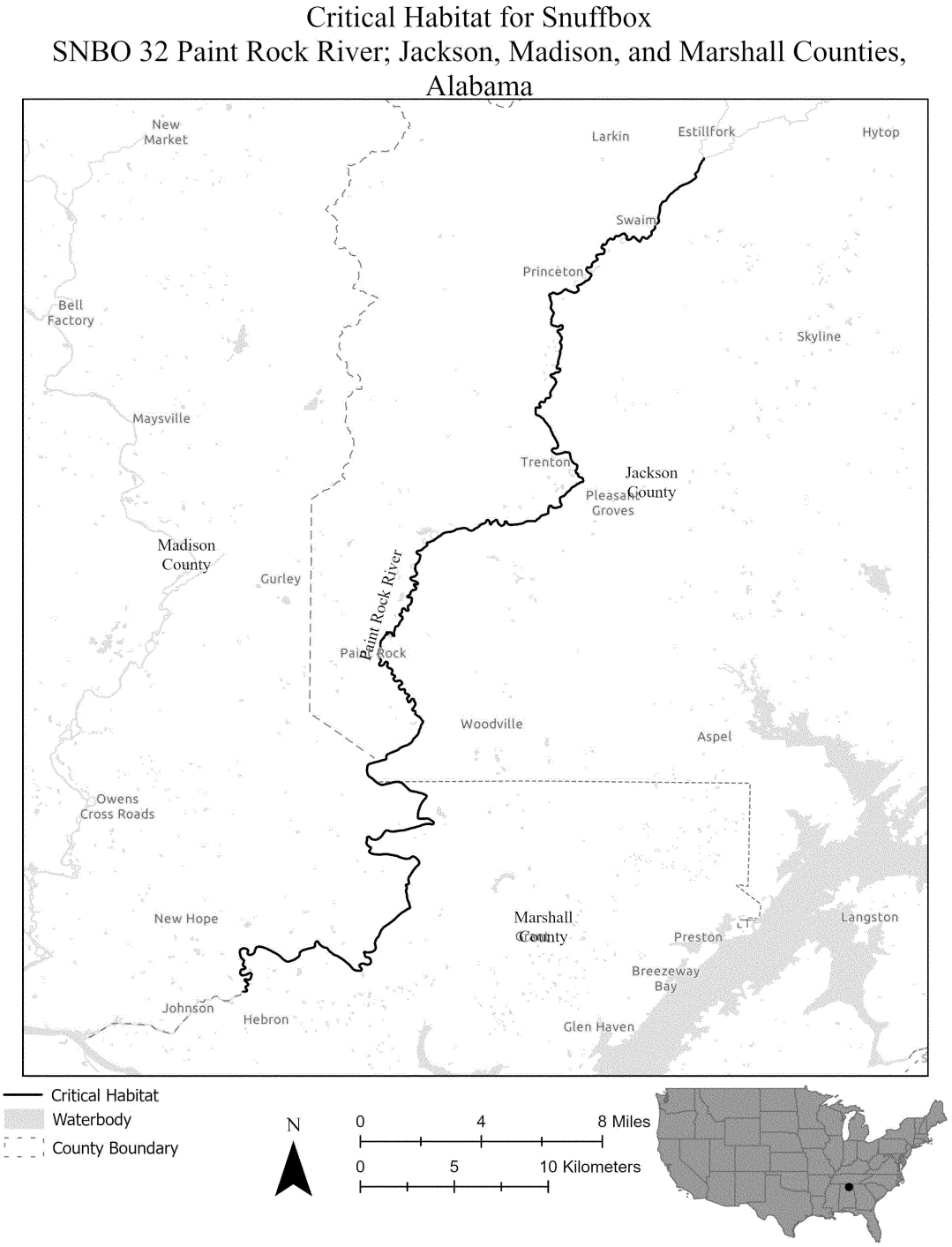


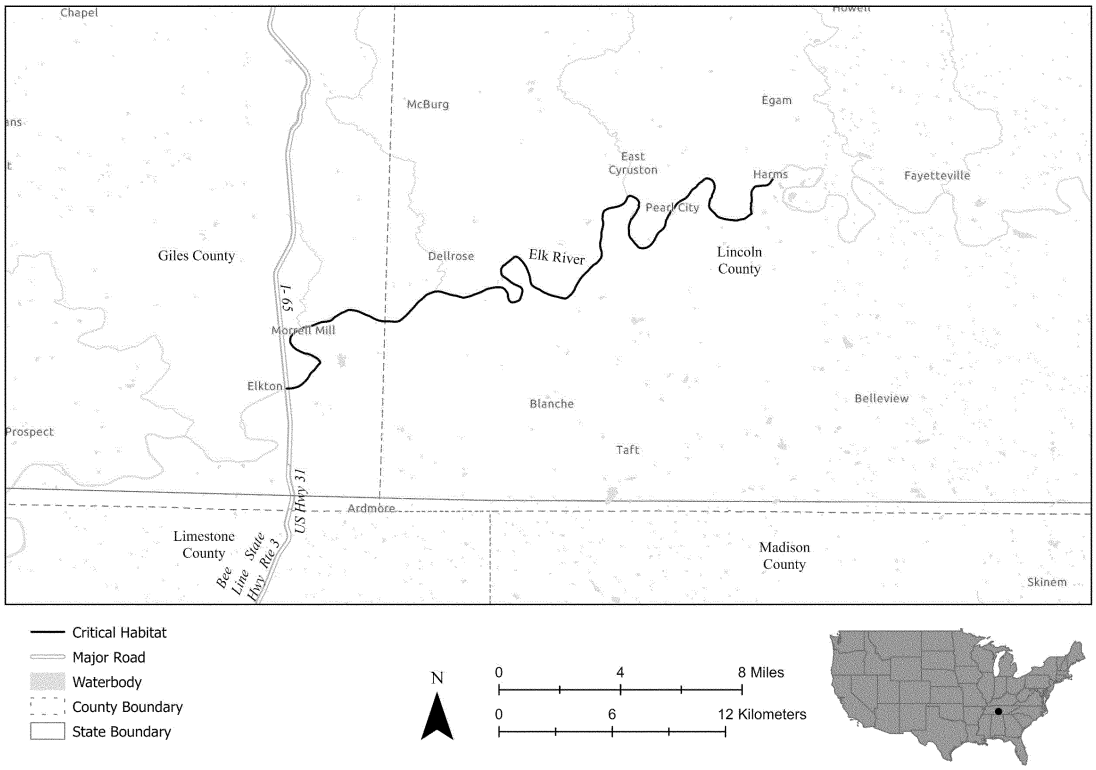
Figure 30 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (38)(ii)

(38) SNBO 33: Elk River; Giles and Lincoln Counties, Tennessee.

(i) SNBO 33 consists of 27 rmi (43 rkm) of the Elk River in Lincoln and Giles Counties, Tennessee. This unit extends from Harms Mill Dam (Lincoln County, Tennessee) downstream to the Interstate 65 Bridge in the city of Elkton (Giles County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 33 follows:

Critical Habitat for Snuffbox
SNBO 33 Elk River; Giles and Lincoln Counties, Tennessee



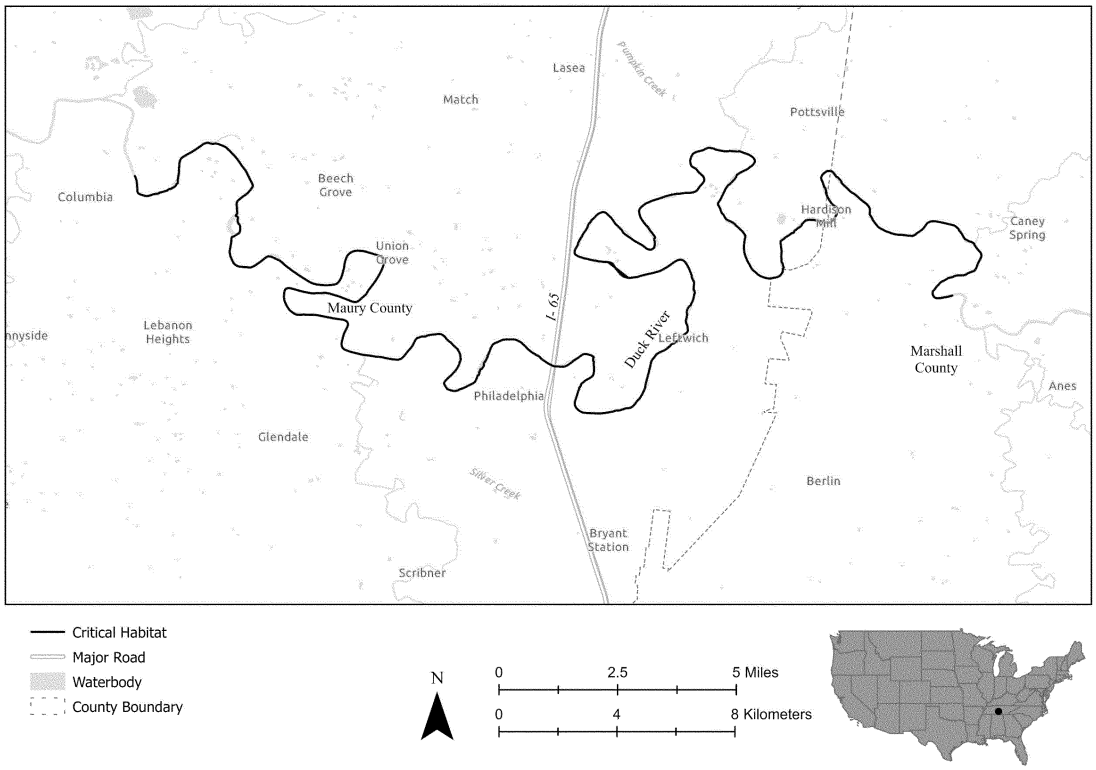
(39) SNBO 34: Duck River; Marshall and Maury Counties, Tennessee.

(i) SNBO 34 consists of 47 rmi (76 rkm) of the Duck River in Marshall and Maury Counties, Tennessee. This unit extends from the Lillard's Mill Dam (Marshall County, Tennessee) downstream to the First Street Bridge in the city of Columbia (Maury County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 34 follows:

Figure 31 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (39)(ii)

Critical Habitat for Snuffbox
SNBO 34 Duck River; Marshall and Maury Counties, Tennessee



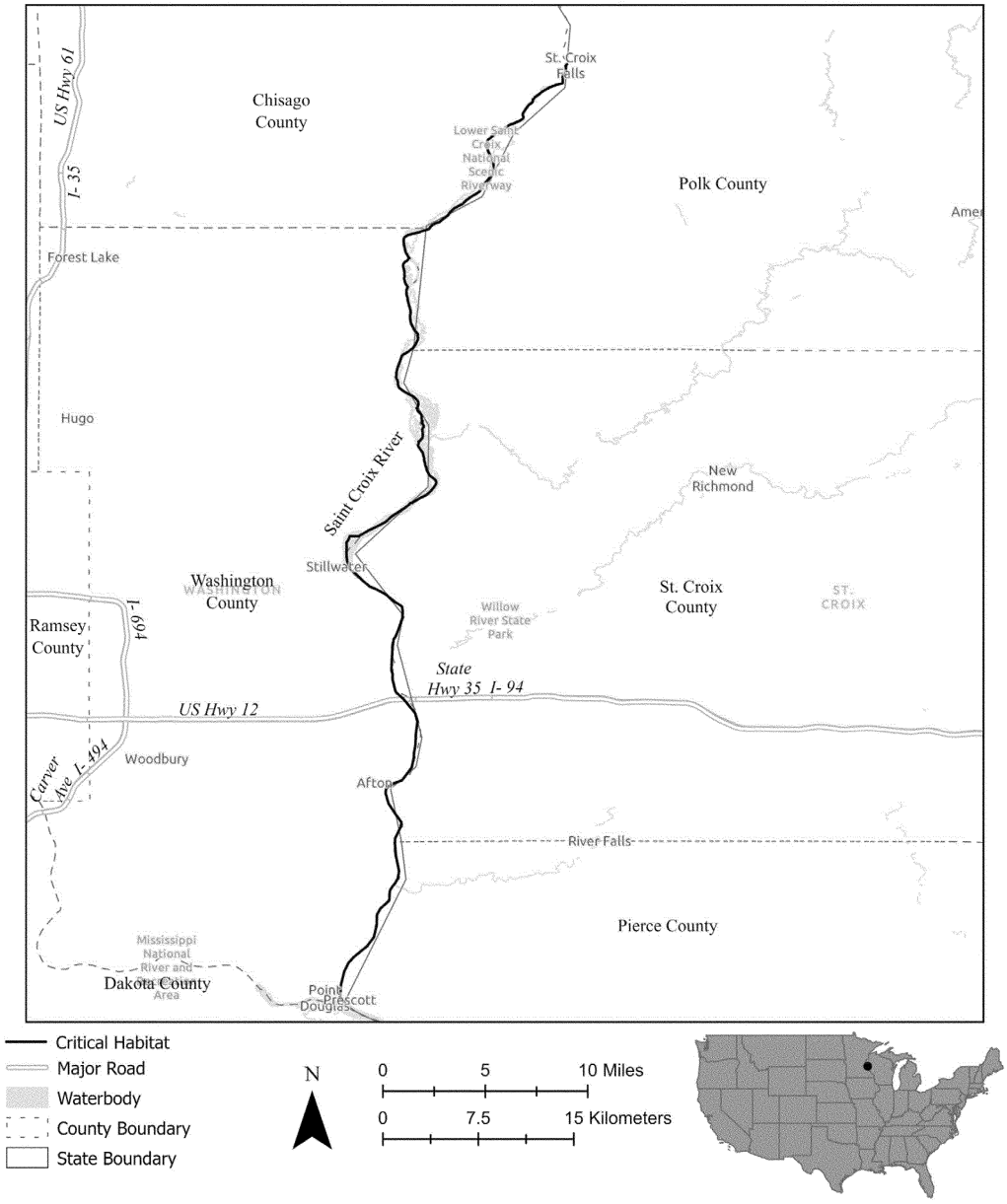
(40) SNBO 35: St. Croix River; Pierce, Polk, and St. Croix Counties, Wisconsin, and Chisago and Washington Counties, Minnesota.

(i) SNBO 35 consists of 53 rmi (85 rkm) of the St. Croix River in Polk, St. Croix, and Pierce Counties, Wisconsin, and Chisago and Washington Counties, Minnesota. This unit extends from the base of the dam at the city of St. Croix Falls (Polk County, Wisconsin) and the city of Taylors Falls (Chisago County, Minnesota) downstream to its confluences with the Mississippi River at the city of Prescott (Pierce County, Wisconsin) and Point Douglas Park (Washington County, Minnesota). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 35 follows:

Figure 32 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (40)(ii)

Critical Habitat for Snuffbox
SNBO 35 St. Croix River; Pierce, Polk, and St. Croix Counties, Wisconsin, and Chisago and Washington Counties, Minnesota



(41) SNBO 36: Meramec River; Franklin, Gasconade, Jefferson, Phelps, and Saint Louis Counties, Missouri.

(i) SNBO 36 consists of 227 rmi (365 rkm) of the Meramec River and the Bourbeuse River in Saint Louis, Jefferson, Phelps, Gasconade, and Franklin Counties, Missouri. The unit includes the river channel up to the ordinary high-water mark.

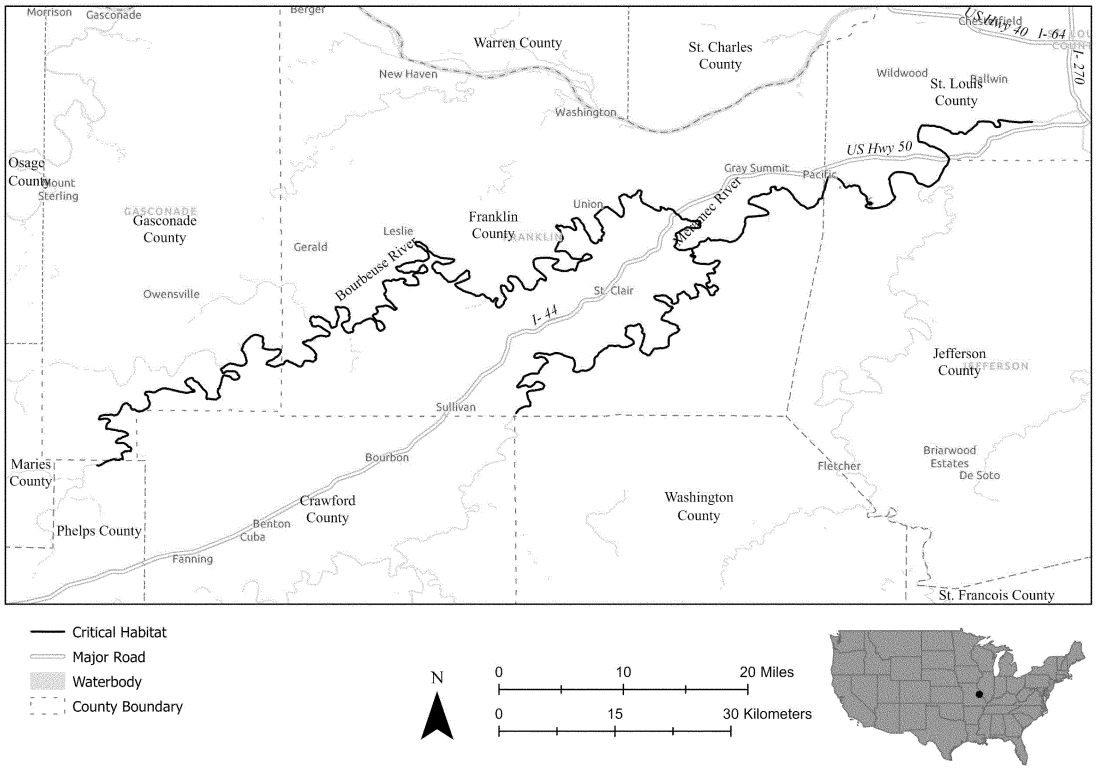
(A) The Meramec River portion of this unit includes 92 rmi (148 rkm) from the State Route 185 Bridge in Meramec Township (Franklin County, Missouri) downstream to the State Highway 141 Bridge in the city of Valley Park (Saint Louis County, Missouri).

(B) The Bourbeuse River portion of this unit includes 135 rmi (217 rkm) from the County Road B Bridge in Dawson Township (Phelps County, Missouri) downstream to its confluence with the Meramec River (Franklin County, Missouri).

(ii) Map of SNBO 36 follows:

Figure 33 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (41)(ii)

Critical Habitat for Snuffbox
SNBO 36 Meramec River; Franklin, Gasconade, Jefferson, Phelps, and St. Louis Counties, Missouri



(42) SNBO 37: St. Francis River; Madison and Wayne Counties, Missouri.

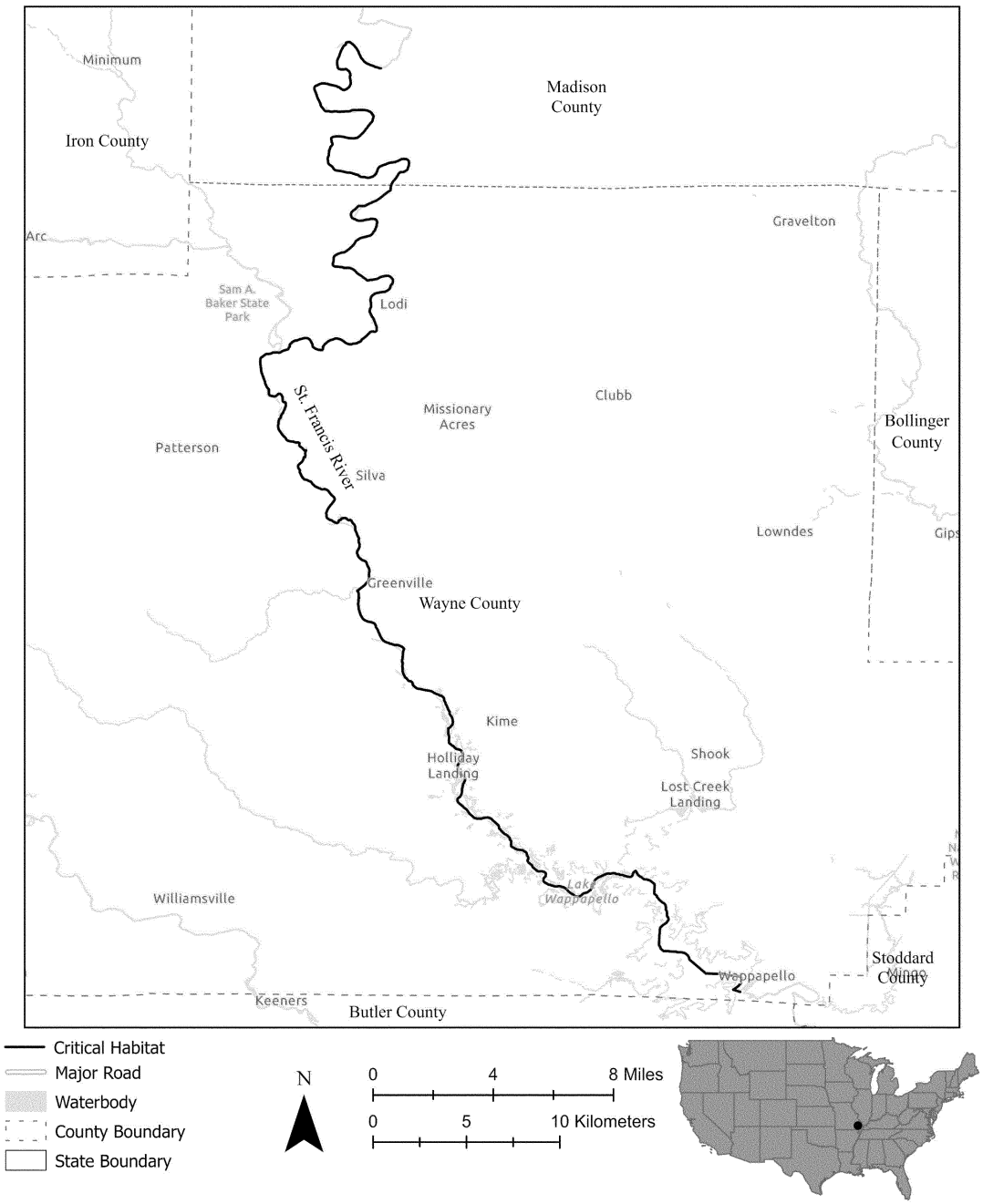
(i) SNBO 37 consists of 58 rmi (93 rkm) of the St. Francis River in Madison and Wayne Counties, Missouri. This unit extends from the St. Francis River's confluence with Twelvemile Creek west of the unincorporated community of Saco (Madison County, Missouri) downstream to where inundation begins at Lake Wappepello (Wayne County, Missouri). The unit includes the river channel up to the ordinary high-water mark.

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(ii) Map of SNBO 37 follows:

Figure 34 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (42)(ii)

Critical Habitat for Snuffbox
SNBO 37 St. Francis River; Madison and Wayne Counties, Missouri



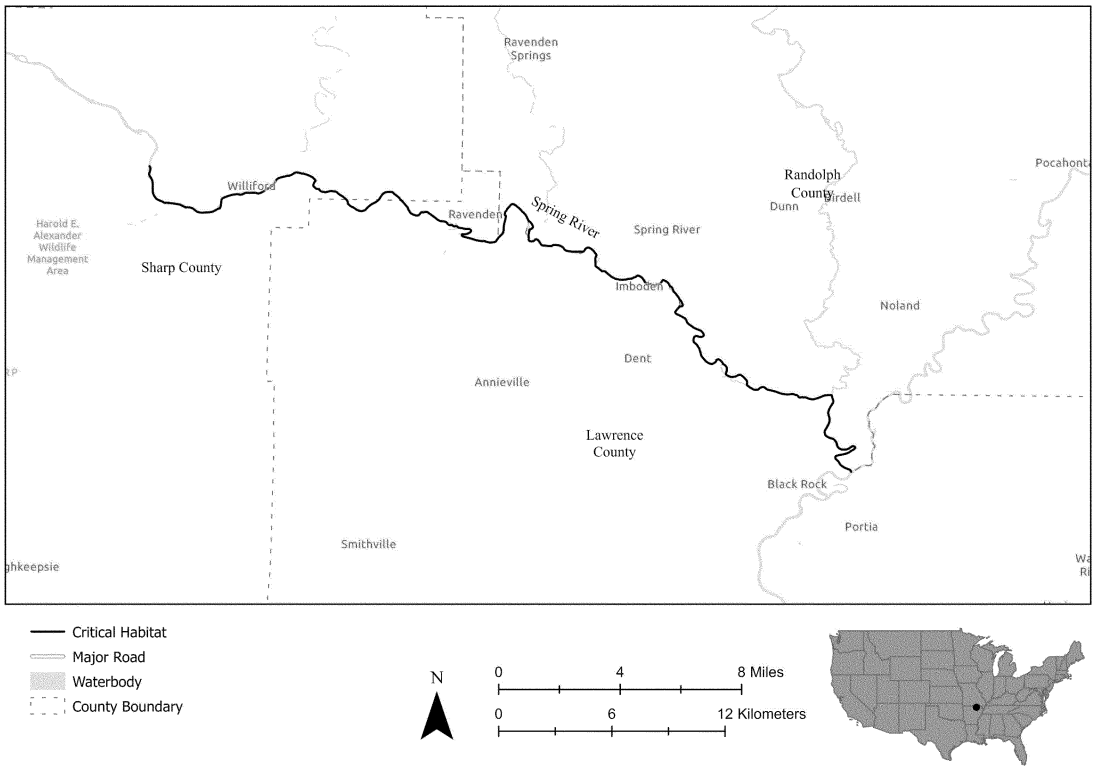
(43) SNBO 38: Spring River; Lawrence, Randolph, and Sharp Counties, Arkansas.

(i) SNBO 38 consists of 33 rmi (53 rkm) of the Spring River in Sharp, Lawrence, and Randolph Counties, Arkansas. This unit extends from the Spring River's confluence with Ott Creek southeast of the city of Hardy in Sharp County, Arkansas, downstream to its confluence with the Black River east of the city of Black Rock (Lawrence and Randolph Counties, Arkansas). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SNBO 38 follows:

Figure 35 to Snuffbox Mussel (*Epioblasma triquetra*) paragraph (43)(ii)

Critical Habitat for Snuffbox
SNBO 38 Spring River; Lawrence, Randolph, and Sharp Counties, Arkansas



Spectaclecase (*Cumberlandia monodonta*)

(1) Critical habitat units for spectaclecase are depicted on the maps in this entry for Colbert, Lauderdale, Lawrence, Limestone, Madison, Marshall, and Morgan Counties, Alabama; Clark, Dallas, Hot Spring, and Ouachita Counties, Arkansas; Hancock, Henderson, Mercer, and Rock Island Counties, Illinois; Des Moines, Lee, Louisa, Muscatine, and Scott Counties, Iowa; Butler, Edmonson, Hart, and Warren Counties, Kentucky; Chisago and Washington Counties, Minnesota; Tishomingo County, Mississippi; Crawford, Franklin, Gasconade, Jefferson, Laclede, Maries, Osage, Phelps, Pulaski, Saint Louis, Texas, and Washington Counties, Missouri; Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hardin, and Jefferson Counties, Tennessee; Russell, Scott, and Wise Counties, Virginia; Kanawha County, West Virginia; and Pierce, Polk, and St. Croix Counties, Wisconsin.

(2) Within these areas, the physical or biological features essential to the conservation of spectaclecase consist of the following components within waters and streambeds up to the ordinary high-water mark:

(i) Adequate flows, or a hydrological flow regime (magnitude, timing, frequency, duration, rate of change, and overall seasonality of discharge over time), necessary to maintain benthic habitats where the species is found and to maintain stream connectivity.

(ii) Suitable substrates and connected instream habitats, characterized by geomorphologically stable stream channels and banks (*i.e.,* channels that maintain lateral dimensions, longitudinal profiles, and sinuosity patterns over time without an aggrading or degrading bed elevation) that support the spectaclecase and its host fishes. For spectaclecase, these substrates are firm or stable substrates of coarse sand and gravel, are free from excessive silt, and typically include large rock, slabs, or boulders.

(iii) Water and sediment quality necessary to sustain natural physiological processes for normal behavior, growth, and viability of all life stages, including appropriate levels of dissolved oxygen (generally above 2 to 3 parts per million (ppm)), salinity (generally below 2 to 4 ppm), and temperature (generally below 86 °F (30 °C)). Additionally, concentrations of contaminants, including (but not limited to) ammonia, nitrate, copper, and chloride, are below acute toxicity levels for mussels.

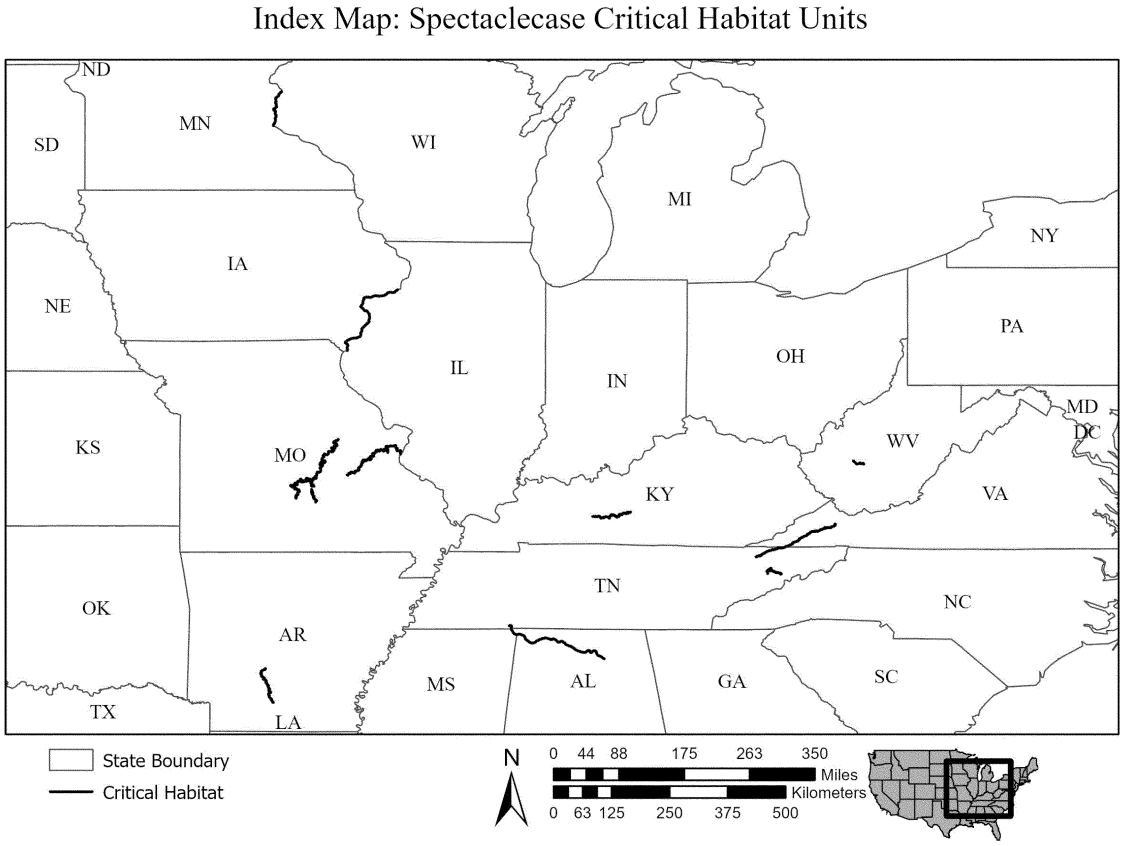
(iv) The presence and abundance of host fishes necessary for recruitment of spectaclecase (mooneye (*Hiodon tergisus*) and goldeye (*Hiodon alosoides*)).

(3) Critical habitat does not include human-made structures (such as buildings, aqueducts, runways, roads, and other paved areas and existing in-water pilings, docks, and sea walls) and the land on which they are located existing within the legal boundaries on May 27, 2026.

(4) Data layers defining map units were created using the 1984 World Geographic System ellipsoid or the 1983 North American datum, and the associated geographic coordinate system. The National Hydrography Dataset Plus High Resolution was used to create the critical habitat units. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at *https://www.regulations.gov* at Docket No. FWS–R3–ES–2024–0144 and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Index map follows:

Figure 1 to Spectaclecase (*Cumberlandia monodonta*) paragraph (5)



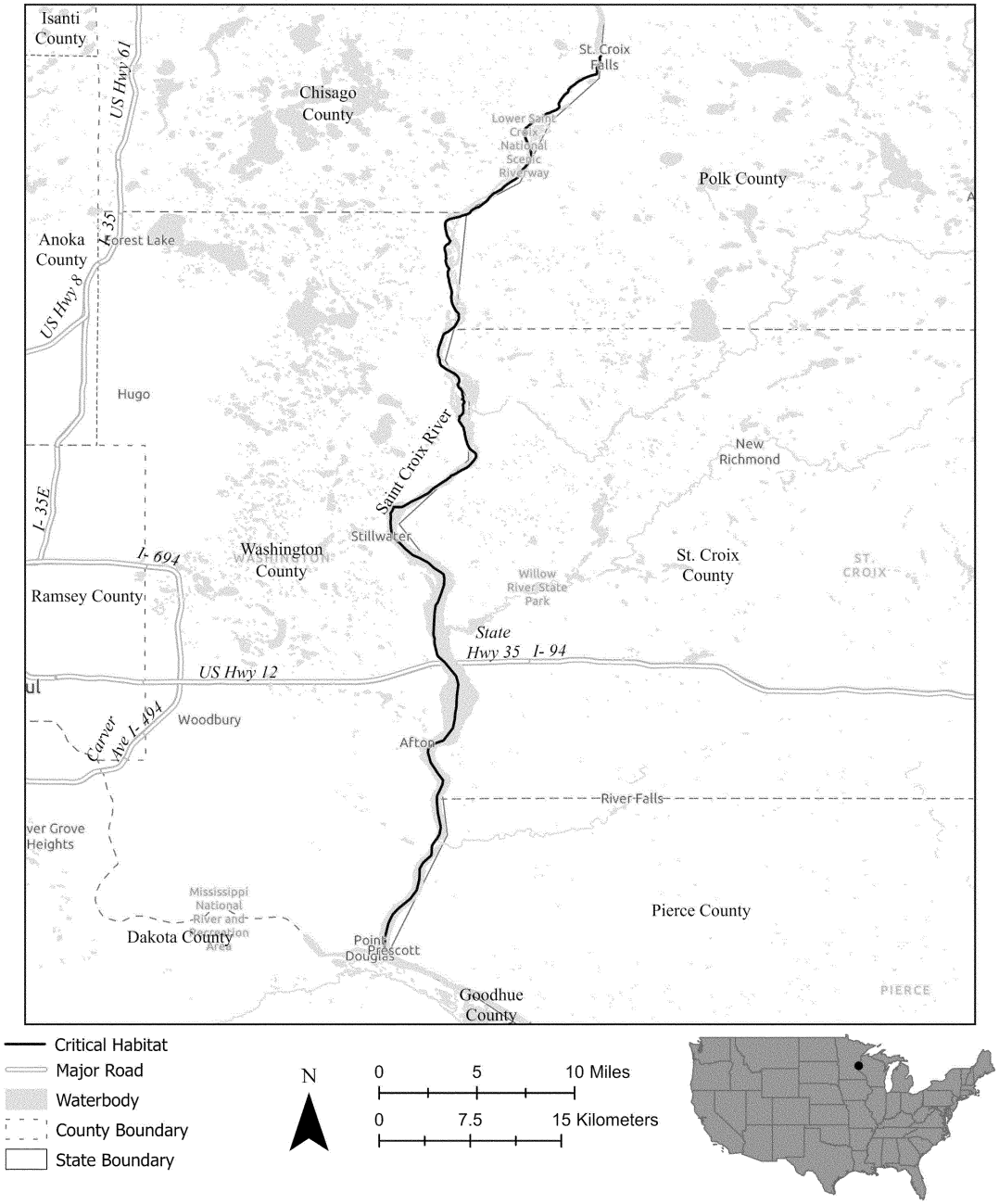
(6) SPCA 1: St. Croix River; Chisago and Washington Counties, Minnesota, and Pierce, Polk, and St. Croix Counties, Wisconsin.

(i) SPCA 1 is on the border between the States of Minnesota and Wisconsin and consists of 53 river miles (rmi) (86 river kilometers (rkm)) of the St. Croix River in Chisago and Washington Counties, Minnesota, and Polk, St. Croix, and Pierce Counties, Wisconsin. This unit extends from the downstream side of St. Croix Falls dam at the city of St. Croix Falls (Polk County, Wisconsin) downstream to its confluence with the Mississippi River at the city of Prescott (Pierce County, Wisconsin). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SPCA 1 follows:

Figure 2 to Spectaclecase (*Cumberlandia monodonta*) paragraph (6)(ii)

Critical Habitat for Spectaclecase
SPCA 1 St. Croix River; Chisago and Washington Counties, Minnesota and Pierce, Polk, and St. Croix Counties, Wisconsin



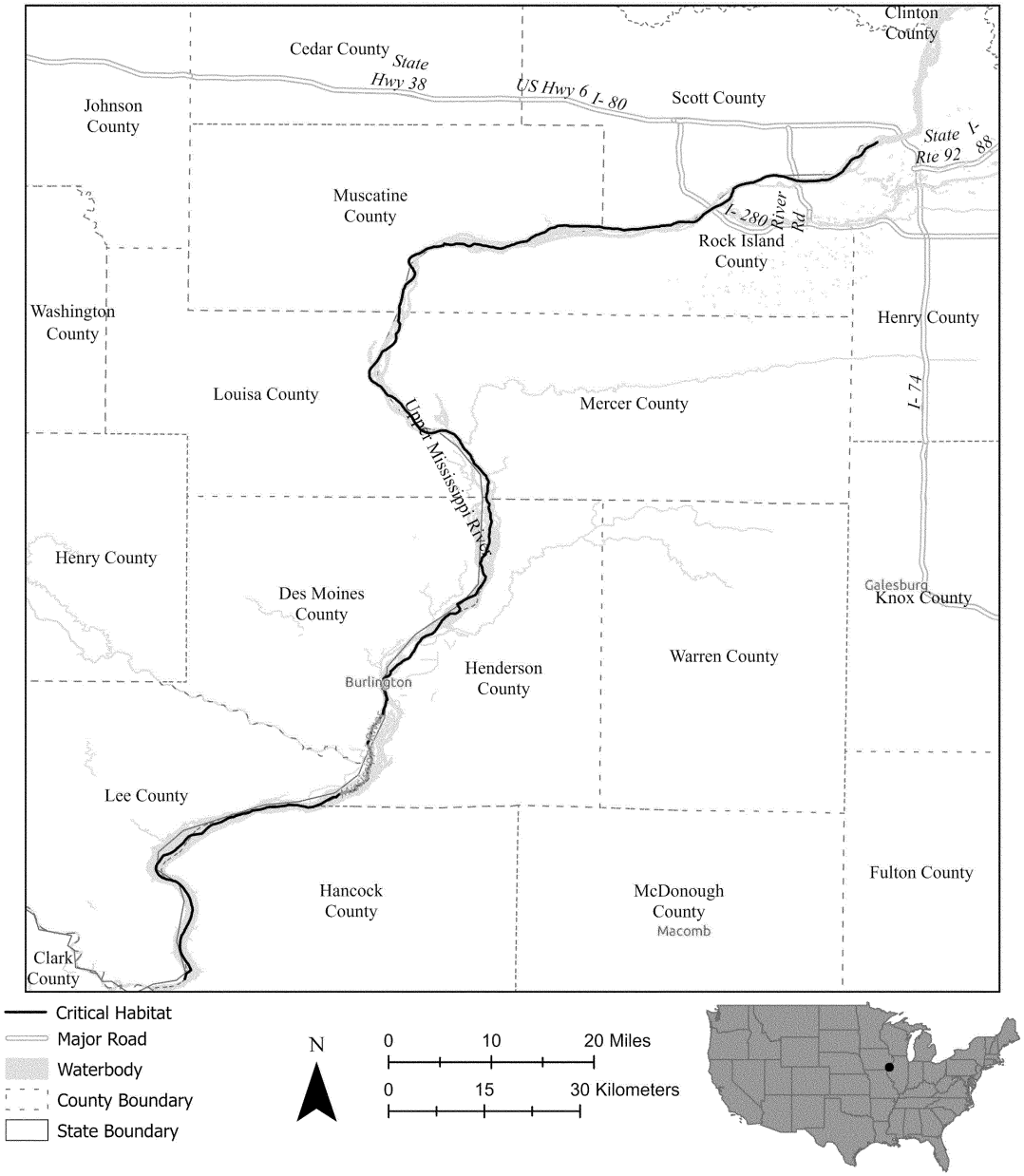
(7) SPCA 2: Mississippi River; Des Moines, Lee, Louisa, Muscatine, and Scott Counties, Iowa, and Hancock, Henderson, Mercer, and Rock Island Counties, Illinois.

(i) SPCA 2 is on the border between the States of Iowa and Illinois and consists of 132 rmi (213 rkm) of the Mississippi River in Scott, Muscatine, Louisa, Des Moines, and Lee Counties, Iowa, and Rock Island, Mercer, Henderson, and Hancock Counties, Illinois. The unit extends from the downstream side of Lock and Dam 14 at the village of Hampton (Rock Island County, Illinois) downstream to Lock and Dam 19 at the city of Keokuk (Lee County, Iowa). The unit occurs within Mississippi River Pools 15, 16, 17, 18, and 19, and the unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SPCA 2 follows:

Figure 3 to Spectaclecase (*Cumberlandia monodonta*) paragraph (7)(ii)

Critical Habitat for Spectaclecase
SPCA 2 Mississippi River; Des Moines, Lee, Louisa, Muscatine, and Scott Counties, Iowa and Hancock, Henderson, Mercer, and Rock Island Counties, Illinois



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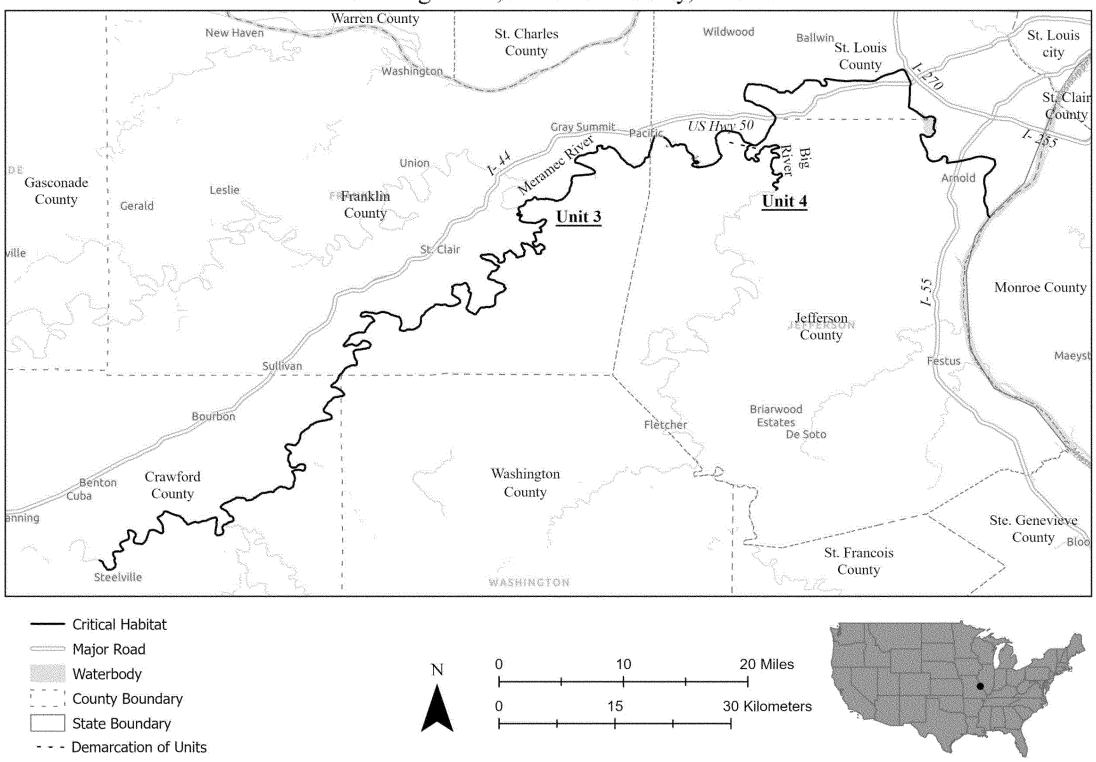
(8) SPCA 3: Meramec River; Crawford, Franklin, Jefferson, Saint Louis, and Washington Counties, Missouri.

(i) SPCA 3 consists of 156 rmi (251 rkm) of the Meramec River in Jefferson, Saint Louis, Franklin, Crawford, and Washington Counties, Missouri. The unit extends from the downstream side of the Highway 19 bridge near the unincorporated community of Wildwoods (Crawford County, Missouri) downstream to the confluence of the Meramec River with the Mississippi River near the city of Kimmswick (Jefferson County, Missouri). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SPCA 3 follows:

Figure 4 to Spectaclecase (*Cumberlandia monodonta*) paragraph (8)(ii)

Critical Habitat for Spectaclecase
SPCA 3 Meramec River; Crawford, Franklin, Jefferson, St. Louis, and Washington Counties, Missouri
SPCA 4 Big River; Jefferson County, Missouri



(9) SPCA 4: Big River; Jefferson County, Missouri.

(i) SPCA 4 consists of 11 rmi (17 rkm) of the Big River in Jefferson County, Missouri. The unit extends from the downstream side of the Highway W bridge near Rockford Park downstream to the confluence of the Big River with the Meramec River near Twin River Park, in Jefferson County, Missouri. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SPCA 4 is provided at paragraph (8)(ii) in this entry.

(10) SPCA 5: Gasconade River; Gasconade, Laclede, Maries, Osage, Phelps, and Pulaski Counties, Missouri.

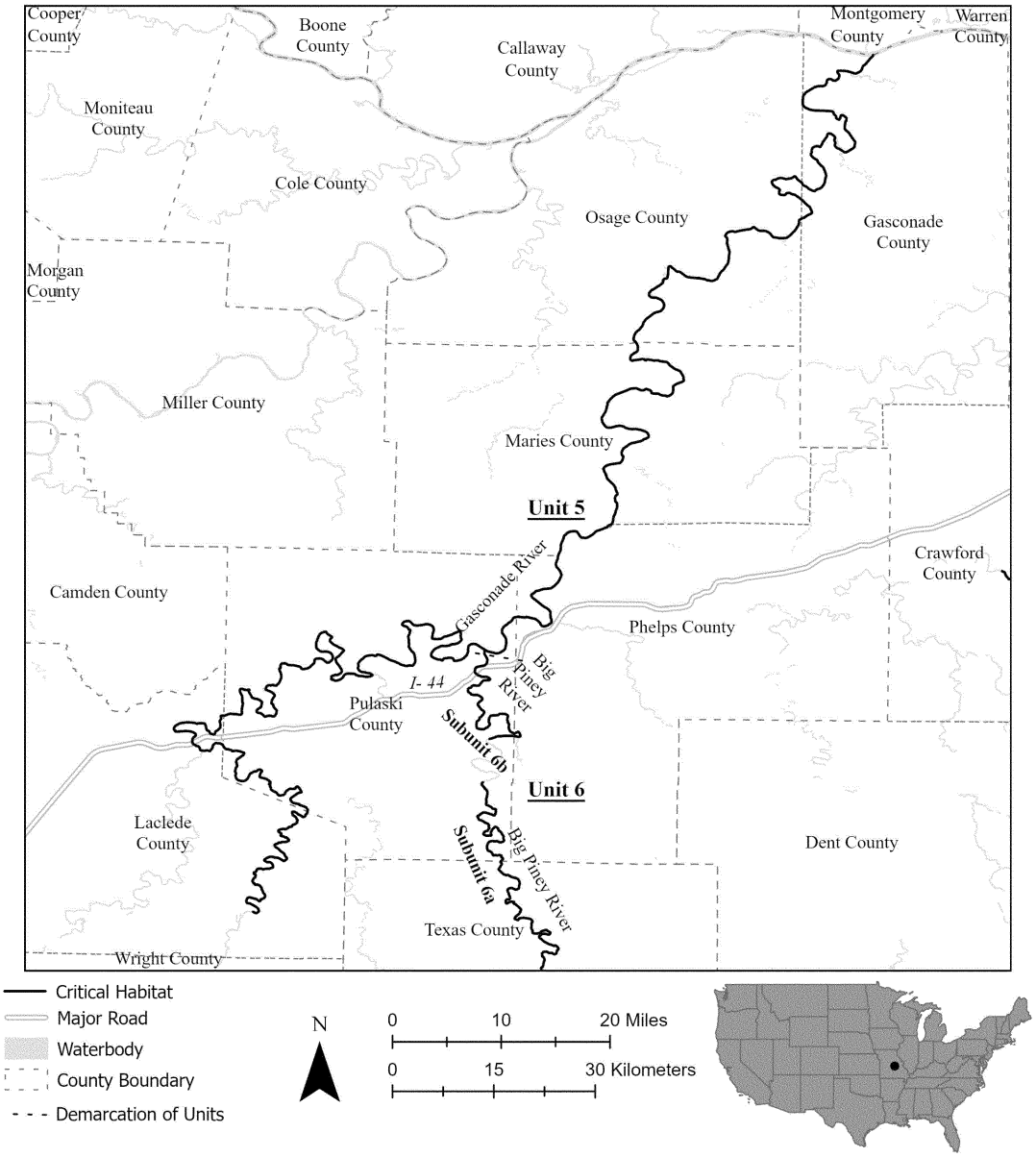
(i) SPCA 5 consists of 223 rmi (358 rkm) of the Gasconade River in Gasconade, Osage, Maries, Phelps, Pulaski, and Laclede Counties, Missouri. The unit extends from the downstream side of the Highway AD bridge near the unincorporated community of Clark Ford (Laclede County, Missouri) downstream to the confluence of the Gasconade River with the Missouri River at the city of Gasconade (Gasconade County, Missouri). The unit includes the river channel up to the ordinary high-water mark.

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(ii) Map of SPCA 5 follows:

Figure 5 to Spectaclecase (*Cumberlandia monodonta*) paragraph (10)(ii)

Critical Habitat for Spectaclecase
SPCA 5 Gasconade River; Gasconade, Laclede, Maries, Osage, Phelps, and Pulaski Counties, Missouri
SPCA 6a Big Piney River; Pulaski and Texas Counties, Missouri
SPCA 6b Big Piney River; Phelps and Pulaski Counties, Missouri



(11) SPCA 6: Big Piney River; Phelps, Pulaski, and Texas Counties, Missouri.

(i) SPCA 6 consists of 53 rmi (86 rkm) of the Big Piney River in Pulaski, Phelps, and Texas Counties, Missouri. This unit is composed of two subunits. Each subunit includes the river channel up to the ordinary high-water mark.

(A) Subunit SPCA 6a extends from the downstream side of Boiling Springs Road, at Boiling Springs Access (Texas County, Missouri), downstream to the upstream end of Fort Leonard Wood Military Training Facility (Pulaski County, Missouri).

(B) Subunit SPCA 6b extends from the downstream end of Fort Leonard Wood Military Training Facility (Pulaski County, Missouri) to the Big Piney River's confluence with the Gasconade River, near the unincorporated community of Hooker (Pulaski County, Missouri).

(ii) Map of SPCA 6 is provided at paragraph (10)(ii) of this entry.

(12) SPCA 7: Ouachita River; Clark, Dallas, Hot Springs, and Ouachita Counties, Arkansas.

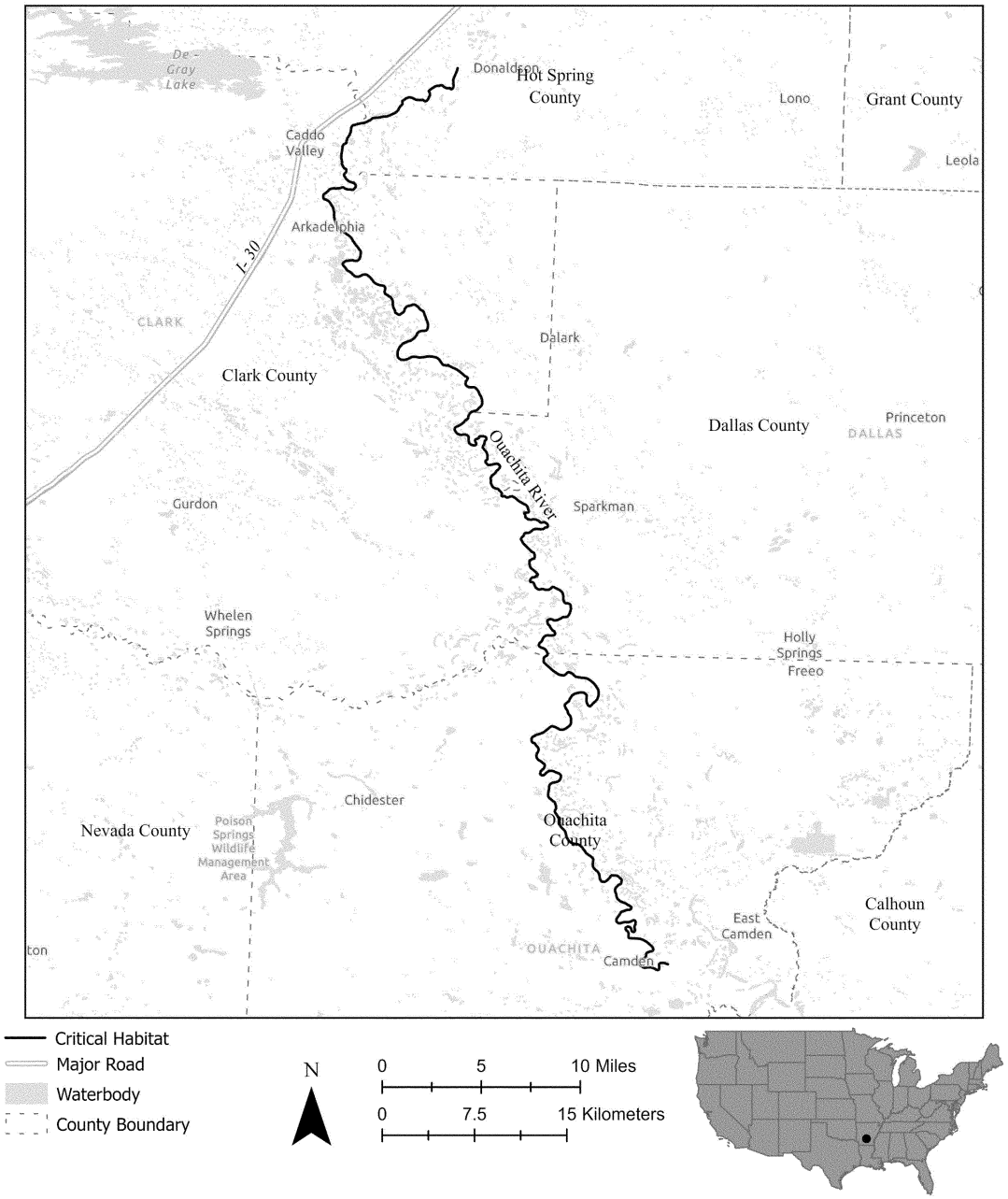
(i) SPCA 7 consists of 83 rmi (133 rkm) of the Ouachita River in Hot Springs, Clark, Dallas, and Ouachita Counties, Arkansas. This unit extends from the downstream side of Highway 67 bridge at the town of Donaldson (Hot Springs County, Arkansas) downstream to the Highway 79N bridge at city of Camden (Ouachita County, Arkansas).

The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SPCA 7 follows:

Figure 6 to Spectaclecase (*Cumberlandia monodonta*) paragraph (12)(ii)

Critical Habitat for Spectaclecase
SPCA 7 Ouachita River; Clark, Dallas, Hot Springs, and Ouachita Counties, Arkansas



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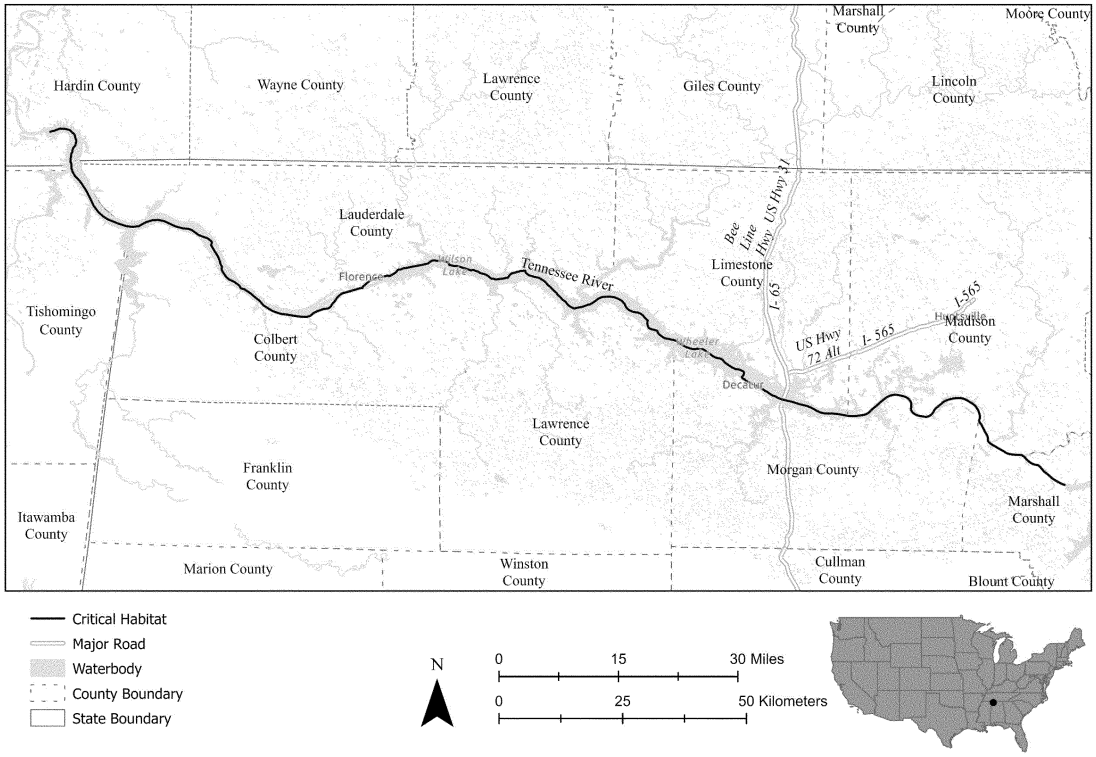
(13) SPCA 8: Tennessee River; Colbert, Lauderdale, Lawrence, Limestone, Madison, Marshall, and Morgan Counties, Alabama; Tishomingo County, Mississippi; and Hardin County, Tennessee.

(i) SPCA 8 consists of 142 rmi (228 rkm) of the Tennessee River in Marshall, Madison, Morgan, Lawrence, Lauderdale, Limestone, and Colbert Counties, Alabama; Tishomingo County, Mississippi; and Hardin County, Tennessee. The unit extends from the downstream side of Guntersville Dam at the city of Guntersville (Marshall County, Alabama) downstream to Pickwick Landing Dam at the unincorporated community of Counce (Hardin County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SPCA 8 follows:

Figure 7 to Spectaclecase (*Cumberlandia monodonta*) paragraph (13)(ii)

Critical Habitat for Spectaclecase
SPCA 8 Tennessee River; Colbert, Lauderdale, Lawrence, Limestone, Madison, Morgan, and Marshall Counties, Alabama, and Tishomingo County, Mississippi and Hardin County, Tennessee



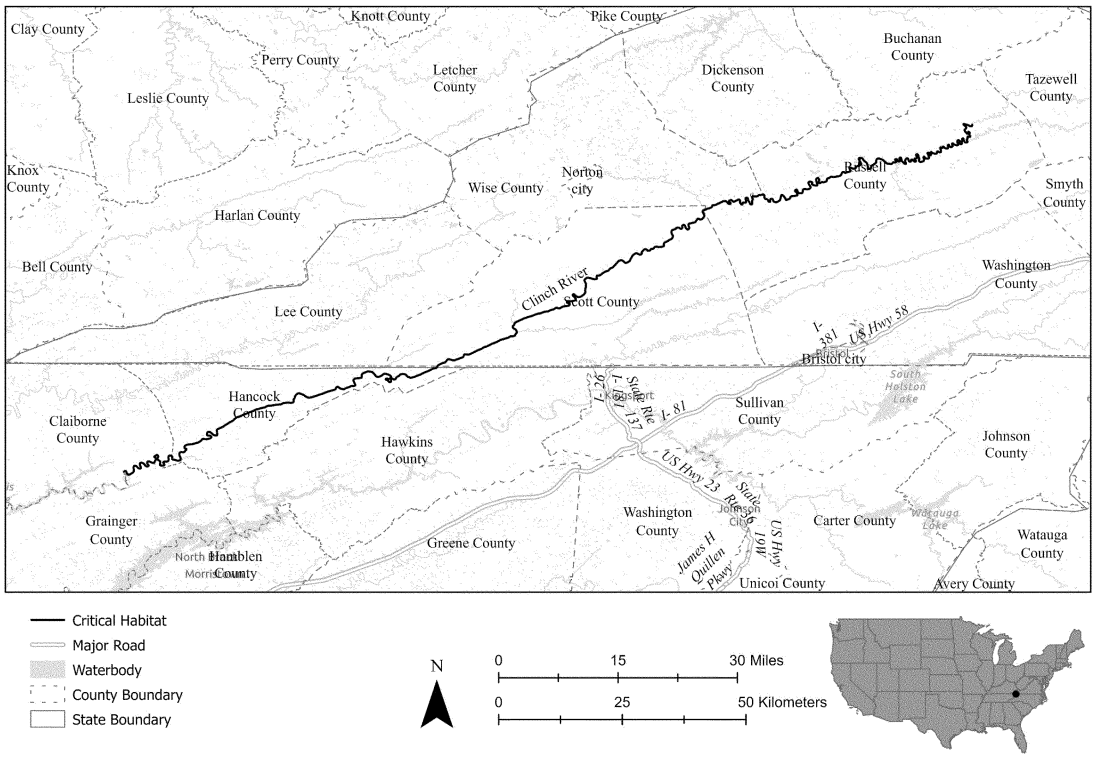
(14) SPCA 9: Clinch River; Russell, Scott, and Wise Counties, Virginia, and Claiborne, Grainger, and Hancock Counties, Tennessee.

(i) SPCA 9 consists of 160 rmi (257 rkm) of the Clinch River in Russell, Wise, and Scott Counties, Virginia, and Hancock, Claiborne, and Grainger Counties, Tennessee. Critical habitat is located on the downstream side of the bridge at Kents Ridge Road at the unincorporated community of Swords Creek (Russell County, Virginia) and extends downstream to the Highway 25E bridge near the town of Tazewell (Claiborne County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SPCA 9 follows:

Figure 8 to Spectaclecase (*Cumberlandia monodonta*) paragraph (14)(ii)

Critical Habitat for Spectaclecase
SPCA 9 Clinch River; Russell, Scott, and Wise Counties, Virginia, and Claiborne, Grainger, and Hancock Counties, Tennessee



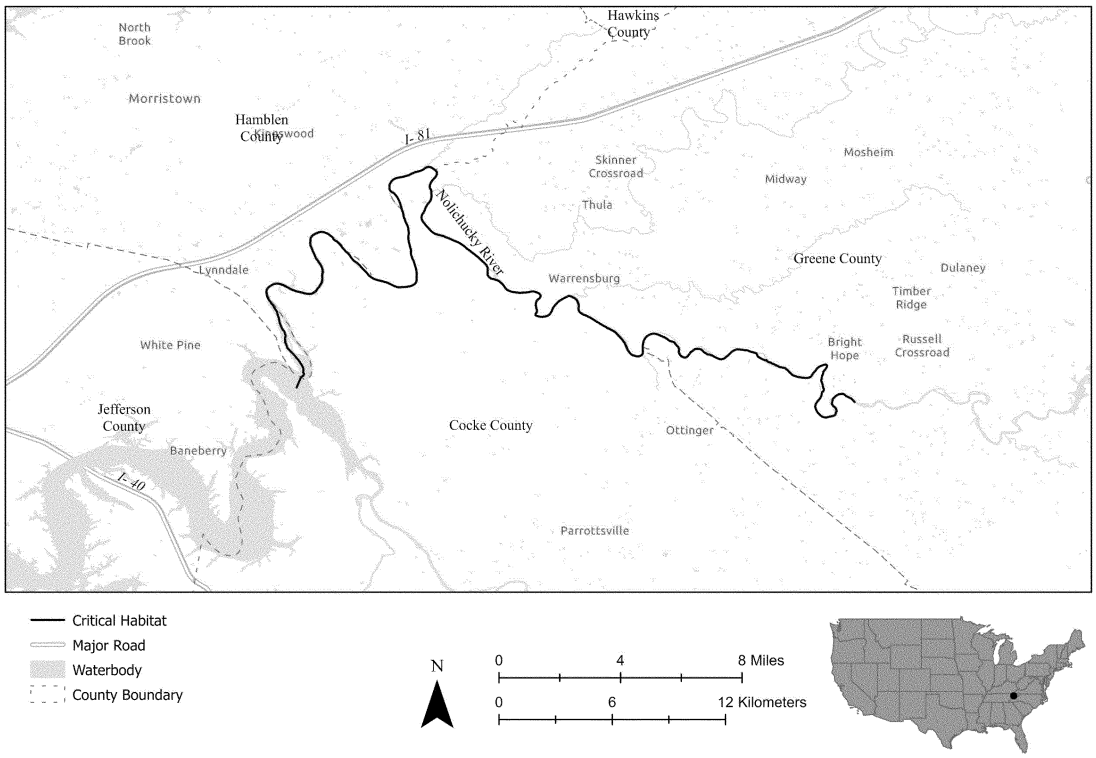
(15) SPCA 10: Nolichucky River; Cocke, Greene, Hamblen, and Jefferson Counties, Tennessee.

(i) SPCA 10 consists of 37 rmi (60 rkm) of the Nolichucky River in Greene, Cocke, Hamblen, and Jefferson Counties, Tennessee. The unit extends from the downstream side of the bridge at Highway 321 near the unincorporated community of St. James (Greene County, Tennessee) downstream to its confluence with the French Broad River near the unincorporated community of Leadvale (Cocke County, Tennessee). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SPCA 10 follows:

Figure 9 to Spectaclecase (*Cumberlandia monodonta*) paragraph (15)(ii)

Critical Habitat for Spectaclecase
SPCA 10 Nolichucky River; Cocke, Greene, Hamblen, and Jefferson Counties, Tennessee



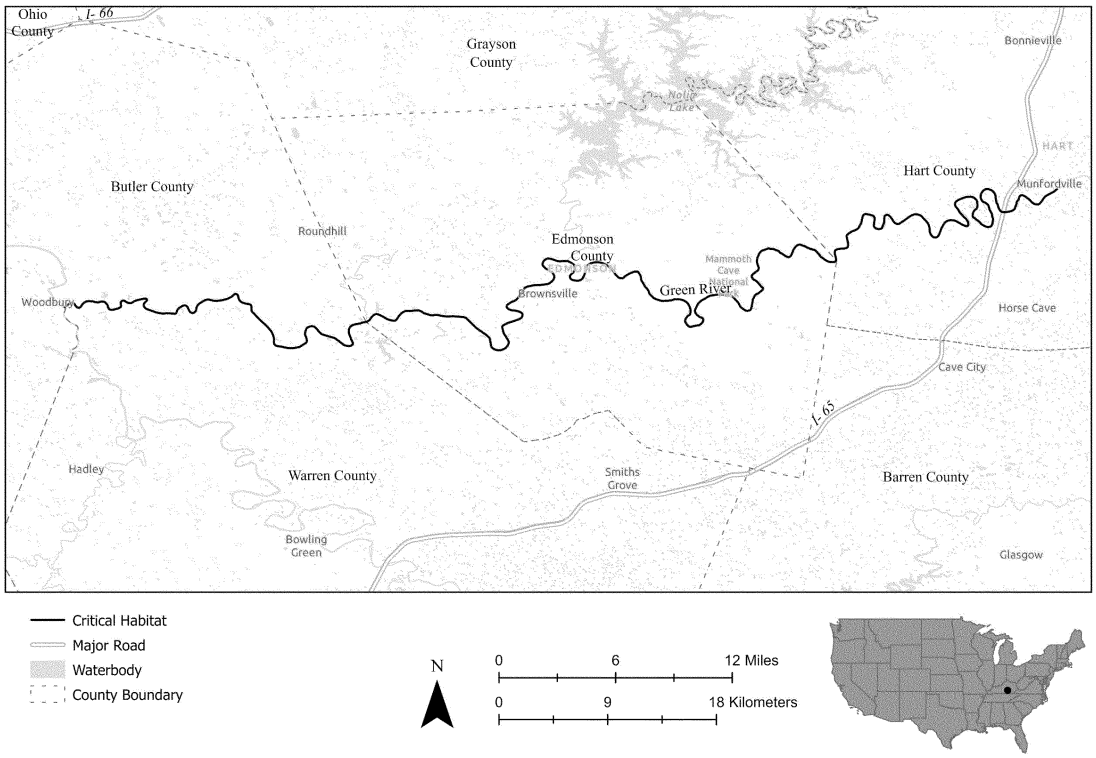
(16) SPCA 11: Green River; Butler, Edmonson, Hart, and Warren Counties, Kentucky.

(i) SPCA 11 consists of 77 rmi (125 rkm) of the Green River in Hart, Edmonson, Warren, and Butler Counties, Kentucky. The unit extends from the downstream side of the bridge at Highway 31W at the city of Munfordville (Hart County, Kentucky) downstream to its confluence with the Barren River near the city of Woodbury (Warren County, Kentucky). The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SPCA 11 follows:

Figure 10 to Spectaclecase (*Cumberlandia monodonta*) paragraph (16)(ii)

Critical Habitat for Spectaclecase
SPCA 11 Green River; Butler, Edmonson, Hart, and Warren Counties, Kentucky



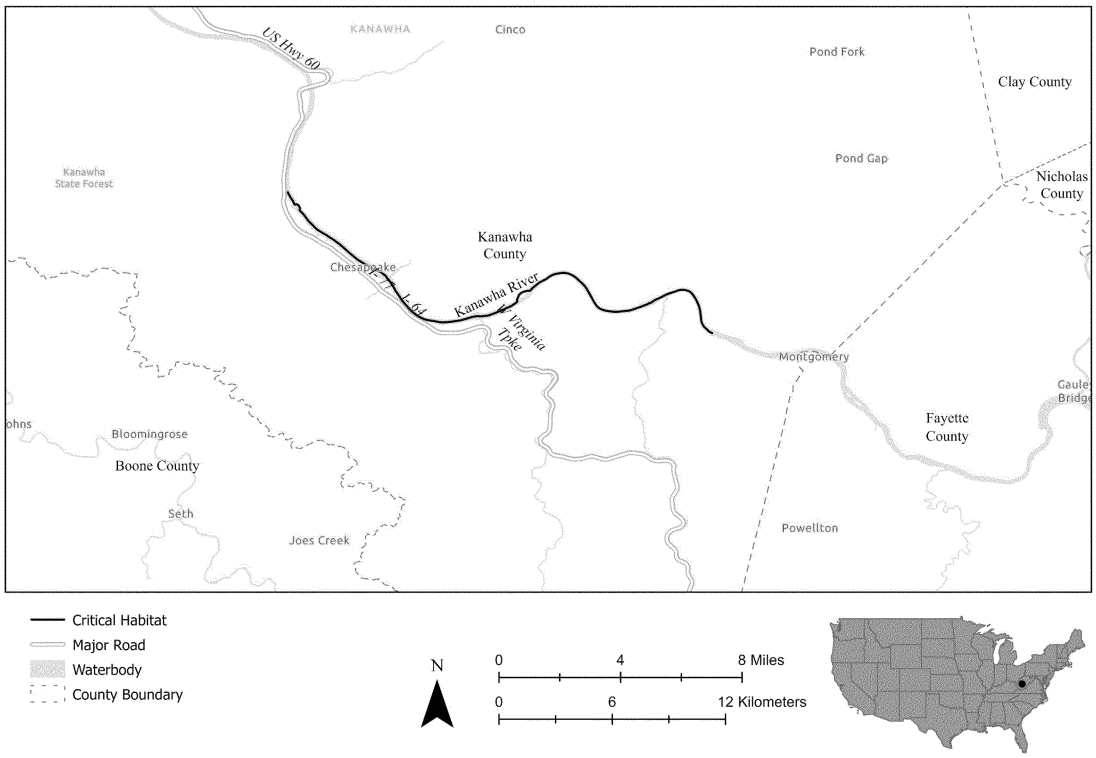
(17) SPCA 12: Kanawha River; Kanawha County, West Virginia.

(i) SPCA 12 consists of 16 rmi (25 rkm) of the Kanawha River in Kanawha County, West Virginia. This unit extends from the downstream side of the Lock and Dam located at the unincorporated community of London downstream to the Lock and Dam at city of Marmet, in Kanawha County, West Virginia. The unit includes the river channel up to the ordinary high-water mark.

(ii) Map of SPCA 12 follows:

Figure 11 to Spectaclecase (*Cumberlandia monodonta*) paragraph (17)(ii)

Critical Habitat for Spectaclecase
SPCA 12 Kanawha River; Kanawha County, West Virginia



* * * * *

Brian R. Nesvik,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2026–08146 Filed 4–24–26; 8:45 am]

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Vol. 91, No. 80

Monday, April 27, 2026

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FEDERAL REGISTER PAGES AND DATE, APRIL

16151–16538 1
16539–16814 2
16815–17128 3
17129–17602 6
17603–17756 7
17757–17838 8
17839–18274 9
18275–18766 10
18767–19056 13
19057–20062 14
20063–20316 15
20317–20576 16
20317–20576 16
20577–20862 17
20863–21244 20
21245–21372 21
21373–21712 22
21713–21936 23
21937–22430 24
22431–22702 27

CFR PARTS AFFECTED DURING APRIL

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR
6001 17888
Proposed Rules:
6001 18134

3 CFR
Proclamations:
11020 18183
11021 18201
11022 20575
Executive Orders:
14324 (amended by EO 14388) 17839
14388 (republication) 17839
14399 17125
14400 18267
14401 21709
Administrative Orders:
Notices:
Notice of April 8, 2026 18765
Notice of April 15, 2026 20861
Orders:
Order of 3 April, 2026 18273
Presidential Permits:
Permit of April 28, 1953 (superseded and revoked by Permit of April 15, 2026) 21217
Permit of December 12, 1991 (superseded and revoked by Permit of April 15, 2026) 21233
Permit of December 12, 1991 (superseded and revoked by Permit of April 15, 2026) 21237
Permit of June 16, 1994 (superseded and revoked by Permit of April 15, 2026) 21221
Permit of April 8, 1996 (superseded and revoked by Permit of April 15, 2026) 21213
Permit of July 23, 1998 (superseded and revoked by Permit of April 15, 2026) 21225
Permit of June 10, 2008 (superseded and revoked by Permit of April 15, 2026) 21241
Permit of October 13, 2017 (superseded and revoked by Permit of April 15, 2026) 21229
Permit of April 15, 2026 21209
Permit of April 15, 2026 21213
Permit of April 15, 2026 21217
Permit of April 15, 2026 21221
Permit of April 15, 2026 21225
Permit of April 15, 2026 21229
Permit of April 15, 2026 21233
Permit of April 15, 2026 21237
Permit of April 15, 2026 21241
Presidential Determinations:
No. 2026–06 of April 8, 2026 22429
No. 2026–07 of April 20, 2026 21925
No. 2026–08 of April 20, 2026 21927
No. 2026–09 of April 20, 2026 21929
No. 2026–10 of April 20, 2026 21931
No. 2026–11 of April 20, 2026 21933
No. 2026–12 of April 20, 2026 21935

5 CFR
2419 21713
Proposed Rules:
212 16584
213 16584
302 16584
532 19081
535 22070
550 19081
591 19057
752 22070
930 16584

7 CFR
1b 17061
2 18767
15f 20577
16 20577
400 16151
402 16151
407 16151
457 16151
925 17845
956 16539
3560 ..... 18275,18769, 20863

Proposed Rules:
6.....17893
3555.....20941

9 CFR

93.....18277

10 CFR

1.....18772
2.....18772, 20063
10.....18772
11.....18772
19.....18772
20.....18772
21.....18772
25.....18772
26.....18772
30.....18772
40.....18772
50 .....17757, 18772, 20063, 21719, 21937
51 .....18772, 20063, 22394
52.....20063
53.....18772, 20063
54.....21719
70.....18772
72.....16541, 18772
73.....18772
74.....18772
75.....18772
95.....18772
140.....18772
150.....18772
170.....18772
171.....18772
433.....20868
435.....20868
455.....19063

Proposed Rules:
37.....17893
50.....16584, 21732
53.....16584
54.....21732
72.....16588
430.....22477

12 CFR

1.....18279
4.....18279
30.....16156, 18279
302.....18279
364.....18279
618.....16815
1002.....21620

Proposed Rules:
21.....18304
24.....22481
43.....22481
128.....22481
210.....18330
324.....18534
326.....18304
330.....18534
350.....18534
607.....21734
701.....17769
708a.....21391
748.....18304
Ch. XV 16844

14 CFR

25 .....20317, 20319, 20869
39 .....16160, 16546, 16815, 16818, 16821, 16824, 17129, 17132, 17135, 17137, 17141, 19066, 19068, 19070, 19073, 19076, 21245, 21373, 21940, 21942, 21945, 21950, 21952
48.....20578
61.....20578
71 .....16826, 17143, 17762, 17764, 17847, 17849, 17850, 18773, 20579, 20581, 20874, 21247, 21375
73.....17765, 21248
89.....20578
91.....20578
95.....20068
97 .....17603, 17604, 20321, 20324
107.....20578
135.....20578
137.....20578
259.....21955
300.....22431
302.....22431
399.....22431

Proposed Rules:
27.....21268
39 .....16590, 16593, 16595, 16867, 16869, 17161, 17610, 17614, 17772, 18333, 18790, 18792, 19087, 20079, 20081, 21269, 21738, 21741, 21744, 21747, 22485
71 .....16168, 17164, 17616, 17618, 17775, 17906, 17908, 17909, 17910, 19089, 20380, 20598, 20944, 21273, 21394, 21749
141.....18337

15 CFR

8.....20326, 20333
20.....20333
28.....20334
255.....21957
774.....17851
950.....19078
1300.....20582

16 CFR

1223.....20875
1239.....16162

Proposed Rules:
Ch. I.....20381
1.....21274, 22075

17 CFR

Ch. I.....20880
232.....20335

Proposed Rules:
4.....22232
240.....20945
242.....20945
275.....22232
279.....22232

18 CFR

11.....21252

20 CFR

404.....16548, 16828
406.....16828

21 CFR

510.....20337
516.....20337
520.....20337
522.....20337
524.....20337
558.....20337
862.....21376
866.....21379
868.....21381
874.....20348
882.....21383
888.....20350
890.....20352
1300.....16167
1301.....16167
1304.....16167
1306.....16167
1307.....16167
1308.....21958
1310.....16831

Proposed Rules:
73.....16169

22 CFR

7.....22454
22.....16837, 20583

24 CFR

578.....20898
582.....20898
583.....20898

26 CFR

1.....19026
300.....20899

Proposed Rules:
1.....20599
31.....20599
40.....18797
49.....18797
300.....19090, 20968

28 CFR

35.....20902

29 CFR

1917.....20583
1952.....21963
4044.....16838

Proposed Rules:
500.....21878
780.....21878
791.....21878
825.....21878
1910.....17165

30 CFR

56.....17143
57.....17143

Proposed Rules:
950.....17912

31 CFR

1010.....20362

Proposed Rules:
502.....18582
1010 .....16328, 18582, 18704
1020.....18704
1021.....18704
1022.....18704
1023.....18704
1024.....18704
1025.....18704
1026.....18704
1027.....18704
1028.....18704
1029.....18704
1030.....18704
1033.....18582

32 CFR

Proposed Rules:
310.....18337

33 CFR

165 .....20912, 21263, 22456

Proposed Rules:
100.....17170
165.....20392

34 CFR

75.....18774, 18780

Proposed Rules:
Ch. II.....20607
Ch. III.....16599
600.....21088
668.....21088
685.....21088

36 CFR

Proposed Rules:
13.....18340

39 CFR

Ch. III.....20073

Proposed Rules:
20.....20393
111.....16601, 19274
211.....16601

40 CFR

52 .....16550, 16553, 16555, 16556, 16558, 16562, 17144, 17852, 17855, 17857, 20363, 20365, 20587, 21724, 21726
60.....18056
63 .....16388, 16502, 20368
80.....16388
81 .....16558, 16562, 20369, 21729
180 .....17607, 18294, 18299, 20589, 21386
271.....16566
705.....18786
745.....16578
1090.....16388

Proposed Rules:
52 .....16605, 16614, 17913, 18341, 18347, 18349, 18355, 18372, 18383, 20394, 21751, 21753
62.....21758
63.....21672
68.....16621
70.....16621
81 .....18355, 18372, 18383, 21753
82.....17176
141.....17186
257.....18968
261.....21760
721.....22075

42 CFR

422.....17384
423.....17384

Proposed Rules:
403.....19890
405.....19312, 20397
412 .....17195, 17720, 19312, 20397
413 .....17678, 19312, 20397
414.....17195
415.....19312, 20397
418.....17338

419.....19312, 20397
422.....19890
431.....19890
438.....19890
440.....19890
457.....19890
495.....19312, 20397
512.....19312, 20397

45 CFR

Proposed Rules:
96.....17777
156.....19890
162.....19890
170.....19890
261.....17230
1000.....17777
1080.....17777
1351.....17235
1370.....17239

47 CFR

1 .....17863, 18670, 20372
6.....20372
7.....20372
14.....20372
43.....20372
51.....20372, 20913
53.....20372
54.....18134, 20372
61.....20372
63.....20913
64.....18134, 20372
65.....20372
68.....20372
69.....20372
73.....18670

Proposed Rules:
1.....20084, 20970
2.....17914, 20084
8.....21761
25 .....17914, 20084, 21761
27.....20084
54.....16871, 17888
64.....17888, 21761
76.....21761
101.....20084

48 CFR

Ch. 13.....16578

Proposed Rules:
1523.....17780
1552.....17780

49 CFR

1.....22431
5.....22431
7.....22431
106.....22431
190 .....21965, 21968, 21970, 21973, 21975
191.....21979, 21981
192 .....16167, 21975, 21984, 21986, 21990, 21993, 21997, 22001, 22004, 22008, 22012, 22015, 22018, 22021, 22025, 22029, 22032
193.....21975
194.....22036
195 .....21975, 22025, 22029, 22032, 22039, 22043, 22047, 22050, 22053, 22055, 22058
209.....22060
389.....22431
553.....22431
571.....17144
601.....22431
605.....22431

Proposed Rules:
190.....22083
191 .....22087, 22091, 22096
192 .....22101, 22104, 22107, 22111
195 .....22091, 22096, 22107, 22111, 22115, 22119
367.....17618
571.....16172
1102.....19090

50 CFR

17.....22590
216.....20939
217.....20784
600.....17159
622.....16580, 21389
648 .....17766, 17767, 19079, 22457, 22467
665.....21265
679 .....16167, 16581, 16583, 16840, 16842, 17767, 18303, 21267

Proposed Rules:
17.....20610
217.....16893
223.....20260
622.....16623, 21775
635.....20619
648.....21779
660.....20624
665.....21782
679.....20085

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List April 21, 2026

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